



MENLO PARK PLANNING COMMISSION MINUTES

Regular Meeting

March 22, 2004

7:00 p.m.

City Council Chambers

701 Laurel Street, Menlo Park, CA 94025

CALL TO ORDER – 7:00 p.m.

ROLL CALL – Bims (absent), Fergusson, Fry, Halleck (Chair), Pagee (Vice-chair), Sinnott, Soffer

INTRODUCTION OF STAFF – Cramer, Smith, Stone, Thompson

A. PUBLIC COMMENTS

There were none.

B. CONSENT

There were no consent items on the agenda.

C. PUBLIC HEARING

1. **Use Permit/Pablo Mendoza/1455 Woodland Avenue:** Request for a use permit for first floor and second floor additions to an existing single-story residence on a property that is substandard in regard to lot width, and for a use permit to allow a fence and hedge to exceed the four-foot height limit within the 20-foot front setback.

Staff Comment: Planner Thompson said that the project site was currently developed with a single-story single-family residence. She said since the property was substandard in regard to lot width and the proposal was for an addition greater than 50-percent of the existing floor area, the project required Planning Commission approval of a use permit. She said that the applicant was also requesting approval of a use permit to maintain an existing eight-foot six-inch foot wood fence with the additional height of an ivy hedge for a total of nine-feet in the front yard and a six-foot wood fence on the right side property line, both of which were located within the 20-foot front yard setback where a maximum of four feet in height was allowed.

Questions of Staff: Commissioner Pagee asked what the setback from the garage to the property line was. Planner Thompson said it was 24 feet. In response to a question from Chair Halleck, Planner Thompson said that the property was not within the flood zone. Commissioner Fry asked whether an uncovered parking space in front of a garage needed to be three-feet from the property line. Planner Thompson said that an uncovered parking space could be located anywhere on the property that was not in the required front or side yard setback. She said that in this instance the required parking was met by the spaces within the garage.

Commissioner Fergusson asked if the trellis plant was an ivy or flowering plant. Planner Thompson indicated that she did not know, but the applicant could probably answer the question.

Public Comment: Ms. Megan Fung, property owner, said that she and her fiancé had chosen the property to buy the previous year. She said she had gone to school in Menlo Park and had a lot of friends that lived in Menlo Park. She said that she and her fiancé were getting married in August and had looked for a home to purchase that had potential to grow with their family as it grew. Mr. Renato Iwersen said that the plant on the trellis was star jasmine.

Commissioner Fry noted page four of five of the plans or page B.4 and said that there was a projection indicated on the outside of bedroom one, which did not seem to appear on the elevation drawings. Mr. Pablo Mendoza, Cypress Construction Landscapes, the applicant, said that was a chimney. Commissioner Fry asked why there were no windows there. Mr. Iwersen said there were no windows proposed for the back to provide privacy for the neighbor to the rear. Commissioner Fry asked if the neighbor to the rear had seen the plans. Mr. Iwersen said that the neighbor had seen both sets of plans. He said that the City had proposed an additional window over the stairs, which they also discussed with the neighbor. Commissioner Fry asked if the windows over the stairs and in the hall would have coverings. Mr. Iwersen said that they would. Commissioner Fry said that her concern would be with light from the family room. She asked about their planned use of solar panels. Mr. Iwersen said that there was a pool with solar panels; those panels would be removed and replaced with flat panels.

In response to a question by Commissioner Fergusson, Mr. Mendoza said that the windows on the second floor would be Milgard white vinyl double paned. Commissioner Fergusson said that the newly remodeled homes on the block had very nice quality windows. Mr. Mendoza said that Milgard windows looked like Anderson windows and showed some photographs of similar windows in the neighborhood. Chair Halleck noted that the proposed windows were simulated true divided light with the grid on the outside of the window.

Commissioner Fergusson said there was a long two-story wall and asked how the mass would be broken up. Mr. Iwersen said that the inside wall had angles and on the left side toward the neighbor, the City had proposed that windows be installed there. He said that the long wall was about half the length of the building. Commissioner Fergusson said that was about 54-feet.

Commissioner Soffer said that he did not see the need for a fence as tall as the applicant requested. He said there were no houses immediately across the street from the project site. He said the height would have the effect of making the street appear walled-in. He asked if the applicant was willing to bring the height down. Mr. Iwersen said that they would be willing to reduce the height of the trellis. He said it was a question of balance between privacy and liability because of the pool. Commissioner Soffer said that his other concern was a lack of articulation on the left hand side of the building.

Commissioner Sinnott said that she shared the concerns of Commissioners Fergusson and Soffer. She said it was important that the windows used match the quality of the windows in the neighborhood. She said that the recently suspended zoning ordinance had placed a limit of 30 feet for a second story wall for Tier One approval. She said that the blank two-story wall could be broken up with the use of different materials, a bellyband, window boxes and landscaping. She said that she would like to see a condition to improve the articulation to fit the quality of the neighborhood.

Commissioner Pagee said that the roofline was straight and suggested the use of a dormer to break up the straight roofline. She asked why the second story was not more integrated into the existing first floor. Mr. Iwersen said that they had not wanted to demolish the existing structure.

Commissioner Fry said she would prefer more articulation on the left side second story wall and asked if it could be brought in near the proposed TV room. Mr. Mendoza said that there was room to do that.

Commissioner Fry said there was a concrete apron on the left front side where a car was parked. She said that the area appeared to have been paved recently and noted that parking so close to the property line was not permitted in the left side setback. Planner Cramer said that paved area had not been identified in the staff report as being necessary to change as such paved areas were common, but staff had discussed with the applicant putting in a landscaping buffer on that side. She said that the applicant had indicated the paved area would remain. Commissioner Fry said that with the new garage there would be more room for parking and asked if the applicant could include a landscape buffer. Mr. Iwersen said that there was a strip of land between the fence and paving that extended nearly to the street in which some potted plants might be place. He said that parking on the street was limited and they wanted to keep the paved area for guest parking.

Commissioner Fry said that parking was a challenge in that area. She said that a construction staging plan might be required because of that constraint. Mr. Iwersen said that the front area would be torn down so the fence might be moved temporarily to allow additional parking for the construction vehicles. Mr. Mendoza said that there would be traffic control supplied and there would be no construction materials stored. Mr. Iwersen said that the pool would be covered during construction and the deck would be used as the construction staging area.

Commission Action: M/S Soffer/Pagee to close the public hearing.

Motion carried 6-0 with Commissioner Bims not in attendance.

Commission Comment: Commissioner Soffer said that the project could have been designed with more architecturally interesting features. Chair Halleck said that he agreed because of the blank second-story wall. He noted suggestions made such as different materials, a belly band, and a dormer. He said that it appeared the applicants were willing to work with staff on improving the articulation on the left side second-story wall.

Commissioner Sinnott said that she was confused on how the roof lines would look noting that it would be difficult to use a belly band there. Chair Halleck said that the Commission would like to see some articulation on the left side second-story wall with enough detail and direction to the applicant that they would be able to work with staff. Commissioner Soffer said that perhaps the project needed to go back for redesign.

Chair Halleck asked the architect to address the Commission's concerns. Mr. Mendoza said that originally the roof line was to have been extended to the length of the addition, but because of the floor area limit, they had to pull the roof line back. He said that they could break up the length of the second floor wall by reducing the height on the bottom floor from 10 feet to eight feet. Mr. Iwersen said that also they could create an angle on the wall and there was room to do that.

Chair Halleck said that the height could be lowered and the wall could be articulated by creating an angle similar to the right side. Mr. Iwersen asked if angling that wall would be enough. Chair Halleck said that the right side appeared more articulated than the left side. Chair Halleck said that he was familiar with the neighborhood and did not have a problem with the height of the fence or the trellis because of security issues in the area.

Commissioner Fry said that she would suggest a true articulation on the left side second-story wall and not just something cosmetic. She said that she would like a construction traffic and parking plan and parking discouraged along the property line. She encouraged the applicants to trim the shrubs and star jasmine in the front of the property.

Commissioner Fergusson said that there was also a 14-foot blank wall on the side of the house closest to the street and asked whether a nice high window might be installed there. She said that the solar panels would be very visible and asked whether the panels could be moved back further on the roof. The applicants indicated that they could do that.

Chair Halleck moved to approve as recommended by staff with condition “f” and that there be non-cosmetic articulation on the left side second story wall that would match at a minimum the angle and definition on the other side of the building and could include a belly band, difference in materials, or a dormer. He said also that the quality of windows should match that as shown in a photograph of a brown building in the area as well as the quality characteristic of the neighborhood. He said also included was the requirement for a construction and staging plan; a high, narrow window on the front second-story wall; and moving the solar panels farther toward the back half of the building so they were not as visible from the street. Commissioner Sinnott seconded the motion.

Commission Action: M/S Halleck/Sinnott to approve as recommended in the staff report with the following modifications.

1. Make a finding that the project is categorically exempt under Class 1 of the current State CEQA Guidelines.
2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
3. Approve the use permit for the addition and fence subject to the following conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by Cypress Construction Landscapes, consisting of five plan sheets, and approved by the Planning Commission on March 22, 2004, except as modified by the conditions contained herein.
 - b. Prior to building permit issuance, the applicants shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.

- c. Prior to building permit issuance, the applicants shall comply with all requirements of the Building Division, Transportation Division, and Engineering Division that are directly applicable to the project.
- d. Prior to building permit issuance, the applicants shall submit a plan for any new utility installations or upgrades for review and approval of the Planning, Engineering and Building Divisions. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
- e. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance.
- f. Prior to building permit issuance, the applicant shall submit revised plans that include articulation on the left side elevation, including variations in wall length, additional second floor setbacks, or a dormer. The articulation shall not be exclusively cosmetic, but may also include differentiation of materials or horizontal banding. The plans shall be subject to review and approval by the Planning Division.
- g. Prior to building permit issuance, the applicant shall submit revised plans that include specific window details. The applicant shall use simulated divided-light windows, excluding snap-on or no profile grids. The plans shall be subject to review and approval by the Planning Division.
- h. Prior to building permit issuance, the applicant shall submit a construction parking and materials storage plan. The plan shall be subject to review and approval by the Planning, Building and Transportation Divisions. The plan shall become part of the approved building plans and be available at all times as part of the on-site job plans. The plan shall include the location of debris storage, materials storage, parking, and traffic circulation.
- i. Prior to building permit issuance, the applicant shall submit revised plans that include the addition of a new window located above the proposed picture window on the second floor of the front elevation. The plans shall be subject to review and approval by the Planning Division.
- j. Prior to building permit issuance, the applicant shall submit revised plans to locate the solar panels on the rear one-half of the residence to minimize the view of the panels from the street. The plans shall be subject to review and approval by the Planning Division.

Motion carried 5-0-1-1 with Commissioner Soffer abstaining and Commissioner Bims not in attendance.

2. **Use Permit and Architectural Control/Menlo Park Presbyterian Church/700 Santa Cruz Avenue:** Request for a use permit to allow for a conditionally-permitted

social hall use in conjunction with a permitted retail use, and for architectural control to make exterior modifications to the facade of the structure.

Staff Comment: Planner Smith said that the applicant was requesting approval of a use permit to occupy a portion of a building located at 700 Santa Cruz Avenue. He said that the applicant was proposing to have a retail use at the front of the building facing Santa Cruz Avenue and a social hall for the Menlo Park Presbyterian Church at the rear of the building. He noted that a retail use was a permitted use in the C-3 zoning district; however, a social hall was considered a conditional use in the C-3 zoning district and required Planning Commission approval of a use permit. He said that the applicant was also proposing to make some modifications to the façade of the building, including the additions of awnings at the front and rear of the building and changes to the entry doors on both the front and rear elevations. He said that the proposed exterior modifications required architectural control approval by the Planning Commission. He said that staff had received two letters of opposition to the project after the staff report was printed; one was from Harry Morey, the property owner of 1133-1159 El Camino Real, and the other from the Menlo Park Chamber of Commerce. He said that both letters stated an objection to a non-retail use occupying a tenant space in the downtown area.

Questions of Staff: Commissioner Soffer asked staff how the \$2.00 per square feet in lieu fee was calculated. He noted that previously the Commission had considered a similar proposal on Oak Grove Avenue. He said that at that time Planning staff had developed a calculation of \$2.50 per square foot based on the total retail square footage of Santa Cruz Avenue and the total sales tax revenue received by the City from those retail businesses.

Planner Smith said that staff had two guidelines for the calculation of the \$2.00 per square foot in lieu fee. He said that the first was the Alain Pinel office at 620 Santa Cruz Avenue that had a café on the bottom floor and an office on the second floor. He said that a condition approval for that use permit application was a \$2.00 per square feet per year in lieu fee. He said that the second guideline was established by the City's Finance Division. He said that they have a list of typical revenues for particular uses by subcategory. He said that the very high and very low numbers were removed for purposes of the calculation of the average, which was \$2.00 per square foot. Commissioner Fry asked about similar applications and indicated that she thought that generally when the in lieu fee was applied that the office use was on the second floor of a building. Planner Smith said that was correct for 620 Santa Cruz Avenue which has an office on the second floor and a retail business on the first. He said that a project on Oak Grove Avenue was for a building that was entirely office use. He said that part of the first floor was underground for which reason it was allowed to be office space. Commissioner Fry asked about the timeframe for that project. Planner Smith said that he believed that was in the early or mid-90s. Commissioner Fry asked whether the calculation for the in-lieu fee was \$2.00 per square foot for that application. Planner Smith said that he did not know what the initial fee would have been but that it had increased over the years. Commissioner Fry said that she would have found it helpful if information evaluated by staff to determine a figure was provided to the Commission. Commissioner Fry asked what portion of sales tax revenue was received by the City. Planner Smith said that the City receives one-percent of the sales tax, which is 8.25 percent.

Commissioner Fry asked whether the square footage for the retail use included the hallway. Planner Smith said that the hallway was included for the square footage for the social hall. Commissioner Pagee said through previous applications the Commission had heard for this area that the Commission had become aware that the lot on the left-hand side of the subject

property had a private parking lot and that ingress, egress and parking in that private area was by the discretion of the property owners. She asked whether the entrance and exit on the left hand side of the subject building had been addressed with the neighboring property owners. Planner Smith confirmed that Commissioner Pagee meant the pedestrian entrance and exit area. He said that the sidewalks on the left hand side of the subject building were owned by the City, but the adjacent parking lot entrance and exit for vehicles was at the discretion of the adjacent property owners. He said that the pedestrian access at least at the rear of the subject building on the left side was owned both by the City and the owner of the subject property. Commissioner Pagee confirmed with Planner Smith that should the adjacent lot be developed that the property at 700 Santa Cruz Avenue would still have access.

Commissioner Pagee asked if there was a fire safety reason for the hallway adjacent to the retail space. Planner Smith said that was correct and that there were two other potential exits from the social hall use, but both of those exits had small stairways associated with them, which would not comply with ADA requirements for exiting. He said that if those potential exits were modified to meet ADA requirements, then the hallway would not be required. Commissioner Pagee suggested that a decrease in the size of the social hall and a decrease in the diagonal dimension for an exit might eliminate the need for the exit hall. Planner Smith said based on a conversation he had with Fire Department and Building Division staff that one of the potential exits might be used as a safety exit without reducing the size of the social hall. He said that reducing the size of the social hall might not be the most effective way to modify the exiting as the occupancy load that this area could carry was estimated at 600 people for the approximately 6,500 square feet. Commissioner Pagee asked if fire sprinklers would be required. Planner Smith said that he did not know if fire sprinklers would be required by the Building Division. He said the Commission could make it a condition that fire sprinklers would be installed if required. Commissioner Pagee asked if there were a second exit for the mezzanine area as the plans indicated the mezzanine would be used. Planner Smith said that there was not a second exit as the mezzanine area was a storage area only. Commissioner Fergusson asked about condition "f" and whether the 8,255 square feet included all of the social hall and the mezzanine. Planner Smith said that figure included the social hall and the retail use, but not the mezzanine. Commissioner Fergusson confirmed with staff that the in lieu fee would be on both the social hall and retail space. She confirmed also with staff that the incentive mentioned in condition "g" would cover the entire square footage, excluding the mezzanine.

Chair Halleck confirmed with staff that the letter from the Chamber of Commerce was received today. Chair Halleck asked whether the City was aware of any discussions between the Chamber and the applicant prior to the submittal of the letter. Planner Smith said that he was not aware of any discussions. Chair Halleck confirmed with staff that Mr. Dave Johnson, the City's Business Development Manager, was working with other City staff and the applicants on this project. Chair Halleck confirmed that Mr. Morey's letter was also received today.

Public Comment: Mr. Bill Frimel, Menlo Park, said that he was standing in for the applicant Mr. Tom Davids and was representing the Menlo Park Presbyterian Church. Mr. Frimel said that the building at 700 Santa Cruz Avenue had been vacant for over a year and that staff at the Church had noticed the practicability of the site for their evening youth, young adult and adult programs. He said that originally the Church had considered a bookstore for the front retail use. He said that the Church was then approached by ACE Hardware who indicated their interest in occupying the front of the building. He said that the Church and Ace Hardware had come to a compromise on 3,000 square feet for the retail use. Mr. Frimel said that there was community interest in a hardware store and that it was a win-win situation. He said that some of the

community wanted 100 percent retail use at the building, but he said that the building was so large that it would be difficult for a retail use to use and pay rental for such a large space. He said that the Church's use would be in the evenings and weekends when the impact of parking would be minimal. He said that the two Sunday young adult evening programs would assist the business community in that it was likely that the young adults would want to eat out or even shop before the evening programs. He said that the youth group would be attending programs on weeknight evenings. Mr. Frimel said that the Church had a parking study done for Plaza One and the maximum impact had been 90 percent occupancy and the minimal impact had been 10 percent occupancy. He said that the youth were too young to drive and would be dropped off by their parents. He said that the other usage would be on Sunday mornings and that would be either an adult or youth program. He said that there would be many people walking to the social hall as they would park at the church and walk the three blocks to the building. He said that he thought the use would provide renewed vitality for the downtown area.

In response to Commissioner Fry, Mr. Frimel said that these programs were currently held at the Church campus. He said that originally the Church had a building on University Drive for a youth program; that program grew so rapidly that they ran out of room. The program was then moved to the Church campus. He said that the 700 Santa Cruz Avenue site after all the square footage for bathrooms, a kitchenette, and entry way would provide 3,500 square feet as opposed to 2,500 square feet provided by the Fellowship Hall. Mr. Frimel said that the youth come from all over, from Palo Alto, Woodside, Menlo Park and Atherton. Commissioner Fry asked about food service. Mr. Frimel said that they would have snacks and there would be a kitchenette with a microwave, sink and a refrigerator. Commissioner Fry asked where trash would be located. Mr. Frimel said that there were dumpsters located at the back of the building. Commissioner Fry asked if that would inconvenience the pick up of youth. Mr. Frimel said that the dumpsters were against the wall on the north side and there seemed to be plenty of room for cars to park there for pickup. Commissioner Fry said that these programs were already within Menlo Park and asked Mr. Frimel to address the additional benefits this location would bring to Menlo Park. Mr. Frimel said that this location would bring participants to the downtown area as opposed to being at the edge of downtown where they were held currently. Commissioner Fry asked whether the plans the Commission had were accurate. Mr. Frimmel said that the plans the Commission had showed a bookstore use which would have been 2,500 square feet and that the hardware store use would be 3,000 square feet.

Commissioner Soffer asked about the Church's efforts to find other appropriate sites. Mr. Frimel said that they had found most of the sites on Santa Cruz Avenue undesirable as they were narrow. He said a few years ago that the Church tried to buy a space on Oak Grove Avenue but was unsuccessful. Commissioner Fergusson asked how certain the hardware use was. Mr. Frimel said that originally the hardware store owner had asked for 4,000 square feet which the Church could not accommodate. He said the owner then compromised at 3,000 square feet. He said that they have a letter of intent that addressed rates and that the hardware store owner was quite anxious to occupy that space. He said that they also spoke with the landlord who was comfortable with that sublease. He said that the Church had held off on finalizing the lease for 700 Santa Cruz Avenue until a retail use compatible with their proposed use was found.

Commissioner Fergusson asked about the logistics of operating a hardware store in that space and how deliveries would be made. Mr. Frimel said that the whole project was a compromise. He said that they have told the hardware owner that the rear of the building might be used for deliveries during the day. Commissioner Fergusson asked where the deliveries would be made.

Mr. Frimel said that the deliveries would be received on the north side of the building in the rear. He said that he had spoken with the owners of the adjacent building and they were open to the pedestrian access along the side. He said that the Church would monitor parking to keep the neighbor's parking protected.

Commissioner Pagee said that she was concerned about safety exits and fire sprinklers because there would be large groups of young people congregating in the building. She asked whether the mezzanine would be secured so that youth would not congregate there. Mr. Frimel said that Church staff had spoken with the Fire and Police Departments and they had not indicated any concerns with the fire safety of the building. He said however that if fire sprinklers were required that they would install them. Commissioner Pagee asked about the function of the hallway to Santa Cruz Avenue. Mr. Frimel said that was for egress as a fire escape as the building was so large. He said that there would be two double doors exiting the south side; there were two single-doors exiting from the north side and this hallway would be for the east side exit. Commissioner Pagee asked if the hall would only be used for emergency exit. Mr. Frimel said for Tuesday and Wednesday youth programs that the hall would only be used for emergency egress. He said for the adult and young adult programs that the hall would be used for ingress and egress as those participants drive and might want to park on Santa Cruz Avenue or come into the building from the front after dinner at one of the local restaurants. He said that the youth would be directed to come in through the back door.

Commissioner Sinnott said that she was concerned that the retail use be a hardware store and not a bookstore that served only a part of the community. She asked if the Church could give the hardware store another 1,000 square feet as requested initially. Mr. Frimel said that after the expanded bathrooms, classroom and kitchenette and access were factored in that brought the usable square footage down to 3,500 square feet. He said that to subtract another 1,000 square feet from that would bring the usable square feet down to 2,500 square feet which was what they currently had with their Fellowship Hall. Commissioner Sinnott indicated that she was also concerned that youth who were dropped off actually attended the programs. She said that she lived in the area of the Church and saw youth not going inside when dropped off and congregating along Santa Cruz Avenue. She said that she was also concerned about the parking as she had seen cars lined up for a couple of blocks for fifteen minutes for pickup at the Church. She said that the Church might look at carpooling to reduce that impact.

In response to Chair Halleck, Mr. Frimel said that the wall would be moved to about 12-feet into the social area hall to accommodate 3,000 square feet for the hardware store. Commissioner Fry expressed concern that there was no room for expansion if the hardware store was successful. Mr. Frimel said that certainly they wanted the hardware store to be successful. He said that the proposed lease for the social hall would be fixed for three years with a two year extension option with an additional five year option, which would be subject to another use permit review. He said that if in the interim the Church found another facility that was better for their programs that they possibly could vacate this site after three years. He said he believed that the hardware store had plans to expand eventually.

Commissioner Fry asked how far away the Church had looked for space. Mr. Frimel said that they had looked at the Masonic Hall and the Park Theater. He said that office buildings were not built to have a large area that was necessary to their program needs. He said that the Church had used 1111 University Avenue for the youth center, but the space was riddled with columns and there was no large meeting space. He said that there was a limitation on how far away the building could be located and still serve the community. Commissioner Fry asked if

they had considered a second story. Mr. Frimel said that was a good idea and might be considered further down the road. Commissioner Soffer asked about parking requirements should a second story be added. Planner Smith said that the building was currently at 100 percent FAR and the building could be increased to 200 percent FAR, but that any increase beyond the 100 percent FAR would require six parking spaces per 1,000 square feet on site.

Commissioner Fry asked about the access for the hardware store. She said when a hardware store was there previously, one could leave from the rear of the building, which was helpful when carrying purchases to the car. Mr. Frimel said that the access would be from the front; there would be parking on Santa Cruz Avenue and at the plaza opposite Santa Cruz Avenue.

Ms. Fran Dehn said that she was representing the Chamber of Commerce. She said that a city's downtown district embodied the heritage of a community. She said that a city's very image was often identified with the look and vitality of its main street. She said that the downtown district usually contained many of the oldest and most significant buildings and was the site of many community events and celebrations. She said that economically a strong downtown served to maintain a city's tax base and protect past public investments. She said that cities needed a center or a gathering place to function as a community and cities which lacked those centers, which included most of the suburbs today, have begun exploring possibilities of creating a traditional core area. She said that cities that possess the traditional center have a never ending struggle to maintain and vitalize the core. She said that the survivability, the strength, the growth and community relationship of Menlo Park's downtown was predicated on the retail mix. She said that organizations such as the Urban Land Institute, the National Retail Federation, the Institute of Store Planners and others state that this balance, if tilted, could destroy the downtown retail business district. She said that over fifteen years ago downtown retail space was degraded with the introduction of ground floor professional office space at 620 Santa Cruz Avenue. She said at that time the City promised the Chamber, landlords and others that there would be no further depletion of retail space in the downtown district. She said that the Chamber opposed the proposal brought forward for 700 Santa Cruz Avenue as it would diminish an adjacent property owners' ability to do business and it would compromise the current downtown business community. She said that even a three-year occupancy could be a lifetime for a retail business. She said that only the property owner knew why the space had been vacant so long and if that was because the square foot cost was out of balance with the market or because the space was too large for a downtown retail business. She said that degrading a fixed commodity of retail space downtown with an out of context use such as a social center would destroy the fragile balance of the downtown. She said that if the hardware store was committed to serving the community, the Chamber would support a single use or a combined retail use, but not the proposal as presented. She said that they were supportive of the Church and wanted them to have a youth center but not in the downtown. In response to Chair Halleck, Ms. Dehn indicated that she and others in the community were enthusiastic about a local community hardware store.

Ms. Dee Skaar, Menlo Park, said that she had been a local business owner in Menlo Park for the past 10 years. She said that she attended the Church's recent open house regarding the project and had felt positive about the project. She said that from comments made at tonight's meeting she now had concerns with juveniles not being where they should be and unsupervised. She said that in the past there had been problems at the Juice Patch with juveniles that required police attention. She said that the parking study was done in January, a wet and cold month, and in a flat economic time. She said that in summer and with economic

improvement that parking would be greater than what the study found. She said that a full retail use would be better for downtown Menlo Park.

Commissioner Fergusson asked whether Mr. Johnson, the City's Business Development Manager, could address the certainty of the proposed hardware store use. Mr. Johnson said that he had met with ACE Hardware Western Regional Division personnel out of Denver. He said that both the regional division and the individual franchise owner were very committed to serving Menlo Park. He said that in the early search for a site in Menlo Park, the hardware store owner had competed with the Church's proposal for the IMG building, but had been unable to come to an agreement with the owners as the space was too large for them and the cost per square foot was too high. Mr. Johnson said that he had shown the hardware store owner twelve other sites, but that the hardware store owner had consistently come back to this site as his business was a pedestrian access, not a destination, store. Commissioner Soffer said that at one point Mr. Johnson had indicated that the hardware store was interested in having space within the new Safeway development and whether that was an option for them. Mr. Johnson said that it was on their list of options, but that would place them closer to the Palo Alto Ace Hardware store, which might be objectionable to the regional office.

Commissioner Fergusson asked what would happen if the hardware store proposal fell through and if any permitted use would be allowed without Planning Commission review. Planner Smith said that the conditions for the approval stated that a retail use would need to occupy a space of 2,500 to 3,000 square feet at the front of the building. He said that if that did not occur for some months, the applicant would be charged a higher in-lieu fee of \$4.00 per square foot. He said that if the space was vacant for six months then the use permit for the social hall would be reviewed by the Planning Commission for possible revocation.

Commissioner Fry asked whether the retail space could be split between the hardware store and another retail use. Mr. Johnson said that would be difficult because of the building's odd configuration. He said that if it were split so that both uses had frontage on Santa Cruz Avenue, the other use would have to be something configured like a bowling alley. He said that if one retail use took the prime front space that would render the rear area of the building inferior. Chair Fry asked Mr. Johnson about the size of the hardware store that the interested business owner operated in San Francisco. Mr. Johnson said that was 3,500 square feet. He said that the letter of intent had language that if the hardware store was successful that they should get 2,000 square feet of mezzanine in the future.

Commissioner Soffer said that a three-year, two-year lease plan did not make sense if someone was making a commitment to make modifications to the site. Mr. Johnson said that this was the part of compromise in working out the lease structure and that this site was intended for a temporary use for the Church. He said the hope was that the Church would move on and the hardware store would be able to take the entire space. Commissioner Sinnott asked if the bookstore was still part of the proposal. Mr. Frimel said that the Church was committed to going with the hardware store.

Commissioner Fry asked whether the hardware store employees and customers would have access to use the bathrooms in the social hall. Mr. Frimel said that the agreement would be for the employees' use but not the public's use.

Commissioner Pagee asked the architect Mr. Bill Bocook, Palo Alto, if it were possible to refigure snack room and restrooms closer to the hardware store. Mr. Bocook said that the areas had been designed based on the existing location of the plumbing and pipes.

Ms. Gail Sasagawa said that she was representing Juban Restaurant located at 712 Santa Cruz Avenue. She said that she was concerned with parking as the restaurant's prime time of business was in the evening for dinner. She was concerned also about the noise level coming from the social hall and how it might impact the neighbors. She said that she was unclear where the pick up in the back would occur and was concerned that it would impact their customer parking.

Commission Action: M/S Fergusson/Soffer to close the public hearing.

Motion carried 6-0 with Commissioner Bims not in attendance.

Commission Comment: Commissioner Sinnott said that she was unsure on what would be best. She said that she liked the idea of a combined effort to get the space occupied, but she would prefer if the hardware store took all of the space. She wanted the proposal to be contingent upon the deal with the hardware store. Chair Halleck asked whether another retail use would satisfy that contingency. Commissioner Sinnott said that she was not enthused about the bookstore/reading room idea. She expressed concerns with the youth group use, noting traffic congestion and youth congregating on the streets. She said that it was unclear what impact the drop off would have on parking. She noted that the Juban Restaurant was concerned about parking; she suggested that a carpooling plan might be needed. She also suggested that supervision was needed to keep the youth from congregating off the site. Chair Halleck asked Mr. Frimel about drop offs and pick ups. Mr. Frimel said that the drop offs went quickly, but that the pick ups might take longer. He said that they would look at carpooling. He said that Church staff would monitor the parking for the building where the Juban Restaurant was located. He said that in the past they have had staff in the parking lot to monitor situations; he said that he believed that they have alleviated problems with youth going off campus. He said that with the Church parking lot configuration there was not much wiggle-room as the parking lot tended to be full. He said that Plaza One would provide flexibility for the pick up and drop off process.

Commissioner Pagee said she wanted to add a requirement that pick ups and drop offs be made only at the north side of Plaza One and the door that opened directly onto the neighboring property would only be used for emergency exit. She said that she was pleased with a hardware store use but regretted that there would be no rear access and egress. She said that she was concerned about the door that led to Santa Cruz Avenue and whether it would encourage people to park on Santa Cruz Avenue. She said she would prefer this use in a different building but it was a creative use. She said that she would like the hardware store to get a mezzanine or some more square footage.

Chair Halleck said that the proposal was creative. He said that he had some concerns with the use and parking, but he felt those concerns could be addressed. Commissioner Fergusson said there were issues that could be resolved administratively by the staff with the applicant such as the development of a delivery plan, a well thought-out circulation plan, youth control, the need to include fire sprinklers if required by the Fire Department, and a possible noise abatement plan.

Commissioner Soffer said that the Commission from time to time saw applications for specific sites that were more unique than others. He said that he felt that it was the Commission's duty to nudge those uses toward an optimal and appropriate use of the site. He said there were other sites that could be used for a meeting area and that use was not dependent on this one unique site. He said that putting a hardware store or another retail use in the front of the building only masked the problems of retail being eroded downtown. He said that the Commission had allowed such a mixed use on Oak Grove Avenue and later regretted it. He said that the proposal was a laudable use but it was not compelling for the use to be at this site.

Commissioner Fry said that the proposal was challenging as there were interesting aspects and needs such as a retail use and a gathering place. She said that she would have preferred to have seen this proposal in a study session. She said that she wanted the site to be retail use only and the hardware retail use was the best part of the proposal. She said that she was concerned with the use of the site for a social hall and noted the concerns expressed by business owners in the area. She said that on Tuesdays there would be 150 youth and 20 adults and on Wednesdays 250 youths and 30 adults. She said that there would be congestion and large groups of youth downtown. She said it was important to protect the viability of the retail uses that the City has. She said also that if the hardware store was successful there would not be enough room on the site as proposed for it to expand. She said also that she was concerned that a hardware store would not have a rear access. She said the social hall should be on a second floor at this site. She said that the long-term vacancy of the building might require the City to talk to the property owner about the square foot fee.

Chair Halleck said that since there had not been a study session, it was not clear where the Commission stood on this proposal. He said that many of the national urban planning conferences he had attended had indicated that a strong downtown started with a revitalization plan. He said that Menlo Park does not have a revitalization plan and the Commission did not have a roadmap to revitalization of the downtown. He said that he had learned at national urban planning organizations conferences that a mix of use would make the downtown vital, but that those mixed uses might require mitigation. He said that it was critical for a downtown to have a gathering place. He said that the downtown district needed to be better defined and what was needed for it to be vital.

Commissioner Fergusson said that Commissioner Sinnott had indicated that she would be more comfortable if the retail use was tied to the hardware store use. Commissioner Fergusson confirmed with staff that this could be part of the use permit conditions of approval.

Commissioner Sinnott said that after listening to Commissioners Soffer and Fry's concerns that she was not ready to support approval, but that she might be supportive if there were more specific conditions. She said that a hardware store in the front would have no rear access and there was limited parking. She said that the owner imposed a higher rent and did not maintain or improve the building. Chair Halleck said that if the Commission tied the use to the hardware store and it left, then a different retail use would need to come back before the Commission.

Commissioner Fergusson said that condition "h" was toothless and thought perhaps it should be tied to hardware use. Commissioner Fergusson said that there were challenges to the site but that the proposal provided an incentive for a retail use that would attract people downtown. She moved for approval as stated in the staff's recommendation with the specific conditions that the retail use in the front 3,000 square foot area of the building would be a hardware store; there would be a detailed delivery and circulation plan with carpooling and rules for the parents

regarding paths of entry and exit and length of wait time and protection of parking in the adjacent private parking lot; fire sprinklers would be installed at the discretion of the Fire Department and Building Division; and noise abatement would occur as needed to mitigate potential impacts on neighbors.

Commissioner Sinnott asked whether supervision of the youth might be required so that there was no loitering. Mr. Frimel indicated that was supportable. Chair Halleck suggested a two- and six-month review by staff of the circulation plan. Mr. Frimel expressed concern that the Church might have its use permit revoked after two months. Commissioner Fergusson said that the review would be to improve upon the circulation plan if needed and not to revoke the use permit.

Commissioner Fry indicated that she was not yet sure if she supported the motion but wanted to add to condition "d" that the hours of operation should be inclusive of set up and breakdown time. She said that if there was a two- and six-month review, it should also look at any issues arising from youth congregating outside of the social hall. Commissioner Fergusson said that youth supervision should be included as part of the circulation plan. Chair Halleck seconded the motion.

Commissioner Fry said that one of the reasons the carpooling and traffic plan for the Phillips Brooks School worked so well was because the students attended the school, but that youth coming to the social hall were from many different areas. She said that she would prefer that a meeting site downtown be more non-denominational.

Commission Action: M/S Fergusson/Halleck to approve as recommended in the staff report with the following modifications.

1. Adopt a finding that the project is categorically exempt under Class 1 of the current State CEQA Guidelines.
2. Make the following findings, as per Section 16.68.020 of the Zoning Ordinance, regarding architectural control approval:
 - a. The general appearance of the proposal is in keeping with the character of the neighborhood.
 - b. The development will not be detrimental to the harmonious and orderly growth of the City.
 - c. The development will not impair the desirability of investment or occupation in the neighborhood.
 - d. The development provides adequate parking as required in all applicable City ordinances and has made adequate provisions for access to such parking.
3. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the City.

4. Approve the use permit and architectural control requests subject to the following conditions of approval.
- a. Development of the project shall be substantially in conformance with the plans prepared by B.H. Bocook AIA Architect, consisting of three plan sheets dated January 27, 2004, and approved by the Planning Commission on March 22, 2004, except as modified by the conditions contained herein.
 - b. Prior to building permit issuance, the applicant shall comply with all Sanitary District, Menlo Park Fire Protection District, San Mateo County Health Department, and utility company's regulations that are directly applicable to the project.
 - c. Prior to building permit issuance, the applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the new construction.
 - d. The social hall shall be limited to the following hours of operation: Tuesdays from 6:30 p.m. to 8:00 p.m.; Wednesdays from 7:00 p.m. to 9:30 p.m.; and Sundays from 9:00 a.m. to 12:00 p.m., and 4:00 p.m. to 9:30 p.m. In addition, the social hall shall be limited to no more than two events per month that are outside of these established hours of operation. These additional events shall be limited to no more than 75 attendees, and shall be limited to the hours of 6:00 p.m. and 11:00 p.m. Monday through Friday, and 8:00 a.m. and 6:00 p.m. on weekends. These hours of operation for special events shall be inclusive of setup and breakdown times for the events.
 - e. Prior to building permit issuance, the applicant shall submit a detailed circulation and drop off/pick up loading area plan for the review and approval of the Planning, Transportation, Building, and Engineering Divisions, as well as the Police Department. The circulation plan shall indicate that attendee pick up and drop off shall only occur in the public plaza area to the north of the subject building, and the applicant shall explore options such as carpooling to reduce the number of vehicle trips to the site.
 - f. During the period of the Use Permit, the applicant or property owner shall pay a fee (plus applicable yearly Business License fees) to the City in lieu of sales tax for the 8,255 square feet of area occupied by the applicant. The fee for the first year (base year) shall be \$2.00 per square foot. The fee for each year thereafter shall be adjusted annually according to the percentage change in the All Urban Consumer Price Index (CPI) for the San Francisco-Oakland-San Jose area. Any annual sales tax generated for the City by the hardware store would offset this sales tax in lieu fee. The procedure for collecting the in lieu fee shall be established by the Finance Division.
 - g. During any time that the front 3,000-square-foot tenant space is not open for business and operating as a hardware store, the property owner shall pay to the City an in lieu fee of four dollars (\$4.00) per square foot per year, pro-rated for such vacancy period.

- h. In the event that the front tenant space is not utilized for purposes of a hardware store for a continuous period of six (6) months, the use permit for the social hall shall be subject to revocation.
- i. Prior to installation of any signs, the applicant shall apply for any necessary sign permits from the Planning Division.
- j. Prior to building permit issuance, the applicant shall submit plans indicating the species of vine to be planted along the rear of the building. These plans shall be submitted for the review and approval of Planning Division staff. Prior to final building inspection, the new vines shall be installed along the rear of the building. The applicant shall be responsible for maintaining these vines.
- k. The use permit shall expire five years from the effective date of the Planning Commission approval, unless the applicant obtains approval of an extension of the use permit.
- l. Prior to building permit issuance, the applicant shall submit a delivery plan indicating how deliveries for the hardware store use would be made at the site. The delivery plan shall be submitted for the review and approval of the Planning and Building Divisions.
- m. Prior to building permit issuance, the applicant shall submit a youth supervision plan indicating how youth would be supervised on the site, with the goal of ensuring that youth actually attend the events at the social hall, and that loitering before, during, and after the events is minimized. The youth supervision plan shall be submitted for the review and approval of the Planning Division.
- n. Prior to building permit issuance, the applicant shall submit a noise abatement plan for the project, with the goal of eliminating noise impacts from the social hall use on the neighboring tenants. This noise abatement plan shall be submitted for the review and approval of the Planning and Building Divisions.
- o. Prior to building permit issuance, the Menlo Park Fire Protection District shall review the project plans, and, at the Menlo Park Fire Protection District's discretion, may require that sprinklers be installed in the entire building.
- p. This use permit approval is for a social hall use associated with a separate 3,000-square-foot hardware store that would occupy the front tenant space facing Santa Cruz Avenue.

- q. The applicant shall provide a monitoring report to Planning Division staff on the effectiveness of the circulation plan and the youth supervision plan within two months of the new use beginning operation, and again within six months of beginning operation. The Community Development Director shall review the monitoring report and any complaints received by the City regarding the circulation plan. The Community Development Director shall have the discretion to modify the plans to address problems and/or bring complaints to the Planning Commission for review.

Motion carried 3-2-1-1, with Commissioners Fry and Soffer dissenting, Commissioner Pagee abstaining, and Commissioner Bims not in attendance.

3. **Abandonment/Lo Property Management/Saga Lane:** Planning Commission review for consistency with the General Plan related to proposed abandonment of Saga Lane.

Staff Comment: Planner Cramer said that the applicant was Ms. Peggy Lo of Lo Property Management, the property managers for Quadrus. She said that the proposal was to abandon Saga Lane, by which ownership of the property of Saga Lane would revert to the Henry J. Kaiser Foundation, the owners of the Quadrus site. She said that the Commission's action would be to make a recommendation to the City Council for approval or disapproval and would be in the form of a resolution. She said that Mr. Pat Stone of the Engineering Division was present and available for questions as well.

Questions of Staff: Commissioner Fergusson said there was no diagram of the utility easements in Saga Lane. Mr. Stone said that he had not verified which of the utilities was in the lane. He said there was probably a storm drain, water line, a street light system, and a sanitary sewer. Commissioner Fergusson asked if Saga Lane would become a utility easement in its entirety. Mr. Stone said that page B.3 showed the ingress and egress easement. He said that the public utility easement the City would want would be inclusive of all of the utilities and the City would want the easement line to extend a minimum of 10 feet outside the utilities on either side of the street to allow for access and maintenance. Commissioner Fergusson asked if the utilities easement would be coincident with the ingress/egress easement shown. Mr. Stone said that the public utility easement would be whatever was needed by City for access and maintenance. He said that the street light conduit probably ran along the side of the street and the easement would be inclusive of that utility. Commissioner Fergusson said that page 3 indicated the Commission had discretion to include or exclude any portion of a property occupied by any easement in determining minimum lot size of the property depending upon the extent to which it impaired the use of the property. She said dependent upon the location of the utilities that the property owner could benefit or suffer a hardship. Mr. Stone said that he visited the site and it appeared that the utilities were standard in their design.

Commissioner Pagee asked Mr. Stone what the fiscal impact to the City would be from the proposed abandonment. Mr. Stone said that there would be a reduction in the resurfacing of Saga Lane, the maintenance of a water line, and in the cost of replacing the line. He said that the vacuuming of the storm drain and basins, and street sweeping were costs that would be eliminated with the abandonment of Saga Lane.

Public Comment: Ms. Peggy Lo, Lo Property Management, said that the proposed abandonment was part of the proposal to build Building Eight to provide for setbacks.

Commissioner Fry said the staff report indicated with the proposed abandonment there was the potential for an additional 5,376 square feet of office area and that Ms. Lo was interested in having that square footage available to modify some existing buildings for accessibility and improvements. She said with the construction of Building Eight she calculated that the applicant would be a little bit shy of the maximum and there would be about 870 square feet remaining. Ms. Lo said that the extra square footage gave them a little breathing space for ADA requirements for existing buildings, in particular for the access and exiting of the buildings.

Commissioner Action: M/S Soffer/Pagee to close the public hearing.

Motion carried 6-0 with Commissioner Bims not in attendance.

Commission Action: M/S Pagee/Fry to recommend to the City Council to approve the request for abandonment and include the easement area as presented in the staff report.

1. Make a finding that the project is categorically exempt under Class 5 of the current State of California Environmental Quality Act (CEQA) Guidelines.
2. Adopt Resolution No. _____, recommending to the City Council that Saga Lane be abandoned.

The motion carried 6-0 with Commissioner Bims not in attendance.

D. STUDY SESSION

1. **Use Permit Revision and Architectural Control/ Stoecker & Northway Architects, Inc./ 330 Ravenswood Avenue:** Request for a use permit revision and architectural control review to demolish an existing one-story building and construct a new two-story building with attached one story chapel.

Commissioners provided individual comments to the applicant on the proposed project. Comments covered the following topics:

- Concern that tree number three on the plans will be appropriately trimmed for construction and well maintained after construction;
- Concern that the visual impacts to adjacent residential properties is addressed;
- Concern that the materials, including windows, are of high quality and compatible with the neighborhood and adjacent buildings on the site;
- Concern that noise impacts to the adjacent residential properties are addressed; and
- Concern that the solar study submitted by the applicant accurately reflect solar conditions.

Commissioners generally expressed support for the project design and use.

E. REGULAR BUSINESS

1. **Consideration of the minutes of the July 21, 2003 Planning Commission meeting.**

Commission Action: M/S Fry/Sinnott to approve the minutes of the July 21, 2003 Planning Commission meeting with the following modification.

- ***Page 25, line 18: change “Flanagan” to “Lanagan.”***

Motion carried 6-0 with Commissioner Bims not in attendance.

2. Consideration of the minutes of the August 4, 2003 Planning Commission meeting.

Commission Action: M/S Fry/Sinnott to approve the minutes of the August 4, 2003 Planning Commission meeting as submitted.

Motion carried 6-0 with Commissioner Bims not in attendance.

E. COMMISSION BUSINESS, REPORTS, AND ANNOUNCEMENTS

In response to a question from Commissioner Fry, Planner Cramer said that there would not be a study session the following week.

ADJOURNMENT

The meeting adjourned at 10:40 p.m.

Staff Liaison: Justin Murphy, Principal Planner

Prepared by: Brenda Bennett, Recording Secretary

Approved by Planning Commission on August 9, 2004.