



## PLANNING COMMISSION MINUTES

September 19, 2011

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 (Chair), Eiref, Ferrick (Vice Chair), Kadvany, O'Malley, Riggs, Yu

**INTRODUCTION OF STAFF** – Deanna Chow, Senior Planner; Rachel Grossman, Associate Planner; Kyle Perata, Assistant Planner; Justin Murphy, Development Services Manager

### A. REPORTS AND ANNOUNCEMENTS

There were none.

### B. PUBLIC COMMENTS

There were none.

### C. CONSENT

Commission Action: M/S Ferrick/Bressler to approve the consent calendar as presented.

1. **Below Market Rate Housing In-Lieu Fee Agreement CA 1460 O'Brien, LLC/1460 O'Brien Drive**: Request to approve a Below Market Rate Housing In-Lieu Fee Agreement for the conversion of an existing 36,604-square-foot building consisting of office, warehousing and manufacturing uses (Group B) to a 33,600 square foot building for office uses (Group A) that would be conforming with regard to parking. No discretionary action is required for the change of use. ***Continued from the meeting of September 12, 2011.***

Motion carried 7-0.

2. **Architectural Control/David Bouquillon/2400-2498 Sand Hill Road**: Request for architectural control review to modify the exterior paint colors of eight existing and one approved (but not yet constructed) office buildings at the Quadrus

campus located in the C-1-C (Administrative, Professional and Research District, Restrictive). ***Continued from the meeting of September 12, 2011.***

1. Make a finding that the project is categorically exempt under Class 1 (Section 15301, "Existing Facilities") of the current CEQA Guidelines.
2. Adopt the following findings, as per Section 16.68.020 of the Zoning Ordinance, pertaining to architectural control approval:
  - a. The general appearance of the structure is in keeping with the character of the neighborhood.
  - b. The development will not be detrimental to the harmonious and orderly growth of the City.
  - c. The development will not impair the desirability of investment or occupation in the neighborhood.
  - d. The development provides adequate parking as required in all applicable City Ordinances and has made adequate provisions for access to such parking.
3. Approve the architectural control request subject to the following ***standard*** condition of approval:
  - a. The exterior painting of the campus buildings shall be substantially in conformance with the neutral color palette as shown on the plans prepared by David Bouquillon consisting of four plan sheets and approved by the Planning Commission on September 19, 2011, except as modified by the conditions contained herein. The color palette may include a range of neutral colors, but all of the buildings must be consistently painted, subject to review and approval of the Planning Division.

Motion carried 7-0.

#### **D. PUBLIC HEARING**

1. **Use Permit/Erin M. Dolinko/827 Hobart Street:** Request for a use permit for the construction of a new two-story, single-family residence with a basement located on a substandard lot with regard to lot width in the R-1-S (Single Family Suburban) zoning district. Continue to the meeting of September 19, 2011. ***Continued from the meeting of September 12, 2011.***

Staff Comment: Assistant Planner Perata noted a correction on page 3 in the staff report in the second paragraph where it stated the second floor on the right elevation contained a two-story unbroken element which was limited to 51.5 feet in length. He said that should read 28.5 feet in length.

Questions of Staff: Commissioner O'Malley asked if the proposed driveway and associated walkway were paved. Assistant Planner Perata said he believed so but suggested confirming that with the applicant. Commissioner O'Malley asked for clarification on Page A9 regarding a projection shown on the left side elevation as it was not clear what it was. Assistant Planner Perata said it was a bathroom and noted that there were windows in that bathroom which did not face the side property line.

Public Comment: Mr. Dan Thompson, project designer, said the project had been designed as a more modern rendition of a traditional farmhouse. He said they had reviewed the plans with neighbors and adjusted some window placements.

Commissioner Kadvany asked about the paved walkway from the driveway. Mr. Thompson said the landscape architect was proposing a five-foot paved pathway for a portable barbecue area with access from the side and rear porch. Commissioner Kadvany asked about the fence in front. Mr. Thompson said there was a fence and two gates, one being an enclosure for garbage and recycling cans.

Commissioner Riggs said he liked the two chimneys because they had mass and asked if they would have siding or board and batten. Mr. Thompson said they had considered board and bat on the house but the homeowner had decided against it. Commissioner Riggs said he was concerned with the location of the air conditioning unit. Mr. Thompson noted that the ceilings were vaulted with steep pitches and furnaces were located above the master closet. He said skylights over the entry took away attic space. He said he was worried about the run for the line sets from there to the side of the garage. He said that would be a better spot for the units if he could keep the line sets from degrading too much. Commissioner Riggs noted that the garage also was next to another residence. Mr. Thompson noted that was the driveway side of the next door residence. Commissioner Riggs said that 50 decibels was allowed at the property line but it was a lot of noise in the early morning. He asked if there were units that were quieter and smaller. Mr. Thompson said there were.

Mr. Frank Lewis, General Contractor, said the existing air conditioning unit was in the same location as proposed for the new unit and was a bigger unit than the smaller, quieter unit planned for installation.

Chair Bressler open and closed the public hearing.

Commission Comment: Commissioner Riggs asked if the applicant made a small alteration to the finish on the chimneys and used a different wood orientation whether

that would be within the approval range. Assistant Planner Perata said small minor changes could potentially be done under a use permit at the staff level if the proposed change was generally consistent with the approval. He said if change was more significant it might need to go before the Commission. He said if the Commission would like to give the applicant latitude about the chimney that could be added to the approval.

Commissioner Riggs moved to make the findings and approve the use permit and add clarification that if the applicant wanted to revise the wood siding on the two chimneys that would be consistent with the approval. Commissioner O'Malley seconded the motion noting that he was impressed with the neighbor outreach and quality of the design.

Commissioner Ferrick asked if the applicant had considered pavers noting the runoff from paved surfaces. Mr. Thompson said they had looked at pavers but they wanted the cleaner look of the large squares of cement. He said they would do full grading and a drainage plan to address runoff.

Commission Action: M/S Riggs/O'Malley to make the findings and approve the use permit 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 subject to the following **standard** conditions:
  - a. Development of the project shall be substantially in conformance with the plans prepared by Dan Thompson Inc. consisting of twelve plan sheets, dated received August 29, 2011, and approved by the Planning Commission on September 19, 2011, 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 project subject to the following project-specific condition:***
- a. ***Applicant may consider different wood material for the two chimneys to be reviewed and approved by staff.***

Motion carried 7-0.

## E. STUDY SESSION

1. **Study Session/Kenneth Rodrigues and Partners/4085 Campbell Avenue:**  
Request for a study session to demolish two existing buildings, totaling 55,637 square feet, located at 40 Scott Drive and 4085 Campbell Avenue. The existing private recreation facility and general office/manufacturing buildings would be replaced with a 55,630-square foot, two-story office building. Associated site improvements would include new site access, parking configuration and landscaping plan. The entire property would be readdressed to 4085 Campbell Avenue. ***Continued from the meeting of September 12, 2011.***

Staff Comment: Planner Grossman said there was a mistake in the amount of square footage shown in the notice and agenda and that the 55,630 figure should be corrected 55,148 square feet. She said the square footage was captured correctly in the staff report.

Questions of Staff: Commissioner Kadvany said on page 3 of the staff report that the section entitled "Parking" indicated that parking should not be located in any part of a front yard. Planner Grossman said sheet A-1 showed the boundaries of the lots and that a front yard was defined as the shortest frontage on a public street and in this case that would be on Campbell Avenue with an exterior side yard on Scott Drive. She said she assumed the basis for no parking in the front yard setback would be to encourage landscaping to shield parking from public view.

Commissioner Riggs noted on page 3 of the staff report, second paragraph, third line from the bottom, regarding the qualifications for Gross Floor Area that he thought it should read "**excluded** up to 3%." Planner Grossman said that was correct and anything above that would count towards Gross Floor Area.

Public Comment: Mr. Ken Rodrigues, project architect, said they were looking at the Commission's input on the proposed project, noting they had been working on this project for about 15 months.

Chair Bressler asked if there was a potential tenant interested in leasing the space. Mr. Rodrigues said there was not.

Commissioner Eiref asked if the Fitness 101, which had been located at this site, had been successful. Mr. Rodrigues said that tenant had been there for years and the owner was working with them to relocate to a nearby site.

Commissioner Kadvany said the two surface materials were fairly dominant and asked if they had thought about a trim material. Mr. Rodrigues said the upgrade would have a full aluminum panel and high performance glass which would really refresh the building for the next 50 years. He said adding trim was a good suggestion. Commissioner Eiref said he had had a similar thought about the aesthetics. Mr. Rodrigues said it was a contemporary look and right now there were only schematics. He said they would bring back much more specific plans and 3-D model.

Commissioner Ferrick asked about features of the proposed project that would make it desirable for bio-tech or R&D. Mr. Rodrigues said the first floor finished floor height was 16-feet high with a 12-foot high ceiling. He said most office was 9-10 feet. He said a biotech user would want the clear height for portable clean rooms. He said there were emerging internet companies in the area too. He said the space was flexible and could be used differently. Commissioner Ferrick asked what would be the use for the second story. Mr. Rodrigues said a biotech company would want the high ceiling on the first floor for clean rooms and typically their office space was on the second floor. He said this proposal stretched the height on the second floor to allow flexibility if additional lab space was wanted. Commissioner Ferrick asked if it was intended for one or multiple tenants. Mr. Rodrigues said it was flexible and noted sheet A-2 that showed the possibility of a common lobby for either smaller uses or larger uses. Commissioner

Ferrick asked if they had consulted with business owners as to their needs. Mr. Rodrigues said that they had been working on the project for 15 months and looked at many different scenarios that could be accommodated within the proposed design. Commissioner Ferrick said her concern was having a vacant office building because the market did not support the use at this time. Mr. Rodrigues said the site was close to Hwy. 101 and the new design he thought would revitalize this business park similar to the Bohannon business park. Commissioner Ferrick said the design seemed plain. Mr. Rodrigues said they were proposing high aluminum finish panel that was high quality. He said he would provide a model so they could better see what it would look like.

Commissioner O'Malley said he liked the look of the building as it seemed very modern. He said it would also be visible from Hwy. 101.

Planner Grossman said as proposed staff was analyzing this as office but non medical office and its potential for use by R&D. She said if the Commission thought there should be some retail use in the project that it would be helpful to discuss now as that use would need additional study such as traffic impact analysis. Chair Bressler said there had been a lot of traffic when Fitness 101 had been located there and asked if there was a sense of whether there would be more or less traffic with the proposed project. Planner Grossman said the Transportation Division had also reviewed the proposal and found there would be a reduction in the hundreds of total daily trips with a slight increase in the morning peak hours but with an overall decrease. Mr. Rodrigues said the most retail that they would propose would be a small café or something to support uses. He said it was not a retail site as the access was a bit awkward.

Commissioner Yu asked what type of businesses they were hoping to attract. Mr. Mike Corsan, who was in charge of leasing for the project, said they were looking for young startups that were growing and needed larger space and medical device companies as there seemed to be a demand from that industry for space. Commissioner Yu noted that companies such as those were moving to San Francisco and asked how to keep these companies on the peninsula. Mr. Corsan said startups would naturally migrate to San Francisco but most research stayed locally. Commissioner Yu said that if employees were traveling from San Francisco that the access needed to be better laid out for shuttles. She said she liked the aesthetics and higher quality materials but wondered about maintenance and keeping the two surfaces clean. Mr. Rodrigues said the finish of the aluminum was like glass and could be cleaned like glass. Commissioner Yu said there was not much contrast in the values of the material.

Commissioner Riggs suggested a heritage broadleaf tree in the parking lot for shade. He said he hoped using high caliber materials that they would select mechanical equipment screening that would be of high quality and integrated into the design. Mr. Rodrigues said they would definitely do that. Commissioner Riggs suggested putting something at the northwest section of the employee patio as there was a strong

afternoon wind. He said there were nice materials for a business park but thought there was a monolithic aspect with the glass section.

Chair Bressler asked if they had more height rather than more gross floor area whether they could do something different as this design was block like looking and not interesting looking.

Commissioner O'Malley asked what they expected as the maximum occupancy. Rodrigues said 150 to 185 employees with maximum 185 parking spaces.

Planner Grossman said the maximum allowable height would be 35-feet and to go higher would require a variance but that would be difficult to grant as findings needed to be made. She said also they could apply for a conditional development permit and go through that process. Chair Bressler asked if additional height would trigger an EIR. Planner Grossman said consideration of the impact of height would be part of the environmental review but she suspected that in this location an additional five feet of height would not trigger an EIR. She said a conditional development permit would need to be approved by the City Council. Chair Bressler suggested Planner Grossman could work with the applicant to determine what threshold would trigger an EIR related to height. Planner Grossman asked what additional height Chair Bressler thought was needed. Chair Bressler said more height was needed to make the building more architecturally interesting and there were neighbors only on one side.

Commissioner Ferrick said this building was at a gateway into Menlo Park so she would like something interesting looking. She said the Scott Drive side would have the most visual impact.

Commissioner Kadvany said he did not think height was needed to make a building interesting. He said the building could be beautiful at two stories. He said the existing building made sense with the other buildings there. He said the proposed design however did not seem to have any local character. He said it looked like there was a very generous landscape plan and he liked Commissioner Riggs' suggestion about trees that would grow nicely. He asked if they would be looking at drought resistant plantings. Mr. Rodrigues said he liked the suggestion of a broadleaf and they definitely chose plants in keeping with the CalGreen standards.

Commissioner Yu said she liked the small elements that supported human activity and asked if there was something more they could do to provide the human scale. Mr. Rodrigues said that they program outdoor spaces in their projects and noted that the courtyard space was important to this project. He said they were planning a nice employee patio and some outdoor conference rooms and spaces in the large courtyard. He said there would be a water feature to mask the sound of Hwy. 101 and they would bring that level of detail to the Commission.



Commissioner Eiref said there was no entrance on the outer surface as entrance was from the courtyard. He asked if there were green space areas they could do on the roof. Mr. Rodrigues said it had not been successful on smaller buildings to have green roofs and roof gardens but would work on a larger campus.

Chair Bressler closed the public comment period.

Commission Comment: Chair Bressler said he thought adding some façade height would make the building more interesting. Commissioner Ferrick said she thought that would look attractive but she wanted to support M-2 Light Industrial for medical device uses and thought additional height would create difficulties. Mr. Rodrigues said a smaller floor plate would support office use. Mr. Corsan said that most tech businesses were in one-to-two story buildings. He said those using laboratories would want that use located on the ground floor or as high up as possible for ventilation. Mr. Rodrigues they would review the suggestion for greater height.

Commissioner Yu restated that she would like to see more human elements in the design and create an enjoyable work space for people.

2. **Study Session/Pacific Peninsula Architecture/702 Oak Grove**: Request for a study session to demolish an existing four-unit residential building and construct a mixed-use development, consisting of ground floor parking, three residential units on the second floor, and 3,271 square feet of gross floor area of commercial uses on the third floor, located in the R-C (Mixed Use) zoning district. ***Continued from the meeting of September 12, 2011.***

Staff Comment: Planner Chow said there were corrections on page 5 of the staff report in the comparison chart. She said under Floor Area Ratio, in the "Proposed" column, 43% residential should be 45%; the rear setback in the "Proposed" column of 15 feet should be 17 feet; under separation between buildings, 15.75 feet should be 16.58 feet and in the next part of the box 17.4 feet should be 18 feet.

Questions of Staff: Commissioner Kadvany asked what the side setbacks would be under the Specific Plan guidelines. Planner Chow said on page 10, per the Specific Plan, the setbacks would be 10 feet in the front and rear, and five feet on the interior side setback.

Public Comment: Mr. John Daseking, architect with Pacific Peninsula Architecture, said the site was narrow. He said with the R-C zoning they were combining residential and commercial. He said regarding setbacks that they had designed the project with a 15-foot setback from the plan line. He said there was a plan line of 16 feet from the property line with 8 feet of that to be dedicated to the City for road. He said 724 and 726 Oak Grove Avenue properties only had a 10 foot setback. He said they would prefer a 10-foot setback, noting an Oak tree in the rear they would preserve and having

an ability to bring the building forward away from the tree. He said regarding land coverage that there was a split of 40% FAR for commercial and 45% FAR for residential. He said the lot was small dimensionally and to meet parking requirements they had had to minimize the first floor of the building and placed a residential component on the second floor and commercial on third floor. He asked that they be allowed to exceed the 40% FAR allowed for commercial so they could include balconies for the residential. He said regarding below grade parking that they could not find a practical solution because of access and parking space size and associated impacts to the look of a building. He said they were looking at parking on first floor. He said regarding building height that they intended the plate height on the third floor to stay below 35-feet but they would be putting a parapet around the building as a guardrail to create a rooftop terrace. He said there was precedence in exceeding building height in the area and noted buildings in the area that exceeded maximum building height.

Commissioner Kadvany asked if they had considered doing an all residential project. Mr. Daseking said the property owner wanted a mix use project noting 718 Oak Grove which was a good residential and commercial project. He said that property had a larger lot and wider frontage, which allowed for better circulation and for split parking. He said that project had a 16 foot road entry but this project was required to have 20 feet. Commissioner Kadvany asked about the side parking and whether it was open or walled. Mr. Daseking noted that facing the property there was a mature yew hedge on the right hand side and a three foot strip of land, which they wanted to keep.

Commissioner Eiref asked why the residential would be on the second floor and not the third floor. Mr. Daseking said the thinking was to allow the commercial users to have access to the roof without having to access the residential area. He said the residents would also have access to the roof. Commissioner Eiref asked if there was enough radius to get in and out of the parking. Mr. Daseking said they had a 23-foot aisle width which was the minimum size and slightly deeper stall depths than the minimum. He said the last spaces would be a little harder to get in and out from. Commissioner Eiref asked if there was any storage in the parking area. Mr. Daseking said just the recycling and garbage storage and there would be some meters and panels in the corners.

Commissioner Ferrick asked why they wanted a commercial element in the project and not just residential. Mr. Steve Ackley, Pacific Peninsula Group, said they took their prototype from their 718 Oak Grove project using what they liked and to have office with the residential because the site was located in the downtown. Commissioner Ferrick asked if there was a laundry facility for the residents. Mr. Ackley said each unit would have laundry facilities.

Commissioner O'Malley said he was concerned about the removal of the palm tree. Mr. Daseking said they could accommodate the palm tree if an arborist found it was healthy.

Commissioner Riggs said a parapet was allowed to screen roof equipment and would not add to the height of the building. He said it made a sense to have residential on the second floor as those tenants were more likely to use the stairs. He said there was a resolution to enact a plan line at eight feet and asked if eight feet was a good compromise, as the needed 15-foot setback would put the alignment of the building away from the other buildings on the street. Planner Chow said there was currently 16-foot right of way plan line on Oak Grove and staff had asked for 50% of that plan line consistent with other projects. She said even if it was beyond the frontage of other buildings it would be conforming if ever the plan line was taken. Commissioner Riggs asked whether the Engineering Division would abandon the 16-foot line and adopt the 8-foot line. Planner Chow said the City was not ready to do that yet. Commissioner Riggs said changes to setbacks could not occur except through a variance request and that short of a CDP there was no recourse for those changes. Planner Chow said the lot might be too small for a CDP. Commissioner Riggs said he considered trellis to be a garden element and asked if it was considered as part of the building. Planner Chow said for this particular project as the trellis would be at the top of the structure and part of the structure as opposed to a trellis on the ground that it would have to comply with the maximum 35 feet height.

Mr. Daseking said a parapet was allowed under the current zoning but they wanted to create a roof terrace which would need guard rails that were 42-inches in height. He said they wanted to use the trellis to provide shade. He said neighbors would not be able to see the rooftop as there was no one on the fourth floor nearby. Commissioner Riggs suggested that occupied space should not be in the 20 percent of the rear of the roof. Mr. Daseking said they thought it was better to keep it to the back to allow space for a solar panel and skylights. Commissioner Riggs said if the roof terrace was in the rear of the building that would become a privacy issue.

Commissioner Yu asked about the materials and colors. Mr. Daseking said they were looking at two approaches they might take. He said Option A was more modern with vertical and horizontal planes, solids and voids. He said for the vertical line they would probably use some kind of aluminum, composite siding balanced with concrete and plaster, darker glazing and darker mullions and frames. He said Option B was more of a solid structure that stepped back to the offices on third floor. He said for the horizontal work they would use masonry, wood siding or composite material, shutters and awnings. He said the challenge of mixed use was making it feel like home to residents and creating office space that people liked.

Mr. Daseking said they would like to have a 10-foot rather than a 15-foot setback which would align the building better with other buildings on Oak Grove Avenue.

Commissioner Kadvany said the building was dominated by the parking on the first floor and asked if the parking could be reduced by half whether they would be able to do a different design with a direct access. Mr. Daseking said it was nice to keep the

commercial on one floor but if the project was just residential on the first and second floors perhaps they could do one unit on bottom and two units on the second. He said there would need to be a 40% footprint on second floor to support the 40% commercial footprint on the third floor.

Mr. Andrew Mobardi, said he was representing the property management company for 705-711 Elizabeth Lane apartments, which were located right behind this proposed project. He said this project would impact the privacy of four of the apartment units' windows. Chair Bressler said there was a handout from the speaker with a map. Mr. Mobardi said the 705 apartment was a single story and the trellis would tower over this property. He said Elizabeth Lane was quiet and charming of an English Tudor design with cobblestones. He said their tenants enjoy their privacy.

Commissioner Riggs asked about the Oak tree. Mr. Mobardi said if it was removed there would be no privacy at all as the front elevation was screened by it.

Mr. Daseking said they were proposing to keep the Oak tree.

Commissioner Riggs said the Oak tree was outlined on the first floor plan but it looked like a significant part of the tree would have to be removed to build the second and third floor.

Chair Bressler closed the public comment period.

Commission Comment: Commissioner Ferrick said the downtown was a mix of commercial and residential but she would like the project to be all residential. She said both designs were attractive but that Option B would not look as tall.

Chair Bressler said he thought the Oak tree would be an issue.

Commissioner Kadvany said this property would be in the Specific Plan area and underground parking was recommended there. He said the fact that could not be accomplished meant that the proposed design was not correct for this size parcel. He said reducing parking spaces meant more space would be freed up for the project.

Chair Bressler said there was concern that there were many buildings that did not conform to the plan line that was being asked of this property owner. Planner Chow said the requirement was from the setback which would be taken from the plan line. She said there were some properties that had not yet been redeveloped and when that occurred the City requested compliance with the plan line.

Commissioner Kadvany asked why that inconsistency had not been addressed in the Specific Plan. Planner Chow said it was not part of the Plan but it was an issue that could be raised as part of the Specific Plan process. Chair Bressler said he thought that

if it was considered there would probably be reinforcement that the City needed to have the right of way space and that it would never be usable. Commissioner Riggs said the 15-foot setback was a zoning regulation and should be observed and the additional eight feet was the practical compromise for the taking of half of the plan line. He said to keep the entire plan line and add 15-foot setback seemed to be an extra eight feet of burden reducing the buildable area or buildable frontage which had a fiscal impact. He asked when the plan line was enacted in the 1970 on Oak Grove Avenue if the owners at the time were appropriately reimbursed.

Development Services Manager Murphy said as part of the City established plan lines in the municipal code that were based off previous comprehensive plans, all of which were general plans, that the City had gone through a process to establish those, for which there had been no legal challenge. He said much had changed over the 40 years since then in terms of property values and dynamics. He said over the past four years there had been a Supreme Court decision about having the appropriate nexus for requiring a dedication and providing proper compensation. He said the issue was that through the zoning ordinance at the time of development was when the City could require the dedication. He said as part of this proposed project they had reviewed what would be requested for dedication and that was eight of the 16 feet. He said to actually abandon the remaining eight feet would require looking at the entire block or blocks from El Camino Real to University Avenue which was a major analysis effort that would be needed for the City Council to consider the abandonment of that portion of the plan line. He said this could not be done for a one-off scenario. He said that on Willow Road the City had done a one-off abandonment of a plan line that was not very successful. He said for this stretch there would need to be a more comprehensive approach.

Commissioner Kadvany said that under the Specific Plan there was the intended action to give up the south side street parking on Oak Grove Avenue and reapportion the remaining space for bike lanes on both sides and parking only on one side. He said this was a major change that could benefit from the plan line and yet it was not happening. Chair Bressler said that people could not be forced to redevelop.

Commissioner O'Malley said one of the questions was the value of the commercial space and residential as compared to just having residential, which he thought would be more profitable to do.

Mr. Ackley said if they built according to R-3 they would only be able to build 3.74 residential units. He said if they could build more residential units that would make more sense. Commissioner O'Malley said the situation was they could not build four residential units so they developed a proposal to maximize the site. Mr. Ackley said that was accurate.

Commissioner Eiref said there was some mention of plans to the Fire Station next door. Planner Chow said that the City has received conceptual plans for improvements.

Commissioner Yu asked if it was possible to increase the number of residential units and make those small units which were suited for seniors and young people. Planner Chow said the site was capped at 3.74 residential units. She said there was a provision under the zoning ordinance for replacement of in kind so the developer could potentially get to four units but there was not an ability to go above four units even with rezoning. Mr. Daseking said that the residential was capped at 45% FAR and that to have more residential units would mean each would have to be smaller so as not to exceed the 45% FAR. Commissioner Kadvany asked if the number of residential units was capped under the Specific Plan exceptions. Planner Chow said in the Specific Plan that it would be 18.5 dwelling units per acre and office use would be allowed to 42.5% where 40% is the maximum to enter the C-1-A district but with public bonus the FAR could be increased to 1 and the number of dwelling units to 25 per acre. She said that would be four units for this parcel. Chair Bressler said part of the issue was parking. Planner Chow said the R-C allowed for parking sharing and with proximity to downtown to not need as many parking spaces. She said the applicant was proposing one parking space per unit or a total of 14 spaces. Commissioner Riggs said there were already four residential units and he did not think the developer would want to demolish those and rebuild four residential units. Commissioner Ferrick said she was frustrated that there was not a mechanism or obvious answer since this property was downtown. She said the applicant was proposing three small units the largest of which was 1,092 square feet. She said these were the type of residential units needed downtown and there should be room for five or six units in this building. Chair Bressler asked staff how many residential units there could be with bonus density. He said the applicant had indicated that five units would be possible with bonus density. Commissioner Ferrick said she would prefer five residential units and no commercial space. Commissioner Yu said she thought that residential was a better use downtown than more office space.

Commissioner Riggs said that Option B seemed a better design than Option A. He said they had come to a dead end as to the setback question. He said he had no objection to the parking as proposed and the parking setback. He said the proposed plan seemed to work except for one obvious conflict with the existing Oak tree.

Commissioner Kadvany asked if they were only going to build residential units what number of units would be the right amount for the applicant. Mr. Daseking said it was a downtown site and had unique characteristics. He said he would like increased density as that helped vitalize the downtown. He said he liked the idea of mixing the residential and commercial and sharing parking and other amenities like a rooftop terrace as that also provided vitality. He said he would hate to give up the advantages of the R-C district.

Commissioner Eiref said there were many rental properties near the downtown and he thought mixing the uses at this site was fine. Commissioner Ferrick said that there was hard data that showed a great imbalance between housing and jobs, and that housing

was needed in Menlo Park. Commissioner Yu said she supported mixed use but was uncomfortable losing the residential unit as proposed. She said she also did not like the ground floor as it was dominated by the garage. She said she would like a more creative solution at the ground level and to keep four residential units.

Mr. Jude Kirik, Pacific Peninsula Architecture, said this was his third R-C project on this street. He said it was their understanding that this was a transitional area in which the City was interested in mixing residential and commercial. He said the trend on the street was to go to mixed use commercial. He said the reason for some of the design was to mitigate impact by using natural features such as the magnolia trees in front and Oak tree in back. He said the architectural materials and massing proposed would create a scale of building that would be in line with the proposed new fire station and the rest of the buildings on the street. He said to hold the site to only residential could create a project that was out of character in the near future. He said he appreciated the smaller units but if those could be looked at with commercial he thought that this would be very successful project.

## **F. COMMISSION BUSINESS**

There was none.

## **ADJOURNMENT**

The meeting adjourned at 9:33 p.m.

Staff Liaison: Deanna Chow, Senior Planner

Recording Secretary: Brenda Bennett

Approved by Planning Commission on November 14, 2011