



## PLANNING COMMISSION MINUTES

September 21, 2009

7:00 p.m.

City Council Chambers

701 Laurel Street, Menlo Park, CA 94025

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**CALL TO ORDER** – 7:00 p.m.

**ROLL CALL** – Bressler (arrived 7:15 p.m.), Ferrick, Kadvany, Keith, O'Malley (Vice chair) (departed 10:48 p.m.), Pagee (arrived 7:13 p.m.), Riggs (Chair)

**INTRODUCTION OF STAFF** – Deanna Chow, Senior Planner; Thomas Rogers, Associate Planner; Lorraine Weiss, Contract Planner

### A. PUBLIC COMMENTS

There were none.

### B. CONSENT

There were no items on the consent calendar.

### C. PUBLIC HEARING

1. **Use Permit/William Anton Patzer/327 Pope Street:** Request for a use permit to demolish an existing single-story, single-family residence and construct a new two-story, single-family residence and detached garage on a substandard lot with regard to lot width in the R-1-U (Single-Family Urban) zoning district. As part of the proposed development, a 16-inch heritage loquat in good condition in the right rear corner of the property would be removed.

Staff Comment: Planner Rogers said a neighbor had raised concerns about the removal of the loquat tree. The applicant asked the arborist to review; the arborist found the loquat might be retained with some tree preservation measures. He said that a letter from Mr. Bill Patzer, the applicant had been distributed to the Commission. Mr. Patzer indicated that their intent was to retain the loquat tree. He said staff had also distributed a revised condition 4.a to require the plans be revised to show the retention of the loquat tree and that all of the tree preservation measures in the supplemental arborist's report be adhered to.

Public Comment: Mr. Dan Thompson said he designed the home and the design took into account the neighbors. He said they had placed a large porch across the front of the residence for the enjoyment of the property owners. He said it sounded as though the issue of the loquat tree had been resolved.

Chair Riggs asked the applicant if they would keep the loquat tree or whether he would prefer not to keep it. Mr. Bill Patzer said originally they thought they would have to remove it but after discussion with the arborist that the tree could be preserved, their wish was to keep the tree.

Chair Riggs closed the public hearing.

Commission Action: Commissioner Keith moved to approve as recommended in the staff report noting the design was in keeping with neighboring residences.

Commissioner O'Malley commented that the project was laudable. Commissioner Kadvany said he agreed with Commissioner O'Malley and asked if the motion included revised condition 4.a. Commissioner Keith said her motion included the revised condition 4.a. Commissioner Ferrick said she knew the applicants and asked if she should be recused. Chair Riggs said that the Commissioners might know many of the applicants that came before the Commission and that it was not a basis to recuse one's self. Commissioner Ferrick seconded the motion.

Commission Action: M/S Keith/Ferrick to approve the item as recommended in the staff report.

1. Make a finding that the project is categorically exempt under Class 3 (Section 15303, "New Construction or Conversion of Small Structures") of the current 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 subject to the following **standard** conditions:
  - a. Development of the project shall be substantially in conformance with the plans prepared by Nor Cal Construction Inc., consisting of nine plan sheets, dated received September 2, 2009, and approved by the Planning Commission on September 21, 2009, except as modified by the conditions contained herein, subject to review and approval of the Planning Division.
  - 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. 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. Simultaneous with the submittal of a complete building permit application, the applicant shall submit plans indicating that the applicant shall remove and replace any damaged and significantly worn sections of frontage improvements. The 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.

**4. Approve the use permit subject to the following specific conditions:**

- a. ***Simultaneous with the submittal of a complete building permit application, the applicant shall submit revised plans specifying that the heritage loquat (tree #5) at the rear right corner of the parcel shall be retained, subject to review and approval of the Planning Division. The preservation measures described in the supplemental arborist letter of September 15, 2009 shall be adhered to.***

Motion carried 5-0, with Commissioners Bressler and Pagee not yet in attendance.

**2. Use Permit, Architectural Control, Tentative Subdivision Map and Environmental Review/Joe Colonna for 1706 ECR LLC/1706 El Camino**

**Real:** Request for a use permit, architectural control, tentative subdivision map, and environmental review to demolish an existing one-story, 6,875-square-foot commercial building (formerly Gaylords Restaurant) and construct a new two-story, 10,148-square-foot office building for medical/dental office use and the related on-site and off-site improvements, including new entry monuments on Buckthorn Way, at 1706 El Camino Real located in the C-4 (General Commercial, applicable to El Camino Real) zoning district. The proposed project would require the following approvals: Use Permit for construction of a new building; 2) Architectural Control for design review of the new building and related site improvements; 3) Tentative Subdivision Map for the creation of six

medical/office condominium units within the buildings; and 4) Mitigated Negative Declaration to analyze the potential environmental impacts of the proposed project. In addition, the applicant is requesting approval of a Below Market Rate (BMR) agreement for payment of in-lieu fees associated with the City's BMR Housing Program.

Staff Comment: Planner Weiss said on page 1 of the staff report in the development table under the column "zoning ordinance" and for the item "square footage of building," she wanted to clarify that the figure of 10,917 was put as a reference only as there were no development standards applicable under the zoning ordinance. She said under "zoning ordinance" for "building coverage" that column should read "n/a" rather than "0" as there were no applicable development standards under the zoning ordinance. She said on page 5 of the staff report, the 2<sup>nd</sup> paragraph, that the square footage for the first level should read 3,009 and the square footage for the second level should read 7,139 as stated in the development table on page 1. She said there was a revised condition 7.n with the addition of the sentence: "This condition shall be included in the project's CC&Rs, subject to review and approval by the City Attorney and Planning Division."

Planner Weiss said that to date six comment letters had been received. She said that PG&E had no objection to the tentative subdivision map but wanted to indicate that there should be coordination with PG&E in accordance with the State Public Utility Commission and that the new use should not impact utilities or the applicant would have to update utilities as necessary. She said the West Bay Sanitary District indicated that the project would need to comply with their standards and the Menlo Park Fire District indicated that the project would need to meet their requirements for the building permit. She said PG&E provided another letter regarding the Mitigated Negative Declaration, which indicated that additional development of any kind had cumulative impacts on PG&E's systems, but noted that the applicant would provide updated electrical to the site, work with PG&E to coordinate the effort and would meet the California Public Utilities Commission's standards.

Planner Weiss said Brian and Joanne Blackford had written asking for the correct parking numbers for the proposal, about parking on the existing site for Curves and Pilates Zone and what would happen when construction took place. She said the Blackfords stated that they found only one of the traffic mitigation measures acceptable and that was a traffic signal at the intersection of Buckthorn Way and El Camino Real. She said that the Blackfords also requested that the project contribute funds to the installation of a gate at Deerfield Manor to accommodate overflow parking from Curves and the Pilates Zone. She said in response that the correct number of parking spaces was 61 and the project complied with the zoning standard for parking. She said the City was aware that customers of the Curves and Pilates Zone were using the parking lot at 1706 El Camino Real. She said however when construction started, as the site was private property, there would no longer be parking for those businesses. She said the Curves and Pilates Zone had had a use permit hearing with the Planning Commission last fall through which a number of conditions were imposed to limit the

number of customers, employees, and hours of operation to provide some predictability of parking needs. She said the use permit would expire July 31, 2010 at which time if the Commission desired additional conditions could be added. She said regarding the mitigation measures that the traffic analyses had indicated the project would result in a potentially significant impact at the two identified intersections but noted that it was identified at a fourth neighborhood meeting that the neighbors accepted the three mitigation measures proposed and therefore the need for a traffic signal was not considered. She said at this point the mitigation measures prepared in the Initial Study and Mitigated Negative Declaration were the ones staff was proposing and recommending.

Planner Weiss said they had also received a letter from the Department of Toxic Substances Control with questions about the Mitigated Negative Declaration and historical uses of the site. She said a Soils Engineer Report was made in 2007 and additionally in 2006 a Phase I Environmental Site Assessment was prepared, which indicated there was no further need to continue environmental assessment of the site.

Questions of Staff: Chair Riggs asked if the soils report would be sent to the Department of Toxic Substances Control. Planner Weiss said there was a copy in the project file. Chair Riggs asked if that would then remove their concern. Planner Weiss said that was correct.

Chair Riggs noted that Commissioners Bressler and Pagee had arrived during the project description.

Commissioner O'Malley referred to page 10 and the mention of the Below Market Rate (BMR) Agreement and asked why a credit for the former restaurant use was applied. Planner Chow said in Attachment I, page I-2, the calculation was shown by which the rate for Office and R&D of \$14.01 per new square footage was applied minus the existing 6,875 square foot at \$7.61 per square foot for a total fee of \$89,854.73 based on 2009 rates. She said dependent upon when the fee was paid it might be greater. Commissioner O'Malley asked why there was a credit for the existing use. Planner Chow said that the City has historically provided credit for existing square footage.

Commissioner Kadvany asked where the landscape strip along El Camino Real was shown on the plans noting that the staff report indicated it would be two-and-a-half feet. He said on sheet 3 of the tentative map that the landscape strip was indicated as three feet. He said it also showed the sidewalk as five feet but on page A-1 the sidewalk was mislabeled as one foot. Chair Riggs said that one-foot marking actually indicated the distance between the building and the sidewalk. He said related to the eight-foot width for sidewalk and landscape strip that six-inches was subtracted for the curb. Planner Weiss said the actual dimensions were not called out on the plan but staff had scaled it.

Commissioner Bressler asked if the prior restaurant use had paid a BMR fee. Planner Chow said she believed the restaurant had been built under County jurisdiction and

would not have paid a BMR fee to the City. Commissioner Bressler asked if that was the logic by which the credit was applied. Planner Chow said that the credit was applied uniformly for existing square footage. Commissioner Bressler asked how it would be handled if the existing use had been charged a BMR fee. Planner Chow said that it would be the same calculation for the credit. Commissioner Bressler asked if the proposed project was eventually torn down and a larger project built how the BMR fee would be calculated. Planner Chow said it would be the difference between the existing and developed square footage that would be charged the fee. Commissioner Bressler said it appeared that the BMR fee was a one-time charge. Planner Chow said that was correct.

Chair Riggs asked if the new entry monuments were associated with the narrowing of Buckthorn Way. Planner Chow said that was correct.

Public Comment: Mr. Joe Colonna, the project applicant, said the staff report had synopsized well the two years of numerous and various meetings held for the project. He said the neighborhood meeting process had added to the project development greatly; he said they had gotten almost universal support from those neighbors who had attended the neighborhood meetings. He said the project complied in every way with the regulations including parking, for office/medical use in the C-4 district. He said they changed from a modern style to Santa Barbara style architecture. He said in the plans they had reduced the overall square footage by 800 square feet. He said the parking was at six spaces per 1,000 square feet. He said they had consolidated all of the access to a shared driveway off El Camino Real. He said there was no parking on Buckthorn Way and they were adding the monuments on Buckthorn Way to designate the residential area. He said changes to the project since the Commission last saw it at a study session included removing moving the emergency vehicle access that had been planned from and to the parking lot and Buckthorn Way. He said the Menlo Park Fire District agreed to that emergency vehicle access removal in exchange for a more elaborate fire suppression system. He said with the elimination of that access they were able to add another tree in the parking lot. He said they were also adding six trees along the north property line shared with the apartment building. He said they added bike racks close to the El Camino Real entry to the building. He said they removed the median island in the shared driveway at the request of the Menlo Park Fire District and the City's Transportation Division. He said they had vetted the right turn lane from El Camino Real to Buckthorn Way similar to what was at Spruce Avenue. He said they had improved the radius to make that turn. He said they added building design details including identification of the building materials and details for the wood trellis, window design, panels, fascia and the wainscoting. He said they were adding full curb, gutter, sidewalks, and landscaping improvements along El Camino Real and Buckthorn Way. He said they removed one two-way driveway from El Camino Real and three two-way driveways from Buckthorn Way. He said they were removing all parking lot improvements from the Buckthorn Way right-of-way. He said they would improve the on- and off- site drainage. He said they were expanding the onsite landscaping by 82 percent from what was there currently. He said he had one request and that was to add

language to condition 7.b to clarify that approval of the El Camino Real frontage improvements would be the same as that for Caltrans and as specified in condition 7.c.

Chair Riggs asked for staff's position on the requested change. Planner Chow asked the applicant to explain his request. Mr. Colonna asked that condition 7.b regarding Atherton's approval be similar to condition 7.c regarding Caltrans approval. He asked that the application to these other agencies and not the approval be the trigger. He said he would like to be able to submit a letter with the building permit application that would state that if Atherton and Caltrans did not approve, modifications would be made to the project.

Commissioner Kadvany asked about the existing curb along El Camino Real with the improvements to the right-turn lane. Mr. Colonna said there was no curb but two travel lanes. He said after Spruce Avenue the road went to three travel lanes. He said they would like to use the excess road space where there were two travel lanes as a right-hand turn lane onto Buckthorn Way, and if desired by Caltrans, Atherton, and Menlo Park to make that an actual third travel lane. Commissioner Kadvany said there was curb further south and asked how the turn-lane would relate to that. Mr. Colonna said with their frontage improvements they would be able to create a deceleration lane for that right hand turn. Commissioner Kadvany asked about the alignment of the new and existing curb. Chair Riggs referred to page TM-2, sheet 3 of 9 that showed the overlay of the new curb and existing, which indicated they were nearly the same. Mr. Colonna said that was correct.

Commissioner Pagee said on page A.10 that the bike racks were shown in the front but there were no elevations. She said a potted plant was also shown. She suggested moving the bike racks to the rear of the building, which would provide more security from pedestrian traffic. Mr. Colonna said that the proposed location for the bike racks was not a travel lane for pedestrians but the racks could be moved further from the entry and perhaps off a parking space with no sidewalk. Commissioner Pagee asked for a description of the exterior lighting on the residential side of the building. Mr. Colonna said as part of the building permit process they would have to provide photometric studies and provide light shields so that light shone only on the parking lot and not across the property line. Commissioner Pagee asked what the size of the landing was for the ADA ramp. Mr. Colonna said that Public Works had requested they use a ramp as small as possible at that location. He said they could design a smaller ramp and shift it so it would not extend over the property line. He said there was a condition that if the ramp encroached into the property line that they would have to provide an easement for public access and that would be recorded with the final map. Commissioner Pagee asked the reason for a shallow ramp. Mr. Colonna said the ramp was a function of the curb and sidewalk height.

Commissioner Keith asked about LEED certification. Mr. Colonna said they were designing the building for LEED silver requirements but would not seek the certification. Commissioner Keith asked why they would not seek certification. Mr. Colonna said that

it had to do mainly with cost and flexibility and the type of people they could hire to do elements of the building process. He said they worked with a lot of different contractors and they did not want to close the door to contractors they work with all of the time because they did not have LEED expertise.

Chair Riggs said it appeared the arch on the parking lot side of the building reduced the walkway to less than 44-inches. Mr. Colonna conferred with the project architect who confirmed there was the appropriate space needed.

Mr. Sidarth Patel, owner of the Red Cottage Inn Hotel, located behind the project, said he had three issues. He said the trash enclosure was located at the corner of three properties and he asked that it be moved over several spaces as it was the first thing his hotel guests would see. He said there was a parking space designated for 1700 El Camino Real which made it very difficult for people pulling onto northbound El Camino Real and he requested the space be removed. He said for the record that he had not approved the removal of his monument sign and its relocation as shown on the plans.

Commissioner Keith asked about the sign. Mr. Patel said he saw it on the plans but had not been approached by the applicant about it. Chair Riggs asked if the sign was on his property. Mr. Patel said it was on an easement.

Mr. Arnold Thackeray, Menlo Park, noted the great efforts and care taken by both the City and the applicant with this project. He said a transformer was indicated on Buckthorn Way per sheets A.11 and B-4. He asked if there were standards that limited the size and height of a transformer and where it could be relocated elsewhere and off Buckthorn Way. He suggested near the trash enclosure. He said sheet A1.1 showed two cars both exiting, one toward El Camino Real and one to Buckthorn. He asked if there was anything over than curb to prevent cars from exiting onto Buckthorn Way. He said he noticed on sheet L.1 and B-12 that it appeared trees were carefully spaced to encourage cars to exit on Buckthorn Way.

Chair Riggs closed the public hearing.

Commission Comment: Chair Riggs asked about the landscaping along Buckthorn Way. Mr. Colonna said the temptation to drive from the parking lot to Buckthorn Way had been a lot greater in their previous plans as there had been an emergency vehicle access. He said that had been removed and what the sheets were showing was a backup area for a car parked closest to Buckthorn Way and the building. He said along Buckthorn Way there would be curb, a landscaping strip, a sidewalk, and another landscaping strip. He said they could space the trees differently if that would make the situation better. Chair Riggs said that if cars exiting onto Buckthorn Way through the landscaping proved to be a problem that they could use bollards and chain. Chair Riggs asked about relocating the trash enclosure. Mr. Colonna said the trash enclosure was modeled after the appearance of the building and was shown on A1.5. He said it was a solid structure with wrought iron gates to match the gates on the



tucked-under parking and the grilles at the front of building. Chair Riggs asked about the size of the PG&E transformer. Mr. Colonna said there had to be a pad underneath and clear area around it. He said the size would not be determined by PG&E until a determination was made of the electrical load need. He said they were showing the worst case scenario for the transformer; he said it would be screened. Chair Riggs said he thought that the transformer, based on his experience, would be smaller than what was indicated on the plan.

Commissioner Pagee asked about the relocation of the Red Cottage Inn Hotel monument. Mr. Colonna said that was requested by Department of Transportation and the Menlo Park Fire District. He said that could be revisited as there was no longer a proposal to come in via that driveway. He said he had not talked to Mr. Patel about the sign, but he believed someone else made contact. He said it was not determined yet what needed to happen with the sign. Commissioner Pagee asked if the intent was to put a Red Cottage Inn Hotel sign on the project monument. Mr. Colonna said that was correct. Commissioner Pagee said there was a good suggestion about the parking space in front of 1700 El Camino Real and though it was a different property owner and business, the line of sight was important. She asked if the Department of Transportation had noted that as a problem. Mr. Colonna said there was not a travel lane on that side of the driveway and in essence drivers pull out behind that parked car to check on traffic in the two travel lanes. He said the deceleration lane for the right hand turn onto Buckthorn Way would start after the driveway. Commissioner Pagee suggested the applicant could revisit with the neighbor on those items.

Chair Riggs asked if the issue of the parking space could be referred to the Transportation Division. Planner Chow said it could be referred as part of no parking along El Camino Real but that would also need Caltrans and Atherton approval. She said perhaps during the process to obtain frontage along 1706 El Camino Real that this additional item could be bundled with that process. She said it could also be pursued outside of this process by the neighbor who could contact the City's Transportation Division to begin a separate process. Chair Riggs said at least it could be raised as an issue with the Transportation Division.

Commissioner Keith asked if the walls of the trash enclosure were eight feet high. Mr. Colonna said they were eight feet to the parapet. Commissioner Keith asked if the actual containers would be inside and if they would be screened. Mr. Colonna said that they could screen the wrought iron gates but would prefer not to as that feature matched the building's wrought iron gate. He said they could move the enclosure down several spaces. He said he would talk with Mr. Patel about his concerns. Commissioner Keith asked about moving the transformer. Mr. Colonna said that if it was placed in the center of the parking lot that it would need access on all sides. He said it was preferable at that site and they would screen the transformer well. Commissioner Keith said since El Camino Real was such a busy street that it might be good to have bike racks in the back for security.

Commissioner O'Malley asked if there was a roof on the trash enclosure. Mr. Colonna said it would have a roof. Commissioner O'Malley said that screening the door would be a good idea or it would be better moved down some.

Chair Riggs said it appeared the Commission would like a relocation of the trash enclosure several spaces away from its current site. He said the other thought was to move the bike racks to the back of the building. He asked if those could be moved to the north end. Mr. Colonna said as long as they were away from the breezeway. He said they could remove some of the landscaping on the north side and if they could move it nearer to the breezeway entry they would. Commissioner Pagee said she was not stuck on the bike rack issue but if there was a possibility to relocate them that was fine.

Commissioner Keith said the breezeway was tight and the applicant had indicated a fountain at one point but was now looking at another planter. Mr. Colonna said they found that a fountain would take up too much space. She asked about a fountain mounted on the wall. He said fountains on walls, noting he has done both types, did not become focal points and when they were in an area open to the public they were vandalized. He said that they thought perhaps a planter in the center would be a focal point but found that also looked contrived as it had no relationship to the breezeway. He said they thought a planter in the area with the grillwork and the opening to the parking lot would work as an accent. Commissioner Keith asked about the blue tile work and whether that continued along the breezeway. Mr. Colonna said the tile was on the stair wall and on the second archway, the wall facing El Camino Real and the wall facing the parking lot. Commissioner Keith suggested carrying the tile on the walls of the breezeway.

Chair Riggs said he thought this would be a great looking building and said the applicant had presented a detailed materials and design details board.

Commissioner Kadvany said the building was very interesting because of the architectural details. He asked about the energy efficiency of the building and the features that produced that efficiency. Mr. Carl Danielson, Dahlin Group Architectural Planning, said he was a LEED consultant and had done LEED on many buildings. He said following California's Title 24 that they almost always reach the level of LEED silver. He said features used included thermal frames, enhanced insulation, window frames, and the most efficient HVAC systems. He said one of the issues with LEED certification was that many of the points came from the contractor. He said this was a relatively small project and it was daunting financially to seek LEED certification. He said that it could be anywhere from \$40,000 to \$60,000 for certification and there was no benefit for scale of the project. Commissioner Kadvany asked about solar panels. Mr. Danielson said that the relatively low cost of oil was not pushing the market toward a change to solar. He said also that they would probably not generate enough efficiency from panels on this building. Commissioner Kadvany asked about stubbing out the roof for future solar panel use. Mr. Danielson said they commonly do that on

their buildings even if they were not now installing panels. Commissioner Kadvany asked if they would put panels on a tile roof. Mr. Danielson said that it would not be a pleasing aesthetic. He said also that there was discussion as to whether the environmental benefits of using solar panels outweighed their production carbon costs or the impacts of recycling them.

Commissioner Ferrick said he had indicated that the process for LEED certification could cost anywhere from \$40,000 to \$60,000 and asked if that was the cost for larger or smaller projects. Mr. Danielson said that small projects could cost as much as large projects to get LEED certification. He said additionally there were processing costs for consultants and the need to find a contractor with LEED experience.

Commissioner Pagee moved to recommend approval of the item to the City Council with a request to move the trash enclosure and work with the applicant on the requested language on 7.b and 7.c. with staff's review and approval. Commissioner Keith asked for some screening on the wrought iron gates for the trash enclosure. Chair Riggs said if the trash enclosure was moved that he did not think screening was necessary. Commissioner Keith said it was just a suggestion and she seconded the motion. Planner Chow asked if the motion included revised condition 7.n. Commissioners Pagee and Keith as the maker of the motion and second respectively accepted the revised condition 7.n.

Commissioner Kadvany asked if some of the parking spaces could be put into landscape reserve. Planner Chow said that the project had gone through several community reviews and applicant changes to the project. She said the applicant had originally come in with that proposal and it was not acceptable to the neighbors.

Commissioner O'Malley commended the applicant for the study sessions and he said the building was outstanding.

Commissioner Ferrick said there was a cost to LEED certification but she said that she was not sure those costs were that prohibitive. Commissioner Bressler said the LEED requirement might be a hindrance to the project being built. He said after the building has been built that if it was found that parking spaces were routinely empty that there could be some type of process to allow spaces to be placed into landscape reserve. Planner Chow said the applicant could approach the neighbors about that and would have to go through a use permit review or subject to staff and neighbor review.

Commissioner Keith said the project architect was a LEED accredited professional and she thought for that reasons it would be more feasible for them to do LEED certification.

Chair Riggs said this project had reduced its square footage to provide the required 61 parking spaces and had redesigned the project to provide a building that the community liked. He said the applicant had gone 110 percent in this process. He said with Title 24

that California already requires buildings as efficient as any state and gets close to LEED certification. He said he hesitated to add any more expense to the project. Commissioner Ferrick said the community was on the cusp of rebuilding quite a few properties along the El Camino Real. She said the Commission now had a sense of the potential cost for LEED certification and the applicant had a LEED accredited professional on staff. She said that the applicant was paying \$82,000 for the BMR fee and that a single-family residential remodel would cost more than \$100,000. Chair Riggs said before he would add a cost to an applicant that he would like to provide the benefit the City would offer in exchange. He said the City might decide in the Specific Plan that building would have to be LEED and to offer a trade. Commissioner Ferrick said they had one applicant who said the benefit was the draw for the tenants. Commissioner Pagee said as a LEED accredited professional that the process was difficult and the smaller the contractor the more difficult the LEED certification process would be. She said Title 24 pretty much guaranteed the building would get the points at the level of LEED silver. She said even if the applicant went through the process there was no guarantee they would get the certification. She said she would recommend the project as it was proposed noting the benefits to the neighbors and that the applicant had met the parking needs. She said at another time she would like to find out how the Commission could encourage LEED on bigger projects. Chair Riggs said he did not think there was consensus for requiring LEED certification.

Commissioner Bressler made a friendly amendment to allow the applicant within three years to convert four parking spaces to landscape reserve with staff and neighbor review. Chair Riggs asked staff for a recommended process. Planner Chow said that the action by the request of the applicant could be noticed to neighbors to ask for comments within a certain timeframe, and then staff could review for approval. Chair Riggs said that the applicant would need to demonstrate that there was evidence that parking spaces were not fully used. He asked if there had to be majority support from the neighbors. Planner Chow said that created an issue if there were no responses. Commissioner Bressler suggested if there was significant opposition from the neighbors the request would have to come before the Planning Commission. He suggested if two or more neighbors objected that would trigger a Planning Commission hearing. Commissioners Keith and Ferrick as the makers of the motion and second accepted the friendly amendment.

Commission Action: M/S Pagee/Keith to recommend approval of the item to the City Council with the following modifications:

**Modify condition 7n:** The gate to the covered parking area shall remain open at all times during business hours to maintain flexibility in parking and greater vehicular flow within the parking lot. ***This condition shall be included in the project's CC & Rs, subject to review and approval by the City Attorney and Planning Division.***

***Add condition 7p: Concurrent with the submittal of a complete building permit application, the applicant shall submit revised plans showing the trash enclosure relocated to the north, away from the shared driveway with 1704 El Camino Real. The affected parking spaces shall be relocated accordingly on-site and also shown and dimensioned on the revised plans, subject to review and approval of the Planning and Transportation Divisions.***

***Add condition 7q: The applicant shall have the option to convert up to four parking spaces into landscape reserve parking spaces within four years of building permit final. If landscape reserve parking is desired, the applicant shall provide documentation that demonstrates the existence of excess parking and a site plan showing the location of the proposed spaces, subject to Planning Division and neighborhood review and approval. If two or more neighbors object to the proposal, the proposed landscape reserve parking plan is subject to Planning Commission review and approval.***

*As a separate suggestion, the Planning Commission recommended that the applicant work with the staff to review the applicant's requested language changes to conditions 7b and 7c to determine their appropriateness.*

Motion carried 7-0.

- 3. Use Permit Extension/St. Patrick's Seminary and University/320 Middlefield Road:** Request for a five-year extension of a use permit for a temporary modular building on an existing seminary site in the R-1-S (Single-Family Suburban) zoning district. The revised use permit would expire in 2014.

Staff Comment: Planner Rogers said staff had no additions or changes to the information presented in the staff report.

Public Comment: Father Jim McCarney, the new Rector at St. Patrick's Seminary, introduced Dr. Kurt Longacre. Dr. Longacre asked if the Commission had questions.

Commissioner Kadvany asked about the maintenance for modular buildings. Dr. Longacre said the building was painted every year and its maintenance was the same as other buildings under the Seminary's maintenance program.

Commissioner Keith asked if the modular building was rented or leased. Dr. Longacre said they lease it.

Chair Riggs closed the public hearing.

Commission Action: M/S Kadvany/Pagee to approve the item as recommended in the staff report.

1. Make a finding that the project is categorically exempt under Class 1 (Section 15301, "Existing Facilities") of the current California Environmental Quality Act (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 extension subject to the following **standard** conditions:
  - a. Development of the project shall be substantially in conformance with the plans prepared by St. Patrick's Seminary, consisting of six plan sheets, dated received July 27, 2009, and approved by the Planning Commission on September 21, 2009, except as modified by the conditions contained herein, subject to review and approval of the Planning Division.
  - b. The temporary modular structure shall be removed by December 6, 2014, unless the applicant obtains approval of an extension of the use permit by the Planning Commission.

Motion carried 7-0.

4. **Use Permit and Architectural Control/Phillips Brooks School/2245 Avy Avenue:** Request for use permit and architectural control to install a new 50-foot long by 64-foot wide (3,200 square feet) metal sports court canopy on an existing playground area at a private school located in the P-F (Public Facilities) zoning district. The canopy would be approximately 26 feet in height to the center ridgeline of the canopy. No other changes to the buildings, conditions or operations of the school are proposed.

Staff Comment: Planner Chow said that staff had no additional comments.

Questions of Staff: Commissioner Pagee said in the documents she reviewed it was indicated that the School was to meet with neighbors every three months and there were letters that indicated they met with neighbors every six months. She asked how that was monitored. Planner Chow said the School kept the City informed about meetings and in the school year 2008-09 there were three meetings that occurred in November, March and June.

Chair Riggs asked if the last project the Commission approved at the School was the addition of a music room. Planner Chow said there was an extensive expansion that was approved by the Commission in 2006 and included a multi-purpose room and administrative center. She said there were additional additions in 2007 including an

emergency vehicle access road, a new trash enclosure, and a new play structure which were approved by the Commission.

Public Comment: Mr. John Schenk, Trustee at the School, said he did not have anything to add to the staff report but noted this was a phenomenal opportunity to keep the children out of the sun and rain during their physical education lessons and sports activities.

Mr. Stan Drake, Physical Education Teacher, said he had taught at the School for 32 years and has lived in Menlo Park for 53 years. He said there was no gymnasium and when it rained there was no place for the children to practice. He said the multi-purpose room was not suitable for sports. He said this canopy would allow for all weather physical education and sports, and it was available for the neighbors to use on the weekends as well.

Commissioner Pagee asked about school assemblies and if there were loudspeakers used. Mr. Schenk said there was a parade for Halloween and they used a hand-held microphone. Commissioner Pagee asked if the structure would be used at night. Mr. Schenk said there would be no night time use. Commissioner Pagee asked about lighting. Mr. Schenk said the roof was solid, there was no lighting and the structure would only be used during the day. Commissioner Pagee asked if the canopy would be structurally connected to a foundation. Mr. Schenk said it definitely would have a structural foundation. Commissioner Pagee asked about vandalism and being climbed. Mr. Schenk said it would be no more of a temptation than for people to climb to the top of their buildings, noting that the height of the ridge was 16-feet from the ground.

Commissioner Keith asked if this structure would be used in the summer. Mr. Schenk said the school would not be using it in the summer. Commissioner Keith asked if the canopy could be removed when school was out. Mr. Schenk said that it could not be removed and that during hot summer days it was there for the public to use.

Commissioner Kadvany said there was a comment to put netting on the sides to catch balls from going to the neighborhood. Mr. Schenk said the manufacturer suggested thin nylon netting and they were willing to look into using it as long as there were no problems with its use. Commissioner Kadvany asked if there was space for children to stand when an activity was going on in which they were not participating. Mr. Schenk confirmed with Mr. Drake that there was room for circulation. Commissioner Kadvany asked if there had been a discussion about aesthetics. Mr. Schenk said their goal was to find a canopy with the slimmest profile and the least amount of posts. He said properties above the school might see 10-feet of the roof. He said they looked at similar structures installed in other locations in the Bay Area. Commissioner Kadvany asked if there should be padding around the posts. Mr. Schenk confirmed with Mr. Drake that there would be pads.

Commissioner Keith said it appeared that they began thinking about this structure in 2008 and asked if they had met with neighbors prior to submitting an application. Mr. Schenk said that they had; he said he had not heard any negative comments at the two meetings he was able to attend but apparently at the meeting he did not attend concerns were raised.

Ms. Grace Kim, Menlo Park, said her home was right behind the school. She said whenever the school added to the campus or made improvements that there was always more noise and traffic after its construction and when those were put into use. She said when the school was closed the neighborhood children play there and make much noise especially those with skateboards. She said she has witnessed cars driving into the School to dump their trash in the School's container. She said they had bought their property because of the open view. She said that this structure would block the view and was not an attractive structure. She said she thought it would bring down the value of their property. She said she was also speaking for her neighbor who had written a letter to the Commission.

Ms. Elaine Taylor, Menlo Park, said their garage faced the School. She said the School had done a good job with the major issues when they expanded the school. She said the property looked improved. She said the canopy however was very ugly, a commercial product and was obstructive. She said she did not mind children playing in that area but she found the structure ugly.

Ms. Catherine Burns, Menlo Park, said in all of her interactions with the School that they had listened and accommodated neighbors. She said she has used the facility with her children. She said the site provides beauty and benefit to the neighborhood. She said having a place to take her kids to ride their bike when it was raining was a benefit.

Dr. Thomas Horne, Menlo Park, said his home was directly across the street from the project. He said he did not think the residents' concerns had been addressed by Planning staff. He said he was concerned that the landscaping along the berm as required at the January 9, 2006 Planning Commission meeting for the applicant to provide screening of the parking lot was still not done. He said this lack was raised at every meeting. He said the school was required to meet every three months the full calendar year with the neighbors. He said he would like applicants to be held to enforcement of conditions. He said the applicant was reluctant to respond to neighbors' concerns. He said the proposed structure was a tent. He said the applicant has not complied with the conditions of the use permit and he requested they be required to install landscape screening before any construction was permitted. He provided the Commission photos of the area that needed to be landscaped.

Chair Riggs said that the staff report indicated that all of the issues from past projects had been resolved and asked staff to comment on the landscaping. Planner Chow said through the 2006 use permit process, new landscaping was required as part of the parking lot reconstruction along Avy Avenue to shield lights in the parking lot. She said



that trees and shrubs were planted which would grow to provide screening. Dr. Horne said the applicant had planted pear trees, which were deciduous and looked like sticks seven months of the year. Planner Chow said she would need to look at the landscaping plan. Chair Riggs said he recalled that the Commission had required evergreen particularly for the shrubs.

Chair Riggs closed the public hearing.

Commission Comment: Chair Riggs asked staff if in the past few months whether shrubbery had been added along Avy Avenue. Planner Chow said that she believed that the applicant since the approval of their use permit had installed additional landscaping along Avy Avenue and additional plantings behind the trash enclosure to provide more of a buffer between the trash enclosure and the rear yard of the residence on Zachary Court. Chair Riggs asked if the berm area to the west of the proposed canopy had been recently planted. Planner Chow said there had been plantings there for awhile since the School had done their reconstruction project. Chair Riggs said in the photo he saw up what appeared to be up to one year-old plantings.

Commissioner Kadvany said there were two issues that were not entirely separable. He said that was the status of past site improvement measures and relationships with neighbors and the current project. He suggested focusing on the current project. He said the structure had an industrial feel to it and for the more distant neighbors that might not matter.

Commissioner Ferrick said she grew up in Oregon and her school had one of these structures. She said it was still there and going strong.

Commissioner Bressler said the Commission had no oversight over public schools and this School had a lot of oversight. He said he saw evidence that this School was a neighborhood resource and benefit. He noted the amount of neighborhood meetings they held, noting that neighbors of public schools would like such opportunities. He said he was in favor of approving the project.

Chair Riggs asked if La Entrada decided there should be a public school at this site and were to construct buildings within the campus whether the Commission would have the opportunity to review them. Planner Chow said a public school would not be subject to the Planning Commission's review.

Commissioner Keith said looking at the photo-simulation of what the sports canopy would look like from Avy Avenue she noted that the photo was very dark. She said she played under similar structures as a child. She asked if there could be more screening around the structure. Mr. Schenk said they could look at that. He said they had done a lot of work to find a manufacturer of a product that had the slimmest profile; he noted how far setback the structure was from Avy and Altschul Avenues. He said it would not even be seen from Zachary Court. Commissioner Keith said screening was a

reasonable request as neighbors had expressed concern about seeing the structure. Chair Riggs said the staff report had indicated the eucalyptus trees screened the basketball trees but the canopy of those trees was higher than the basketball hoops. He asked the applicant whether they could add landscape screening. Mr. Schenk said they would intend to but it was a matter of budget.

Commissioner Ferrick said the photo-simulation showed that the structure was enormously set back with a lot of trees around it.

Commissioner O'Malley said he drove by the School every day and he considered the School to be attractive and much improved in its appearance. He said the planted landscape screening had not grown quickly. He said he thought the structure was acceptable but screening would be appropriate and he did not think too costly.

Chair Riggs said this was an industrial canopy that are used to cover earthmovers at a corporation yard and was the size of a two-story house. He said the neighbors were fortunate that this was not a public school. He said they had looked at architectural details of other buildings the Commission had reviewed. He said aesthetics were significant. He said looking up to the sports court from Avy Avenue that while there were now nice attractive new buildings that this structure had a need for screening. He said it was functional and the simplest way to solve the problem. He said that screening was necessary downhill between Avy Avenue and this court. He said it was a reasonable request. He said 15-gallon trees cost \$75 and their installation \$200. He said eight or ten trees would provide a nice screen. He moved to make the findings and approve the application with the requirement for the planting of trees relatively close to Avy Avenue that would grow to sufficient height to protect the view and to use tree types that were compatible with the existing eucalyptus trees. He suggested eight 15-gallon trees. Commissioner Pagee asked if he was suggesting evergreen trees. Chair Riggs said he was. Commissioner Keith seconded the motion.

Commissioner Ferrick asked if this was satisfactory to the applicant. Chair Riggs noted that Mr. Schenk nodded consent. Commissioner Kadvany suggested that Mr. Schenk go back to the Trustees and explore ways to make the structure more attractive and appealing.

Commission Action: M/S Riggs/Keith to approve the item with the following modification.

1. Make a finding that the project is categorically exempt under Class 3 (Section 15303, "New Construction or Conversion of Small Structures") of the current 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 revision and architectural control subject to the following conditions:
  - a. The applicant shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility company's regulations that are directly applicable to the project.
  - b. The applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the new construction.
  - c. The following provisions for the use permits dated March 3, 1980, and revised on April 1, 1985, March 17, 1997, May 5, 1997, and February 23, 1998, shall remain in effect:
    - Subleasing of the site, or allowing use of the site for non-school related activities, by Phillips Brooks School shall require approval of a use permit revision by the Planning Commission.
  - d. The maximum allowable student population on the site shall be 276 students. This increase shall be valid until either the earlier of the school leaving the site or the expiration of the school's lease on July 31, 2022, at which time the maximum student population will be 228 students.
  - e. The maximum allowable number of staff on the site shall be 50 staff. This increase shall be valid until either the earlier of the school leaving the site or the expiration of the school's lease on July 31, 2022, at which time the maximum teacher population will be 22 teachers.
  - f. All student instruction and regular school activities shall continue to be limited to the hours of 8:00 a.m. to 3:30 p.m. The school's hours of operation shall be extended with the goal of ending at 10:00 p.m., except for the monthly board meetings, which would be allowed to occur until 11:00 p.m., for the following ancillary School activities:
    - Daily student drop off from 7:30 to 8:00 a.m.;
    - Daily after school care;

- After school sports practices (three times per week);
  - “Back-to-School” night (once per year);
  - Middle School Admissions Night (once per year);
  - Board Meetings (once per month);
  - Board Committee Meetings (two to three times per month);
  - Parent Coffees (six per year);
  - Parent’s Association Meeting (two to three times per year);
  - Student Presentations (once per year for each class);
  - New Family Picnic (once per year);
  - Book Fair (once per year); and
  - Neighborhood meetings on school operations.
- g. The applicant shall not allow more than 140 vehicles to exit its driveway during the morning traffic peak hour period (7:45 a.m. – 8:45 a.m.). The applicant shall satisfy this requirement by means it deems appropriate without review by the City, but the City may verify compliance at any time by conducting traffic counts at the driveway exit of the site.
- h. The applicant shall continue to communicate in writing to all parents of students enrolled in the school that no parking is allowed on the north side of Avy Avenue and the first block of Bellair Way. Documentation of the communication shall be submitted to the Planning Division on an annual basis, and the effectiveness of the street parking restriction shall be analyzed by the Transportation Division.
- i. The existing “right turn only” sign located at the exit of the school’s parking lot shall be maintained until the City Council directs otherwise.
- j. The applicant shall submit a copy of the student enrollment roster and the staff roster to the Planning Division for purposes of verifying the student enrollment and staff numbers. The rosters shall be submitted annually three months from the first day of the school year. The Planning Division shall return the rosters to the school within one week of receipt. The City shall not make copies of the rosters or disseminate any information from the rosters to the public to the extent allowed by law.
- k. The applicant shall maintain the committee of school representatives and neighbors to identify issues related to the school’s operation and develop resolutions to those issues. The committee shall meet a minimum of once every three months starting from October 2, 2001. The results of the committee’s work shall be reported annually by the applicant in writing to the Planning Division.

- I. The applicant shall comply with all aspects of the traffic safety control program approved by the City Council on February 12, 2002. Compliance with these items shall be to the satisfaction of the Transportation Division.
- Maintain the landscaping in front of the site in order to provide adequate visibility for vehicles exiting the driveway, yet also maintain the screening of the school facilities.
  - Encourage the Las Lomas District to monitor the intersection of Avy Avenue and Altschul Avenue during the times when the District's students use the intersection.
  - Maintain the curb red for a distance of 20 feet on the south side of Avy Avenue to the east of the driveway exit to allow improved visibility and to allow improved turning movements from the driveway exit onto Avy Avenue.
  - Maintain the curb red for a distance of 165 feet on the south side of Avy Avenue to the west of the driveway exit to allow improved visibility and to allow improved turning movements from the driveway exit onto Avy Avenue.
  - Maintain "school zone" signage on the eastbound and westbound approaches of Avy Avenue near the site.
  - The Police Department shall augment its enforcement efforts to enforce the parking prohibitions at the red curb locations on Avy Avenue, as budget resources allow.
  - The Police Department shall augment its enforcement efforts near La Entrada School and the intersection of Avy Avenue and Altschul Avenue during the morning drop-off and afternoon pick-up periods, as budget resources allow.
- m. If the applicant desires to extend this use permit revision allowing a student population of 276 students and a staff population of 50 employees beyond July 31, 2022, the applicant shall submit such application prior to April 2022 for consideration by the Planning Commission.

- n. The Community Development Director shall review any complaints received by the City regarding the expanded student enrollments and staff numbers at Phillips Brooks School. The Community Development Director and his/her designee shall work with the School and the neighbors to try to resolve such complaints, when possible. The Community Development Director shall have the discretion to bring complaints to the Planning Commission for review. Any future changes to the conditions of approval based on these complaints, including revocation of the use permit revision, shall be timed to coincide with the renewal dates for the School's lease agreement with the Las Lomitas School District. The current lease is up for renewal on July 31, 2007, and will be up for renewal again every five years after that until its automatic termination on July 31, 2022.
- o. Development of the project shall be substantially in conformance with the plans prepared by BFGC Architecture, consisting of seven plan sheets, dated received September 15, 2009, and approved by the Planning Commission on September 21, 2009, except as modified by the conditions. The applicant shall also maintain the site in compliance with the approved plans, consisting of 28 plan sheets, dated received January 5, 2006 and subsequent revisions dated May 1, 2007 consisting of 18 plan sheets except as modified by the conditions.
- p. The landscaping and irrigation plan shall comply with the Water Efficient Landscape Ordinance. The applicant shall install and maintain landscaping and irrigation along Avy Avenue and within the campus per the approved plans. Plantings should include native species, a variety of trees, plants, shrubs, and groundcover.
- q. The applicant shall require that drop-off and pick-up of passengers occur only in designated loading and unloading zones, as specified on plans dated received January 5, 2006. Compliance with this item shall be to the satisfaction of the Transportation Division. The applicant shall also require that no drop-off or pick-up of passengers occur on Zachary Court.
- r. The sports court canopy can be used for play during recesses, physical education classes, after school sports practices, and school assemblies. Modifications to the appearance or use of the structure may warrant a use permit revision and architectural control review by the Planning Commission as determined by the Planning Division.

- s. At least one month prior to commencement of construction, the applicant shall submit a construction staging and management plan, including but not limited to the following information: 1) the location of material and equipment storage, 2) construction vehicle access routes, 3) typical construction hours, 4) construction and tree protection fencing, and 5) the contact information for a PBS representative during the construction of the sports court canopy. Upon review of the plan, additional information may be required such as an arborist report if trees could be impacted by construction activity. The plan is subject to review and approval by the Planning Division before construction of the sports court canopy begins.
- t. ***Within 60 days of approval of the use permit revision for the sports canopy, the applicant shall provide an updated landscaping plan that includes eight new 15-gallon evergreen trees located near Avy Avenue, downhill from the blacktop area, to provide screening of the sports court canopy, subject to review and approval of the Planning Division. The proposed tree species shall be compatible with the adjacent tree species (e.g., Eucalyptus). The proposed plan shall be accompanied by an arborist letter that reviews the species and locations of the proposed trees and their potential relation to the adjacent trees. All of the trees shall be installed prior to completion and use of the sports court canopy.***

Motion carried 7-0.

#### **D. STUDY SESSION**

1. **Monte Rosa Land Company, LLC/2742 Sand Hill Road**: Request for a study session regarding the demolition of an existing 835 square-foot deli building and construction of a new 7,963 square-foot office building and associated site improvements located in an existing office complex in the C-1-C (Administrative, Professional and Research District, Restrictive) zoning district.

Recognized by the Chair, Mr. Bill Bocook, Palo Alto, project architect, said he was representing Ford Land Company. He said the existing deli had been closed for two years and the owner planned to remove the building and add a building of about 8,000 square feet. He said the building would be one-story but because of the slope of the land and the parking below it that the parking underneath would for the most part be hidden. He said there was a lot of trees and screening and it was hoped to save many of the oak and pine trees. He said the parking below the building would be screened by vertical plantings on a metal trellis on all sides. It would have a gated entry and provide private parking for a tenant or tenants in the building. He said the materials would be essentially what were present on other buildings owned by the same company. He said that they would use a hip roof with a gable at each end with glass to allow light. He said

there would be ceilings only in the restroom and around the perimeter of the office space, with an exposed high space for light. He said the elevator and the stairs downstairs would be enclosed and require key access. He said the access to the parking would be an automatic gate. He said the applicant was pursuing abandonment of an easement with the City Attorney and that abandonment would provide for the FAR for this building. He said when the property was originally secured there was no easement. He said they had never had a parking problem at the site and some parking was in landscape reserve. He said regarding environmental elements that there was no intent to get LEED certification. He said they would carry out energy and water efficiencies which were characteristic of development done by the Ford Land Company.

Responding to a question from Commissioner Keith, Mr. Bocook said the chimney detail masked the overrun for the elevator and this element had been used in what are now the Quadrus Buildings.

Commissioner Ferrick said the site seemed to back up to a residential community and asked about neighbor outreach. Mr. Bocook said the owner had held a neighborhood meeting and all of the immediate residential neighbors as well as those at a distance, and all the building tenants were notified. He said about six individuals had attended. Commissioner Ferrick asked about concerns. Mr. Bocook said there were questions about weekend and night time work but nothing major was expressed.

Commissioner Kadvany asked if there was something equivalent to the deli for the offices. Ms. Pauline Skye, Ford Land Company, said they closed the deli two years prior because many of the tenants used caterers to bring in breakfast and lunch for their employees. She said that the sales at the deli were such that it was not viable to keep it in operation. She said there is a restaurant at 3000 Sand Hill Road that offered delivery and catering services. She said more recently the Rosewood Hotel has a deli-style facility which was available by walking.

Chair Riggs closed the public comment period.

Commission Comment: Commissioner Bressler asked if the abandonment of the easement would also provide the other property floor area. Planner Chow said the easement was located entirely in the subject property site. Commissioner Bressler asked if the easement was in place so that lanes could be added to Sand Hill Road. Planner Chow said her understanding was that originally these were three separate parcels, one of which did not have direct access from Sand Hill Road so they combined the accesses via one shared driveway and created a public right-of-way for the central driveway.

Commissioner Bressler asked if this was an internal road rather than an external road. Planner Chow said this was an easement for a public highway access and as it technically functioned as a right-of-way it was not included in the overall site area which was how the gross floor area was calculated. She said by abandoning the public



easement and redoing as a private easement that this land could be included in the overall site area. She said that would be a private easement between the two property owners. Commissioner Bressler said he would have to think more about the land as this would clearly be a benefit for one owner but not the other. Chair Riggs said that he thought the easement took the land away from this property originally and the abandonment gave it back so it was a net zero.

Chair Riggs said Mr. Bocook had indicated that many of the heritage trees would be retained but the summary indicated there were 15 heritage trees, 10 of which would be removed, and six non-heritage trees, all of which would be removed. Mr. Gary Laymon, The Guzzardo Partnership, the landscape architect, said he had looked at the entire parcel as defined by the civil engineer's plan, which identified all of the trees on the parcel not just those in this area. He said there were an existing 46 trees on the parcel and 18 of those were intended to be removed, leaving 28 trees, and they would add 19 trees. Chair Riggs said in sitting the building that there had probably not been a lot of options. He said he had seen mature trees relocated and asked if that was viable with pine trees. Mr. Laymon said pines were not very resilient to that action. He said they had moved oak trees at another site but those had to be limited to a 10-inch caliper. He said the new landscaping design would include oak trees and native plantings to restore the appearance of the site. Commissioner Kadvany said that it would be years before the replacement trees would reach the maturity of the trees removed.

Chair Riggs said it appeared that the building was proposed at one and a half feet higher than the maximum allowed and the project was short two parking spaces. He asked if this project because of the easement abandonment would be a Council item. Planner Chow said the abandonment would go through Council but the project would be reviewed for approval by the Planning Commission. Chair Riggs said campus wide the parking was four spaces per 1,000 square feet and asked if the City had ever given credit for shared parking throughout the site. Planner Chow said that not for a one project development. She said that a lower parking ratio could be looked at by the Commission. Chair Riggs said it was evident when he has gone to this campus that there was available parking. He said office businesses often allow employees to telecommute and he thought perhaps they needed to start acknowledging such alternates to parking and not just keep paving over land.

Commissioner Bressler said he agreed with that point and he liked having the parking requirement which was being met by the two spaces in landscape reserve. He said perhaps with a more detailed plan that they might want to identify more spaces to put into landscape reserve. Commissioner Keith said she would like to have the mature heritage trees preserved perhaps through landscape reserve. Chair Riggs said most of those mature trees were located against the deli building. Commissioner Pagee asked if the oak trees could be relocated. Chair Riggs said that the operation was expensive.

Commissioner Pagee asked how the height was measured. Planner Chow explained the calculation. Commissioner Pagee said that the height could be measure four ways

and it did not appear to exceed maximum height requirements. Planner Chow said she would review the calculation.

Commissioner Pagee said the trees were being removed and the building would be more visible because of that; she said it would be important to use materials that would either resemble or improve on existing buildings. She said it was nice that the mechanical equipment would be within the building. She said there did not seem to be a space for bicycle racks and suggested a shower for those employees who ride bike. She asked if there was transportation to the Rosewood Hotel or public transportation on Sand Hill Road. Ms. Skye said there was no current connection to their site for SamTrans. She said they were talking to Stanford and Rosewood Hotel about sharing the Marguerite Shuttle. She said they were also in discussions with Bauer who were looking at establishing a service from San Francisco to Sand Hill Road and then expanding on that to establish a daily service. She said they were also working with other property managers. She said there are showers in each facility for men and women and bike storage units on site but not situated at this exact location.

Commissioner Keith asked about using solar panels on the roof. Mr. Bocook said they would rather not in this case as this building was fairly low and the oak and pine trees would shade that quite a bit. He said he was not sure how much efficiency they could get but they would look at it. Commissioner Pagee asked if they would use two by six-inch framing for the exterior walls. Mr. Bocook said they would in the front. He said there would be a courtyard and balconies, and operating windows. Commissioner Pagee asked about the exposed ceilings and if the insulation would be a minimum R40. Mr. Bocook said it would be at least R40. Commissioner Pagee asked if they would use economizers on the air conditioning units. Mr. Bocook said they would. Commissioner Pagee asked if they would maximize the shading on the windows. Mr. Bocook indicated that they would. Commissioner Pagee said if they followed Title 24 it would make their project better. Mr. Bocook said a lot of the materials would be salvaged for re-use from the existing building when it was demolished. Commissioner Pagee said that the City would want the soils held on site and protected from runoff and she said recycling of materials would be great.

Commissioner Bressler said that the solar panel issue kept coming up. He said the LEED certification process was uncertain. He said he had seen solar panels on parking spaces. Commissioner Kadvany said that the cost was a deterrent for solar panels right now. Commissioner Bressler suggested a fund for loans. Chair Riggs said that the overall carbon footprint of solar panels he had been told was wiped out in two years but he did not know what the carbon footprint of recycling solar panels was. Commissioner Ferrick said trees contribute to the carbon and would provide cooling for the building; she said she would like the trees preserved.

Commissioner Keith asked about the columns. Mr. Bocook said the columns were stone and their face would be 16 to 18 inches wide, the depth would be 16 to 18 inches with a small wing that would create a cruciform shape which would seat the windows.

He said the column at the top was slightly narrower and sloped out at the bottom. Commissioner Keith said the columns looked chunky. Mr. Bocook said that the Wesley Addison building had slightly tapered columns similar to what was being proposed.

Commissioner Bressler asked if anyone has requested that a parking lot or parking structure be something other than black. Chair Riggs said the problem was with fluids staining the surface.

Commissioner Ferrick asked if the roof could be a lighter color. Mr. Bocook said they were cedar treated shakes. He said they could go to clay or cement colored roof but he did not think a light color roof would look good. He said they had installed solar panels in between the ribs of a standing metal roof successfully but that opportunity was not available for a shake or cement roof.

Chair Riggs said the goal was to fit in with the campus and it seemed to do that. He said the roof was attractive and a step up from some of its neighbors' roofs. He said the land use was beneficial except for the loss of many mature trees. He said the parking was tucked under the building and project seemed to be moving in the right direction.

Commissioner O'Malley said he liked what he had seen so far and he did not know what they could do about the trees but no one liked to lose trees.

Commissioner Keith said she liked the clerestory windows and the chimney detail for the elevator overrun. She said she would like a roof that would accommodate solar panels and look good.

Commission Kadwany said he would like to see an exemplary building, representative of the new century.

Commissioner Ferrick suggested that other roofs on the rest of the campus might need replacing in the near future and suggested all of the roofs including this project's could be a lighter color with solar panels.

Commissioner Pagee said the building would be in the center and she thought having the roof different would be doable. She said also there was fire concern in this area.

Summary of individual Commissioner comments on the proposed project:

- Supportive of installation of additional landscape reserve parking spaces throughout the site if parking supply exceeds parking demand;
- Consider installation of solar panels on the roof or integrated into the roof material (e.g., use with a standing seam metal roof);
- Consider a lighter roof color for the building to reduce heat;
- Preserve as many of the existing trees as possible;
- Shape of the exterior columns appear "chunky";

- Design generally blends into the existing campus;
- Tuck under parking is a great use for the site;
- Clerestory windows is a good feature in the design;
- Encourage the use of alternatives modes of transportation - include bike storage and showers; and
- Explore incorporating other green building features and materials into the building.

## **E. COMMISSION BUSINESS**

### **1. Review of planning items on City Council agendas.**

#### **A. El Camino Real/Downtown Specific Plan (Phase II) Process**

Planner Chow said that the 11 by 17-inch sheets distributed to the Commission were of the boards presented at the last community workshop. She said the consultant would review and report back to the Commission at the October 5 study session.

Commissioner Bressler said the plan was starting to show what the impacts would be; for instance there would not be much financial benefit to the City because of little retail being shown. Chair Riggs said looking at the sources of City income that retail sales tax was not at the top. He said the City received much more revenue from property tax. He said he was going to look at the numbers again.

Commissioner Kadvany asked if there were other items on the October 5 agenda. Commissioner Ferrick said the Menlo Gateway project. Chair Riggs said they would meet starting at 6 p.m. on October 5. Commissioner Kadvany said if they were only going to discuss the Specific Plan for an hour that the discussion should get organized around all of the different geographical areas looking at them both separately and combined.

Planner Chow said there would be a study session on the El Camino Real/Downtown Specific Plan (Phase II) process and a study session for Menlo Gateway on October 5. She said although the meeting would start at 6 p.m. the discussion on the Specific Plan would not be limited to one hour.

Chair Riggs suggested the Commissioners look at the suggested augmentation of a parking structure and use of parking spaces for piazza uses or scheduled closures. He said the ground tracks were no longer shown. He said on October 3 there was a workshop specifically geared to high speed rail; he said there was openness to have the train run underground and there would be discussions on land use where the existing rails were.

#### **B. Appeal of Use Permit for 825 Santa Cruz Avenue**

Planner Chow said this was continued from September 22 to the October 6 Council meeting.

C. 1300 El Camino Real

Planner Chow said this project was on the October 6 Council meeting.

**F. REPORTS AND ANNOUNCEMENTS**

Planner Chow reminded the Commission of the Commission recognition event on Thursday, September 24 at 6 p.m. outside the Council Chambers.

**ADJOURNMENT**

The meeting adjourned at 10:58 p.m.

Staff Liaison: Deanna Chow, Senior Planner

Recording Secretary: Brenda Bennett