



## PLANNING COMMISSION MINUTES

November 3, 2008

7:00 p.m.

City Council Chambers

701 Laurel Street, Menlo Park, CA 94025

---

**CALL TO ORDER** – 7:00 p.m.

**ROLL CALL** – Bressler, Ferrick, Kadvany, Keith, O'Malley (Vice chair), Pagee, Riggs (Chair)

**INTRODUCTION OF STAFF** – Deanna Chow, Senior Planner; Megan Fisher, Associate Planner; Justin Murphy, Development Services Manager, Lorraine Weiss, Contract Planner

### A. PUBLIC COMMENTS

There were none.

### B. CONSENT

1. **Approval of minutes from the October 6, 2008 Planning Commission meeting.**

Commissioner Kadvany suggested changing the word “shocked” to “surprised” on page 19, 4<sup>th</sup> paragraph. Commission O'Malley suggested on page 4, 4<sup>th</sup> paragraph, last line to replace the word “over” with the word “after.” Chair Riggs suggested on page 12, the 5<sup>th</sup> paragraph, 3<sup>rd</sup> line to add the phrase “and located in East Palo Alto.”

Commission Action: M/S Unanimous consent to approve the minutes as modified.

Page 4, 4<sup>th</sup> paragraph, last line, Replace the word “over” with the word “after.”  
Page 12, 5<sup>th</sup> paragraph, 3<sup>rd</sup> line, Add in the words “and located in East Palo Alto.” to the end of the sentence.  
Page 19, 4<sup>th</sup> paragraph, 1st line, Replace the word “shocked” with the word “surprised.”

Minutes were approved 7-0.

### C. PUBLIC HEARING

1. **Use Permit and Variance/James M. Sagorac Jr./1260 Mills Street:** Request for a use permit to demolish a single-story, single-family residence and

Menlo Park Planning Commission  
Minutes  
November 3, 2008

construct two two-story, single-family residences and associated site improvements on a substandard lot with regard to lot width in the R-3 (Apartment) zoning district. Request for variances to allow covered and uncovered parking to encroach up to five feet into the right side yard setback where ten feet is required, and to reduce the minimum distance between the proposed buildings on the subject parcel and the existing buildings on the adjacent right side property from 20 feet to 13 feet. ***Continued from the meeting of October 20, 2008.***

Staff Comment: Planner Fisher said staff received a phone call that day from the property owner of 1231 Mill Street, who commented that the development was not appropriate for the neighborhood.

Public Comment: Mr. Scott Stotler, Stotler Design Group, project designer, said the proposed project design complied with the Floor Area Ratio and lot coverage regulations. He said the architecture was pleasing and compatible with the homes in the area. He said on the right side of the property the view was the wall of the neighboring apartment building. He said because the lot was narrow and there was a nice Sequoia tree in the rear to be preserved that they were requesting a variance for the parking area. He said they were also requesting a variance from the requirement for a 20-foot distance between this home and the neighboring apartment as that apartment building encroached into the required setback. He said the design complied with the requirement for a 20-foot distance between buildings on the property. He said regarding the solar panels on the adjacent property and the owners' concern that the project would impact the panels that they had had a three-dimensional study done by a consultant to determine if there was an impact.

Chair Riggs asked for clarification from staff about the solar envelope regulation. Planner Fisher said the solar envelope restricted shadow to the height of 22-feet between 10 a.m. and 2 p.m. Chair Riggs asked if that included in the setback as well. Planner Fisher said staff would draw a diagram to explain.

Commissioner Keith asked if the October 27, 2008 solar study had been shown to the neighbor. Recognized by the Chair, the neighboring property owner, Mr. Aaron Thurlow, Menlo Park, said they had received the updated study. He said that it did not show the impact to their solar units before 10 a.m. or what the impact would be in spring or summer.

Commissioner Keith asked Mr. Stotler if he was aware of condition 5.a. which specified the need for a solar envelope study to be done. Mr. Stotler said he was not and that this requirement should have been accomplished before this public hearing as the findings of the study might be different from what might be approved. He said the orientation of the project was such that any shading impact would be mostly on the wall of the adjacent apartment building. He said they had a solar study done to show how the project would impact the other neighbor whose home has the solar collection units.

Chair Riggs asked Planner Fisher to address solar access. Planner Fisher said she had drawn a diagram that explained visually the solar envelope regulation.

Mr. Stotler said he had done two prior projects in Menlo Park similar to this project for which this regulation had not applied. He said in his 26 years experience as a designer that he had never previously seen this requirement. He apologized that he had not been aware of it. Chair Riggs asked if staff would pass the diagram to the commission to study.

Chair Riggs noted for the record that the Commission was looking at the diagram prepared by staff to demonstrate the solar envelope requirement. He noted that the shadow was not measured from the setback.

Commissioner O'Malley asked if there was no heritage tree on the rear of the lot whether there would be a need for a variance request. Planner Fisher said she thought the particular variance related to parking area would not be needed. She noted that she had not seen any designs without the tree. Commissioner O'Malley asked if there had been no encroachment into the setback by the neighboring apartment building whether there would be a need for a variance request related to the distance separation between adjacent buildings. Planner Fisher said that was correct.

Commissioner Kadvany said there had been a legal case in the City of Palo Alto about a redwood tree that occluded a solar panel on a neighboring property. He said since more people were installing solar panels that solar access for those panels was an issue. He said the neighbor's residence was one-story, which meant its solar panels would be more easily encroached by the proposed two-story project. He said mitigation might be constructed using measurement of how many kilowatts per hour were lost over a year because the sun was blocked by the proposed project.

Mr. Stotler said the consultant who did the study worked with a solar panel consultant and that the three-dimensional study was to scale. He said the consultant had indicated that the potential encroachment on the neighbor's solar access was very minor compared to other situations she had seen. He said this issue arose fairly late in the project and the project had been in development for some time. Commissioner Kadvany said that the person who did the solar study could determine the amount of energy lost because of the proposed project.

Ms. Peggy Lechich, Menlo Park, said her concern was the size of the project. She said the proposed front house was bigger than the apartment building next door. She said she also had had concerns about what colors the project would be. She said staff had suggested looking at other developments the designer had done. She said she did and was satisfied now about the colors. She said her last concern was that the materials for the project matched those of the homes in this old Menlo Park neighborhood.

Mr. Scott Freirmuth, Menlo Park, said his home was behind the project and his concern was for an Oak tree that straddled his property and the subject property. Commissioner Pagee said there was a plan to trim the Oak tree to make room for the construction equipment. Mr. Freirmuth said he was not aware of that.

Ms. Noelle Thurlow, Menlo Park, said that the size of the proposed homes should be scaled back, and doing that would eliminate the need for variances. She said she and her husband were concerned about impacts to their sun access, and their privacy because of the windows on the proposed project. Commissioner Keith asked if the Thurlows had met with the architect. Ms. Thurlow said they had not.

Mr. Aaron Thurlow, Menlo Park, said their home was a one-story, 1,400 square foot house that had been built in 1924. He said because of his 10 years of work in the solar industry that it had been important to have solar panels on their home. He said there were laws regarding solar access. He noted that the applicant had done a shade study after he and his wife raised their concerns about loss of sun. He said it was not until recently that they were able to look through the plans. He said the solar access was very important to them to be good local and global citizens. He said he thought the development could be adjusted to minimize the impacts. He said their solar collection system was located at the southeast and began gathering energy as early as 5 a.m. in the summer months. He said he thought the proposed project would significantly impact the southeast side of their home and would dominate their backyard. He said there were projects that had been built in 1988 that were more in scale than this proposal. He gave staff a copy of a letter that more comprehensively covered their concerns.

Commissioner Bressler asked if it was possible for Mr. Thurlow to add more panels to make up the difference of loss from the impact of the proposed project. Mr. Thurlow said the system might have to be increased by 50% as other locations would not be as optimal as those where the panels were currently situated.

Commissioner Pagee asked if they had received the shade study. Mr. Thurlow said that they appreciated the effort of the applicant to get the study to them to review, but it was too small and illegible for them to see what the impact at 6 a.m. would be on their solar access. Commissioner Pagee asked what the distance from the corner of their house to the fence was. Mr. Thurlow said he thought it was 10-feet. Chair Riggs provided Mr. Thurlow with a larger copy of the solar study.

Chair Riggs closed the public hearing.

Commission Comment: Commissioner Bressler said there had to be compensation for the neighbors' solar loss. Commissioner Kadwany said as a possible mitigation that kilowatts might be obtained elsewhere. Chair Riggs said there were challenges in offsite panels. Commissioner Keith asked if it was a possible for the developer to place solar panels on the neighbor's property to compensate for the solar loss.

Commissioner O'Malley asked how that would be done. He said the assumptions were that it could be defined what the difference was and how many panels would be needed to make up the difference, and that there was a suitable location for the additional panels. He said another consideration was the ongoing maintenance for the panels, and the responsibility for that.

Commissioner Pagee asked if a past project on Laurel Street between Cherry and Ravenswood had been similar to this proposed project, and whether there had been a variance for that project. Planner Fisher said that project was approved with a variance but she would need to research the record. Commissioner Pagee said in that instance the developer had lowered the rear unit to improve solar access to neighbors. She said in this instance the front unit could be reduced in height. She said on the sun study that the driveway on the adjacent property was wide compared to the elevation for the height. She said she would like a better idea of the height of the project and what the plot plan looked like.

Chair Riggs asked Mr. Stotler to respond to the Commission's comments. Mr. Stotler said they had been involved with the project for a couple of years and the adjacent neighbors had more recently bought their property. He said there was an area on the neighbors' roof to allow for more panels. He said regarding the same neighbors' yard that page B.2 showed the location of the neighbors' yard and that the proposed project had a stepped back one-story garage for the front unit and a detached garage at the property line for the rear unit. He said they would work with the neighbors and staff to address the concerns. He said they chose to use stucco for the exterior as it lasted longer and needed less maintenance than wood.

Commissioner Keith asked about the window placement and sill height for Unit 1. Mr. Stotler said they would entertain keeping the front window that faces the street and do a smaller window on the side facing the neighbors' property to maximize privacy and minimize the impact. He said there was also a rear side window on which they could raise the sill. Commissioner Keith asked if the neighbors had concerns with the rear unit. Mr. Stotler said the rear unit as it was proposed would preserve privacy for the neighbors.

Chair Riggs clarified with Mr. Stotler that when he referred to the front he meant the northwest elevation.

Chair Riggs said in summary that there were two variance requests supported by staff, justified largely by the effect of nonconforming setbacks from a neighboring property and the presence of the heritage tree and efforts to preserve it, and the requirements for a turnaround area established by the Transportation Division. He said there was a well-justified request from the neighbors to maintain the capability of their solar units. He said the solar study met the City's regulations related to the applicable time of the day but did not address potential impact earlier in the morning. He said the Commission was asked to make a finding that the project would not be detrimental to

the public health, safety and welfare. He said without the variance the project would be less likely to be built to this density. He said other areas of discussion were privacy. Commissioner Ferrick said there was also the discussion of light.

Commissioner Pagee said she would recommend landscaping along the fence between the two yards. Commissioner Keith said the Commission has in certain instances directed applicants to find out if neighbors would like landscape screening on their property.

Recognized by the Chair, Mr. Stotler said that the adjacent driveways and 10-foot setbacks on each side left about 30 feet of buildable area. He said there was paving right up to the fence and it was the same on the neighbor's side. Chair Riggs asked whether a foot of landscaping could be added to the fence area. Mr. Stotler said he could probably move the driveway over a foot or two and possibly add lattice to the six-foot redwood fence. He said they could obscure the side windows if that would help privacy. Commissioner Pagee said there were a couple of homes that used glass similarly and had not sold. Commissioner Keith suggested raising the window sills. Mr. Stotler noted that they have an arborist to provide guidance for protecting the neighbor's Oak tree.

Commissioner Bressler suggested regarding solar access that the applicant work with the neighbor on resolving those impacts with staff review and approval. Chair Riggs asked the applicant if that condition sounded workable. Mr. Stotler said it sounded reasonable and he thought doable if the neighbors felt comfortable with that. Commissioner Keith said that if additional panels were installed that the maintenance would be the neighbor's responsibility. She noted a condition to reimburse for loss of wattage. Chair Riggs said his preference would be that there was no loss of wattage. Mr. Stotler indicated that was acceptable to his client.

Regarding condition 5.b, Chair Riggs said that it should include that the applicant shall provide panels and infrastructure to provide wattage due to solar access loss because of the proposed project. Commissioner Kadvany said that there should be some examination of power generation and loss and a look at replacing it in the most cost effective way. He said he thought retrofitting the neighbor's solar array would be expensive. Commissioner Bressler said that the determination of loss could not be made and the resolution should be left to the applicant and the neighbors with staff's oversight.

Commissioner Keith said condition 5.b should say something about working with the neighbors through staff review and approval regarding the solar access. She said that condition 5.c should state that the applicant will raise the sill heights for the left side, second story windows of the front unit, and that the revised window placement plan should be presented to the neighbors at 1264 Mills Street, with review and approval by the Planning Division. She said that condition 5.d should read the applicant shall have a planting strip along the driveway for landscaping to soften the appearance of the

fence. She said with those changes she would move to make the findings for the variance requests because of the narrowness of the lot, the heritage tree in the yard, the neighboring building's encroachment into the setback, the area needed for the turnaround and the required garage size, and approve the project as recommended in the staff report.

Commissioner Pagee asked if staff had been able to determine what the variance requests had been for the project on Laurel Street that she had previously raised as similar to this project. Planner Fisher said regarding 1064 Laurel Street that the variance request was for the garage to encroach into the 20-foot separation distance between that building and the neighboring building and for both attached garages to encroach into the required right-hand setback. Commissioner Keith asked what the vote had been on that project. Planner Fisher said it was unanimous 7-0.

Chair Riggs suggested a friendly amendment to condition 5.a related to the solar study to request that the data for setback and height be required. Commissioner Keith said that was acceptable.

Commissioner Pagee said the front unit was designed with a nine-foot ceiling on the second story and the rear unit with an eight-foot ceiling. She said making the ceiling on the front unit lower by a foot might resolve the issue. Chair Riggs said that was a good option to include in condition 5.b.

Planner Fisher said she needed clarification on the Commission's revision of condition 5.b. She said her notes indicated that the applicant shall provide additional solar panels and infrastructure to maintain the previous wattage output; and that solar study should include height and dimension information. Chair Riggs said the latter would be part of condition 5.a. Planner Fisher continued from her notes for the revised condition 5.b that the applicant would work with the neighbors of 1264 Mills Street on resolution of solar loss with staff review and approval. Commissioner Keith questioned the use of the word "previous," and suggested it should be "current." Planner Fisher said perhaps it should be stated "previous annual wattage," with which Commissioner Keith concurred. Commissioner Bressler said the applicant was being given the directive to add solar panels and that might or might not be the solution. Chair Riggs suggested the condition should read that any loss of panel efficacy might be cured by adding panels or that the plans might be revised so there was no loss. Commissioner Bressler suggested that the applicant be required to mitigate the loss of wattage with staff review. Chair Riggs said his concern with mitigation was there might be an effort by the applicant to pay some monthly fee to the neighbor.

Commissioner Keith asked for the neighbors' input. Mr. Thurlow said it would be very acceptable if there was a design change so there was no impact on the solar access but if that was not possible, it was acceptable for additional solar panels to be added to mitigate the loss in wattage. He said he and his wife were willing to work out a resolution with the builders. Commissioner Ferrick said that if the applicant lowered the

ceiling that might resolve both the solar wattage production and light access into the Thurlow's home. Commissioner Bressler said he did not think the addition of solar panels should be a requirement in the condition. Chair Riggs suggested using the language "maintaining the efficacy of the solar panel array."

Planner Fisher summarized condition 5.b: the applicant shall work to maintain the efficacy of the solar array at 1264 Mills Street by exploring different solutions by working with the neighbor and staff with staff review and approval.

Commissioner Keith as the maker of the motion found this wording acceptable. Commissioner Bressler seconded the motion.

Commission Action: M/S Keith/Bressler to approve the item with the following modifications.

1. Adopt a finding that the project is categorically exempt under Class 3 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. Make the following findings as per Section 16.82.340 of the Zoning Ordinance pertaining to the granting of variances:
  - a. The substandard lot width and the turning radius required by the Transportation Division create a constraint to the design potential for the redevelopment of two residential units on the site with the required number and size of parking stalls without approval of the requested variances. The nonconforming location of the existing structures also creates a further constraint to the potential width of the units, which are already limited by the narrowness of the lot and the required side setbacks.
  - b. The proposed variances are necessary for the preservation and enjoyment of substantial property rights possessed by other conforming properties in the same vicinity, and the variance would not constitute a special privilege of the recipient not enjoyed by neighbors.

- c. Except for the requested variances, the construction of the two units will conform to all other requirements of the Zoning Ordinance. Granting of the variances will not be materially detrimental to the public health, safety, or welfare, and will not impair an adequate supply of light and air to adjacent property since the structures will improve the nonconforming setback conditions, provide adequate on-site parking, and meet the floor area ratio, building coverage, height, and landscaping requirements per the R-3 zoning district.
  - d. The conditions upon which the requested variance is based would not be applicable, generally, to other properties within the same zoning classification since the variance is based on the configuration of existing buildings on the adjacent properties and other site constraints.
4. Approve the use permit and variance requests subject to the following **standard** conditions:
- a. Development of the project shall be substantially in conformance with the plans prepared by Stotler Design Group, consisting of 16 plan sheets, dated received on September 30, 2008, and approved by the Planning Commission on November 3, 2008, 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, Engineering Division, and Transportation Division that are directly applicable to the project.
  - d. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval of the Planning, Engineering and Building Divisions. Landscaping shall properly screen all utility equipment that is installed outside of a building and that cannot be placed underground. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
  - e. Prior to building permit issuance, the applicant shall submit plans indicating that the applicant shall remove and replace any damaged and significantly worn sections of frontage improvements. These revised plans shall be submitted for the review and approval of the Engineering Division.

- f. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a Grading and Drainage Plan for review and approval of the Engineering Division. The Grading and Drainage Plan shall be approved prior to issuance of a grading, demolition or building permit.
  - g. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance. Prior to the building permit issuance, the applicant shall implement the tree protection plan and technique recommendations in the Arborist Report for all applicable heritage trees.
5. Approve the use permit and variances subject to the following **project specific** conditions:
- a. ~~Simultaneous with the submittal of a complete building permit application,~~ **prior to building permit submittal**, the applicant shall submit a ~~shadow~~ **solar** study to ensure that the proposed units comply with solar envelope regulations. The solar study shall **include the heights and setbacks of the adjacent left property, and** be presented to the neighbors at 1264 Mills Street. ~~The study~~ and shall be subject to review and approval by the Planning Division.
  - b. **Prior to building permit submittal, the applicant shall work to maintain the efficacy of the solar array at 1264 Mills Street by working with the neighbor to explore possible solutions, such as adding additional panels or lowering the height of the proposed front unit. Revisions to the plans shall be subject to review and approval by the Planning Division.**
  - c. **Simultaneous with the submittal of a complete building permit application, the applicant shall submit revised plans showing raised sill heights for the left side, second story windows of the front unit. The revised elevations shall be presented to the neighbor at 1264 Mills Street and shall be subject to review and approval by the Planning Division.**
  - d. **Simultaneous with the submittal of a complete building permit application, the applicant shall submit a revised site plan showing the addition of a planting strip along the left side property line to soften the appearance of the driveway. The revised site plan shall be subject to review and approval by the Planning and Transportation Divisions.**

Motion carried 7-0.

#### **D. STUDY ITEMS**

1. **Use Permit, Architectural Control, and Tentative Subdivision Map/Joe Colonna for 1706 ECR LLC/1706 El Camino Real**: Request for a use permit, architectural control, and tentative subdivision map to demolish an existing one-story 6,875-square-foot commercial building and construct a new two-story 10,236-square-foot office building for medical/dental use and related site improvements in the C-4 (General Commercial applicable to El Camino Real) zoning district. The application includes a request for a tentative map to subdivide one parcel into six commercial condominium airspaces.

Staff Comment: Planner Weiss said staff had received one more piece of correspondence that day regarding the proposed project, which was an e-mail from Ms. Betty Howell and Mr. Jerry Anderson offering their support of the proposed project, but requesting that the additional required parking spaces be built into the project. She said regarding parking that the required number for this size building would be 62 spaces. She said that the applicant currently was providing 61 places but would meet the requirement of six parking spaces per 1,000 square feet.

Questions of Staff: Commissioner Keith said there was a letter attached to the staff report from Ms. Kim Wiskall from 174 Buckthorn, which address she could not find on the area map. Planner Weiss said it might be a unit in 190 Buckthorn as that appeared to be a large townhouse project.

Commissioner O'Malley said there had been three public meetings with facilitators and asked who paid the facilitators. Planner Weiss said the City had contracted with the facilitators and the applicant had paid them.

Public Comment: Mr. Joe Colonna, Los Altos, said he was representing the applicant. He said they wanted to comply with all of the C-4 commercial zone requirements. He said since they had been before the Commission the previous year there had been three public meetings with the neighbors in a forum that provided the opportunity to have dialogue. He said they heard four major concerns: parking, traffic, project circulation, and a more traditional design. He said they would meet the parking requirements for the C-5 Commercial Zone; they would do a traffic study; they acquired an easement from the property owners of the nail salon and motel to allow for ingress to their project from the El Camino Real; and they hired an architect to develop a more Mediterranean style building.

Commissioner O'Malley said the breezeway facing El Camino Real seemed to have very decorative tile work and asked if the façade would be similar on the side facing the parking lot. Mr. Colonna said that they planned to treat both facades the same. Commissioner O'Malley asked about the need for a gate to the dedicated parking. Said

the gated for dedicated parking. Mr. Colonna said this was primarily a security measure as doctors and employees would park there and might not leave the office until night time.

Commissioner Keith said the staff report on page 6 indicated the possibility of eliminating the gate to use the space for turnaround purposes. Mr. Colonna said they would prefer not to lose any parking as that generated the amount of square footage for the building. He said the gate was not necessary for the parking or dedicated parking but was for security of the building at night. He said the gate might be kept open during the day. Commissioner Keith said that the report said the building could be reduced by 75 square feet to accommodate 61 parking spaces. Mr. Colonna said the building would be reduced by 75 square feet.

Commissioner Kadvany asked how the parking requirements had been previously calculated. Mr. Colonna said the City has use-based parking guidelines and the original proposal had five spaces per 1,000 square feet based on the proposed use.

Mr. Mario Aiello, Dahlin Group, Pleasanton, California, project architect, said the previous design had been modern looking and the request had been made to make the design more Santa Barbara-style. He said the greatest feature on the building was the breezeway which was iconic of their intent to make the building as open as possible. He said they added the trellis on the end that would face Buckthorn to help it integrate with the residential neighborhood. He said overall the design was quite simple and seemed to fit with the neighborhood.

Commissioner Kadvany asked how the windows on the first floor worked as there were windows floor to top. Mr. Aiello said the bottom windows were a type of opaque glass called Spandrel, which looked like regular glass in the daytime but which had night could not be seen through. Mr. Colonna said the idea was to create two parts of the building so that soaring glass feature held the corner together and the other with grills and ornateness to screen the underground parking.

Chair Riggs said the projection at the entry looked like it was 30 inches on the perspective but 18 inches on the plan. He said the 30 inch projection was impressive and asked if they would be able to maintain that. Mr. Aiello said that they would go with the larger projection. Chair Riggs said the windows recalled the large scale wood windows of 1920s office buildings. He said the quality of the windows would be very important. He noted a project the Commission had approved elsewhere on El Camino Real for which the Commission had been shown the use of colored mullions and divided lights with interesting colors on the gutters and mullions, but when it was built the mullions were gone and the colors were not used. He said what was proposed here was very attractive with the iron rails at the parking level to the tone on the mullions, the layout of the grid and the rather challenging and interesting use of the arch, the colored ties, and the stairwell. He said he hoped those features would not be lost. He said that previously the issue of street trees had been raised. He said the staff report indicated

that the planting strip shown on A1.0 was intended for tree plantings. He questioned two trees in the parking lot which would grow into the second story when they became mature. He said he hoped that none of the proposed trees would be lost. He said also he really supported trees in parking lots because without them asphalt became a "heat island." He suggested some trees might be added along the back property line. He said if the trash enclosure was turned 90-degrees there might be five feet to plant a tree. Mr. Colonna said there was an overhanging tree that shaded the rear property line. Chair Riggs said he was appreciative that they were granting the six parking spaces per 1,000 square feet.

Mr. Craig Largent, Menlo Park, said there were significant improvements made to the design. He asked about the width of the traffic barriers on Buckthorn as he would like those as narrow as possible. He said regarding the potential Emergency Vehicle Access (EVA) along Buckthorn that residents had been told there would not be access from the parking lot onto Buckthorn. He said on the other end of the proposed building there was a short wall running along the parking lot down to El Camino Real, which he thought, if it fit with the architecture, would be nice along Buckthorn to prevent the plans to be modified to allow cars to exit onto Buckthorn from the parking lot.

Mr. Alan Bushell, Menlo Park, said he agreed with the previous speakers and he appreciated the efforts of staff and the developer to respond to residents' concerns. He said this proposal would add to the quality of the neighborhood.

Mr. Garrett Jacobs, Atherton, said that 62 parking spaces seemed like a tremendous amount of parking noting the asphalt island effect on energy use increase. He said he thought the developer should be allowed to reduce the amount of parking required. He said he had seen Spandrel glass and it looked really attractive.

Commissioner Pagee said thicker mullions might make the windows look less large. She said the proposal was improved in terms of being pedestrian friendly. She said that trees would help the corner area integrate more with the residential area. She said she liked the idea of trees in the parking lot either on the property or on the neighbors' properties. She said another possibility was pavers if only in the parking spaces. She said she would like to see a color board the next time the Commission saw the project. She said she appreciated that the applicant would meet the parking requirements for the C-4 Commercial Zone as overflow street parking had been a major concern of the neighbors. She said she was concerned about the sidewalk width and recommended that the trunks of trees planted there should not extend into and narrow the sidewalk as the width was needed to accommodate wheelchairs. She said that also the appearance of the building at night was important but she cautioned against lights that would be on all night because of its proximity to a residential area. She said that the EVA was in response to the Fire District's direction. She said they could possibly use chains over the EVA to keep cars from using it as an exit. She said that she would like to see the height of the corner as it seemed to present a wall.

Commissioner Keith said she appreciated the work that went into the redesign. She said her first reaction was that the windows were huge and the roof looked squat. She said that it was a more beautiful design but the windows looked out of proportion and she asked if that would contribute to a pedestrian friendly facade. She said the idea of thicker mullions was an interesting thought. She said she would like to see solar panels on the roof. She said it would be fantastic if the project was a LEED building with green building elements. She said she would also like to see color boards. She said there were lighting fixtures in the parking area that might be repeated on the front of El Camino Real along the columns leading to the breezeway. She said a small fountain in the breezeway was a feature in Santa Barbara-style architecture. She said trees should be used to soften the appearance of the building. She asked about bicycle racks and if there would be signage other than the numbers on the building.

Mr. Colonna said they would have a color board when they returned. He said there would be bike racks as part of their reworking of the parking and landscaping. He said they could extend light fixtures to the El Camino Real side; he said there would be light features for each of the individual offices as well. He said in addition to the access agreement with the nail salon and the motel they were working out with them a design for signage for them all to be consolidated into one place. He said they would look at a water feature but he had some reservation as these were problematic. He said they would look at it. Commissioner Keith asked if the windows on the second story were the same dimension. Mr. Aiello said they were narrower. Commissioner Keith asked if there could be awnings above the windows along El Camino Real and above the parking lot. Mr. Aiello said that awnings on the other side of the trellis might appear confusing but they could look at it. Commissioner Keith asked if the gutters were copper. Mr. Aiello said they would be painted patina. Commissioner Keith said she supported the parking requirement being met. She said she liked that the mechanical equipment on the roof was hidden but she would like a LEED building and solar panels. Mr. Colonna said they would make the application. Commissioner Keith said that the Commission was looking at projects for possible nomination for environmental quality awards presented annually by the City's Environmental Quality Commission. She said the EVA had to be developed. Mr. Colonna said they would work with the Fire District to see if the EVA could be eliminated completely and if not to treat it decoratively some way. Commissioner Keith said trees in the parking lot were important. Mr. Colonna said they had been successful in other projects by diamond cuts at the corner and if a tree could possibly encroach into the parking space somewhat.

Commissioner O'Malley said he was pleased with the redesign and that the developer had met with the public and paid for the facilitator. He said he was please that the parking was being met and there was no access from or egress to Buckthorn. He said the idea of a wall along Buckthorn was a potential solution to preventing access/egress. He said he was satisfied with the five-foot sidewalk and landscaping strip proposed. He said the breezeway was a particularly attractive feature. He said he was not concerned with turnaround space. He said he agreed with trees in the parking area. He said he

liked the large windows and the scale they gave to the building. He supported the suggestions for solar panels and bike racks.

Commissioner Kadvany said he would reinforce the compliments without repeating them. He said the important goal for the people on the neighborhood was to minimize traffic in the neighborhood because of this project. He said the change to the driveway on Buckthorn meant that people would not park on Buckthorn as there was no access to the building. He asked if there was parking along El Camino Real. Mr. Colonna said there would not be parking along El Camino Real. Planner Chow said there were currently some spaces along El Camino Real but it was dependent on how the project developed whether those would remain. Commissioner Kadvany said the building was great looking and the entry was extremely attractive but it was not really the entrance. He suggested that the building might be placed back further on the lot to allow for a nice wide sidewalk with potentially a bus drop area.

Commissioner Ferrick said she liked that the entrance was on El Camino Real. She said if the building was moved that would mess up the parking ratio. She said there were a number of disabled spaces but only one in the inside parking area. Commissioner Pagee suggested the inside parking was for the doctors and nurses and suspected that not many of them would be disabled.

Commissioner Bressler asked about the monument on Buckthorn and the size of it. Mr. Colonna said that it had been proposed and they were developing how it should be. Commissioner Bressler said he was impressed with resolution they had worked out with the neighbors, and that he would not touch the parking as that was part of that resolution.

#### Summary of Commission comment:

- Several Commissioners discussed pedestrian-scale and indicated that the windows might be modified to be more pedestrian friendly along El Camino Real. Other Commissioners liked the height and design of the windows.
- Many of the Commissioners generally liked the landscape plan, sidewalk widths and landscape strips, although it was suggested to add more trees in the parking lot to help the heat island effect and to soften the building appearance.
- Provide a color and materials board and a model or sketch with adjacent buildings to show context with the proposed building.
- Design the sidewalk widths to accommodate tree trunks and ADA accessibility.
- Encourage the use of green building materials/green building design and to seek LEED certification.

- The same quality of materials and attention to detail should be reflected in the front (El Camino Real) and rear (parking lot side) facades, and in the final product.
  - The majority of the Commission indicated that the revised design was an improvement from the previous plan, and that the ingress/egress along El Camino Real and the proposed parking count to meet the C-4 requirement were good aspects of the proposal.
  - Decorative light fixtures such as those shown on Sheet A1.4 should be used on the building on either side of the breezeway columns.
  - Explore adding a small fountain in the breezeway to reflect the Santa Barbara style.
  - Incorporate bike racks into the project.
  - Design the barriers on Buckthorn Way to minimize traffic into neighborhood.
2. **Zoning Ordinance Amendment /City of Menlo Park:** Consideration of a Zoning Ordinance Amendment to clarify the definition of Gross Floor Area to more specifically identify features of a building that are either included or excluded from the calculation. Gross floor area is used in calculating the floor area ratio (FAR) and parking requirements for developments in all zoning districts except for single-family and R-2 (Low Density Apartment) zoning districts. Floor area ratio equals the gross floor area of a building divided by the lot area and effectively regulates the size of a building. In addition, gross floor area is used in determining the applicability of requirements for below market rate (BMR) housing and the preparation of traffic studies. The clarifications to the definition will focus on new buildings and attempt to minimize impacts to existing buildings. The Zoning Ordinance Amendment will be exempt from the California Environmental Quality Act (CEQA) in that the changes are intended to have no potential to impact the environment.

Commissioner Bressler asked whether this item should be continued as it was the evening before the election, and thus attendance by the public was low. Chair Riggs said this study session item was intended to bring all of the Commissioners up to speed on the proposed ordinance amendment recommendation made by the Commission with the goal of a public hearing on December 8, 2008. He said he had reviewed his notes from the Commission's consideration of this item and the only section not resolved was section 3 relating to grandfathering. He said a year ago that the Commission had voted 7-0 to send sections 1, 2, 4 and 5 forwarded which included debate that the Council might make changes to the Commission's recommendation, with the end result that the Commission requested a joint session meeting with the City Council. He said then vice chair Deziel had noted that if the Commission's recommended exclusions in Section 1 were adopted by the Council that Section 3 regarding grandfathering would not be needed. He said staff agreed they would prepare some wording to be held in reserve to address grandfathering in the instance the Council did not accept the Commission's recommendation for how to handle grandfathering. He said staff felt there should be a

Menlo Park Planning Commission

Minutes

November 3, 2008

16

context for section 3 for this session and if Council would not accept ordinance as crafted they had prepared a second ordinance, which he found confusing. He said the staff report was necessary to give the context to bring the Commission back up to speed on its deliberations. He said that he had presented the two page summary of previous Commission actions on this item to the two newest Commissions.

Development Services Manager Murphy indicated that there were four matters for the Commission to discuss related to this proposed ordinance amendment.

Commissioner Bressler said it had been a year since the Commission had discussed the proposed ordinance amendment. He said they could either discuss this limitedly this evening or continue the consideration. He said there had been strong reactions to what the Commission had previously recommended and that it was necessary to hear and address that public reaction. He said it would be proper to have full public comment, but if they wanted to discuss what recommendation the Commission had made previously that they could do so this evening. Commissioner O'Malley said it seemed that Commissioner Bressler was suggesting that the Commission begin the discussion afresh. Commissioner Bressler said for the discussion to be meaningful that was preferable. Commissioner O'Malley said it bothered him that the Commission's lengthy deliberations were to be thrown out and the process started anew. Commissioner Bressler said because of the reactions to the recommendation previously made by the Commission that this would be a contentious matter for the Council.

Development Services Manager Murphy said there were some matters of substance that needed to be clarified before the recommendation went forward to the City Council. He said this was a study session and then there would need to be a public hearing before the recommendation went to the City Council. He said that the five Commissioners who were on the Commission the previous year could best clarify the Commission's recommendation.

Commissioner Bressler said he did not think the Commission had to start over on the ordinance amendment, but there were particular items that needed examination because of the possibility of contention.

Chair Riggs said there was so much paper in the item because there had been three meetings to consider the ordinance amendment but it might be possible this evening to discuss the controversial parts.

Commissioner Keith said she did not want the Commission to throw away all the work the Commission had done on this. She said she supported looking at controversial items. She said Mr. Morris Brown had requested by e-mail that the item be continued until after the election. She suggested discussing the matter now and agendaizing for the November 17 meeting to accommodate public comment as attendance at this meeting was probably impacted due to its being the night before the election.

Mr. Morris Brown, Menlo Park, said he was speaking for Menlo Park Tomorrow. He urged the Commission to not discuss this agenda item as there was no public to hear their discussion. He said this was a controversial issue and he agreed with Commissioner Bressler that perspectives had changed since the Commission had last considered the ordinance amendment. He said he did not think the Commission's work on it should be thrown out but that the newer Commissioners should get up to speed on the issues.

Commissioner Pagee suggested that staff provide the Commission with bullet points of the items for review and that another study session be scheduled.

Commissioner Kadvany indicated his impression of FAR is history of broad interpretations, and that Option A is the best attempt to codify historical practices and Option B is a reflection of a straw man for alternatives to be judged. He questioned the issues with FAR and asked about the goals, and stated that models from other cities would be useful.

Commissioner Bressler said that item C.1 in Attachment A was the source of concern that there was too much discretion related to the determination of gross floor area and which would allow applicants to finagle the ordinance to their advantage. He said he did not recall unfinished walls and limited access being used as a criterion. He said that item C.4 was also somewhat controversial. He said some people wanted gross floor area measured wall to wall with no exceptions and others who would disclaim about administrative discretion. walls limited access would. He did not recall that being used as a criterios. Item C.4 somewhat controversial as well. He said folks wanted wall to wall and no exceptions for gross floor area and others who would claim about administrative discretion and c.1 and C.4 would fall into that category.

Commissioner Kadvany said item D which had a basis in historical practices would leave a lot of leeway. Chair Riggs said there was a definition of historical practices. Commissioner Kadvany said there was an incredible amount of uses and scenarios that the proposed ordinance amendment was trying to solve generically. He said it might be better if there was a generic definition of gross floor area and then to apply specific requirements to each zoning district. Chair Riggs said the Commission had previously discussed tying zones to specific uses but realized that would make the zoning book a huge document and it was decided that a generic definition would be more functional for staff's use and more transparent for the public's use. He said there would always be some situation which would require administrative discretion. He said the task was to sharpen the ordinance.

Chair Riggs said comments received from some indicated that the Commission needed to begin from scratch on the proposed ordinance amendment but not rework everything. He said Commissioner Pagee said the work needed to be enhanced but not changed. He said Mr. Brown had indicated that all of the issues associated with the proposed ordinance amendment needed to be reexamined but would not want all the work

already done thrown out. He said that Commissioner Kadvany had indicated the goals for the Commission should be clear. He said that the goals had been clear for the Commission which was to look at holes in the way square footage was calculated and come up with solutions.

Commissioner Ferrick asked if that was by direction of the council. Chair Riggs said that was correct. Commissioner Ferrick asked about the year since the Commission's action had occurred. Chair Riggs said the work was done and voted upon by the Commission, which the Commission thought would go forward to Council. He said the one issue of grandfathering had not been resolved. He said the Commission suggested a joint session with the Council on the proposed ordinance amendment, which was rejected by the Mayor. He said the Mayor requested that Council Member Fergusson as a Council liaison work the Commission to create a two-page summary of the Commission's intent, which took about four months. He said he had requested in July or August to have the Commission finish its recommendation before the potential loss of three Commissioners. Development Services Manager Murphy said that the review of the two-page summary occurred in August. Commissioner Ferrick said as a new Commissioner she would not want to hold up the Commission's recommendation and that she would like it continued to the next meeting for a fuller discussion.

Chair Riggs asked whether the Commission would want an interim meeting before December 18. Commissioner Keith wanted the item continued to the regular meeting of November 17 as a study session and then on the agenda for the Commission's vote on December 8. Commissioner Ferrick suggested it could all be done at the meeting of December 8. Development Services Manager Murphy said that a study session was an easier way for staff to connect with the Commission to clarify what the Commission wanted before it was brought to a public hearing.

Commissioner Ferrick said from the viewpoint of the public there was an opportunity for the public to comment both at the study session and the public hearing. She thought the Commission could discuss the matter this evening and then take it to a public hearing on December 8. Development Services Manager Murphy said that when something went to the Council staff did not want the Council to ask is this was what the commission wanted or members of the Commission to go to the council and say this was not want the Commission wanted. He said staff was trying to make the process move more smoothly.

Chair Riggs asked staff how many public hearings there had been that the Commission had accepted comments on this item. Development Services Manager Murphy said that there had been public hearings in October and November 2007 and a public meeting in August 2008.

Commissioner Keith moved to continue the study session to the meeting of November 17, 2008 and to hold the public hearing on December 8, 2008. Commissioner O'Malley asked if Commissioner Keith was referring just to Attachment A of the staff report.

Chair Riggs said that it might be a consideration of both Attachment A and B as staff had found a solution to grandfathering issues in Attachment B. Commissioner Ferrick asked about the two-page summary and if Attachment A was the reference for that summary. Chair Riggs said that was correct. Commissioner Ferrick seconded Commissioner Keith's motion.

Chair Riggs noted that the alternative would be to start a meeting to address staff's questions about "gray area" text and then hold a public hearing on December 8.

Commission Action: M/S Keith/Ferrick to continue the study session to the meeting of November 17, 2008 with the goal of holding a public hearing on December 8, 2008.

Motion carried 5-2 with Commissioners O'Malley and Riggs opposed.

## **E. REGULAR BUSINESS**

There were no Regular Business items on the agenda.

## **F. COMMISSION BUSINESS**

1. Chair and Vice chair report on Project Priorities meeting.

Commissioner O'Malley said they met with the Chairs and Vice chairs of all of the other City Commissions and the City Manager and some of his staff. He said the City Manager recommended that because staff's workload was so great that the Commissions not set their project priorities until after the Council set its goals for the year. He said the request as he saw it was for the Commissions to give up their right to try to influence Council in their goal setting. Chair Riggs said if the role of the Commissions was to serve the Council by presenting fully vetted issues to them that that required much staff time.

2. El Camino Real/Downtown Specific Plan (Phase II) Process.

Chair Riggs said that the Committee was still in the interview process. He said they had interviewed four consultants and would do second interviews for three of those consultants.

3. Review of planning items on City Council agendas.

Chair Riggs said the two projects recommended by the Planning Commission for the Environmental Quality Commission awards received awards.

Planner Chow said there were no items currently.

## **G. REPORTS AND ANNOUNCEMENTS**

Menlo Park Planning Commission  
Minutes  
November 3, 2008  
20

Commissioner Pagee said on November 11 her company, Hathaway Dinwiddie, would host a LEED seminar at Stanford University in a building her company designed that received LEED Gold.

## **ADJOURNMENT**

The meeting adjourned at 10:50 p.m.

Staff Liaison: Deanna Chow, Senior Planner

Recording Secretary: Brenda Bennett