



PLANNING COMMISSION MINUTES

Regular Meeting
July 8, 2013 at 7:00 p.m.
City Council Chambers
701 Laurel Street, Menlo Park, CA 94025

CALL TO ORDER – 7:05 p.m.

ROLL CALL – Bressler, Eiref (Vice Chair - absent), Ferrick (Acting Chair), Kadvany (Chair - absent), Onken, Riggs, Strehl

INTRODUCTION OF STAFF – Rachel Grossman, Associate Planner; Momoko Ishijima, Planner; Kyle Perata, Assistant Planner; Thomas Rogers, Senior Planner

A. REPORTS AND ANNOUNCEMENTS

A1. Update on Pending Planning Items

- a. Louise Street Right-of-Way Abandonment – City Council, July 16, 2013

Senior Planner Rogers said that the Louise Street Right-of-Way Abandonment would be heard by the City Council on July 16, 2013.

B. PUBLIC COMMENTS

There were none.

C. CONSENT

C1. Approval of minutes from the June 10, 2013 Planning Commission meeting

Commission Action: M/S Onken/Strehl to approve the minutes with the following modifications.

- Page 4, last line on the page: Add “Commissioner Ferrick noted it was the only block party of the summer.” at the end of the last sentence.
- Page 10, 2nd paragraph, last line: Replace “2014” with “2018”

Motion carried 5-0 with Commissioners Eiref and Kadvany absent.

D. PUBLIC HEARING

- #### **D1. Use Permit and Variances/Young and Borlik Architects/1976 Menalto Avenue:** Request for a use permit to demolish a single-story, single-family residence and construct a two-story, single-family residence on a lot that is substandard with regard to lot depth and area, located in the R-2 (Low Density Apartment) zoning district. The proposal includes a request for a variance to

encroach 10 feet into the required front and rear yards, where 20 feet is required, and to locate an uncovered required parking space in the front setback. In addition, the project includes a request for a use permit to construct a second-level deck (balcony) at the proposed 10-foot rear yard setback. As part of this proposal, a heritage size Chilean lantern tree in fair condition (16.5 inches in diameter) and a magnolia tree in good condition (19.5 inches in diameter) are proposed to be removed. The Chilean lantern tree was previously approved for removal.

Staff Comment: Planner Perata noted that a support email from Scott Marshall, a neighbor, had been submitted to the Planning Commission email address. Commissioner Onken asked staff to clarify how many heritage trees were proposed for removal, relative to the earlier proposal. Planner Perata confirmed that the original proposal requested three heritage tree removals, and the current proposal requests two heritage tree removals.

Public Comment: Billy McNair, project applicant, gave a presentation summarizing the current proposal.

Commission Comment: Commissioner Onken noted that the neighborhood did not necessarily have a single, "typical" style, and that the current proposal was a handsome design and he could support the project.

Commissioner Riggs moved to approve the variance and use permit requests. He said the applicants and architect had worked very hard to work with the neighbors. He said the design was a nice use of the site and would use good materials. He noted in particular the well done second floor massing and use of board and batten materials.

Acting Chair Ferrick seconded the motion noting the findings made for the variance requests by the applicant and in the staff report were very supportable. She said regretfully although the lot was zoned R-2 it was not possible for the property owner to exercise the property rights to have two dwellings.

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

1. Adopt a finding that the project is categorically exempt under Class 3 (Section 15303, "New Construction or Conversion of Small Structures") of the current State CEQA Guidelines.
2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.

3. Make the following findings as per Section 16.82.340 of the Zoning Ordinance pertaining to the granting of variances:
 - a. The location of the panhandle access to the lot and the resulting shallow depth of the lot, and the size and location of Tree #4 create constraints to the design potential for the redevelopment of a single family dwelling unit on the site within the required front and rear setbacks and location of the uncovered parking space outside of the front setback without approval of the requested variances.
 - b. The proposed variances are necessary for the construction of a single family dwelling unit with a usable floor plate, and therefore, the preservation and enjoyment of substantial property rights possessed by other conforming properties in the same vicinity, in particular with regard to "L" shaped panhandle lots, and the variance would not constitute a special privilege of the recipient not enjoyed by neighbors.
 - c. Except for the requested variances, the construction of the residence will conform to all other requirements of the Zoning Ordinance. Granting of the variances will not be materially detrimental to the public health, safety, or welfare, and will not impair an adequate supply of light and air to adjacent property since the structure will otherwise conform to the required setbacks, provide adequate on-site parking, and meet the FAL, building coverage, height, and landscaping requirements per the R-2 zoning district.
 - d. The conditions upon which the requested variances are based would not be applicable, generally, to other properties within the same zoning classification since the variances are based on the dimensions of the lot and the location of the panhandle access, and the location and size of Tree #4.
 - e. The property is not within any Specific Plan area, and as such no finding regarding an unusual factor is required to be made.
4. Approve the use permit and variance requests subject to the following **standard** conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by Young and Borlik Architects, consisting of 14 plan sheets, dated received June 25, 2013, and approved by the Planning Commission on July 8, 2013, 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. Landscaping shall properly screen all utility equipment that is installed outside of a building and that cannot be placed underground. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
 - e. Concurrent with the first building permit submittal, the applicant shall submit plans in conformance with the frontage improvements as shown on the approved tentative parcel map. These revised plans shall be submitted for the review and approval of the Engineering Division. All frontage improvements must be constructed and approved by the Engineering Division prior to approval and subsequent recordation of the parcel map.
 - 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.
 - h. Prior to building permit issuance, the applicant shall submit proposed landscape and irrigation documentation as required by Chapter 12.44 (Water-Efficient Landscaping) of the City of Menlo Park Municipal Code. If required, the applicant shall submit all parts of the landscape project application as listed in section 12.44.040 of the City of Menlo Park Municipal Code. This plan shall be subject to review and approval by the Planning and Engineering Divisions. The landscaping shall be installed and inspected prior to final inspection of the building.
5. Approve the use permit and variance requests subject to the following ***project specific*** conditions:
- a. Simultaneous with the submittal of a complete building permit application, the applicant shall revise the plans to include the species and size for the

unidentified heritage tree replacement, subject to review and approval of the Planning Division and City Arborist. The heritage tree replacements shall be a minimum of 15 gallon in size.

- b. Simultaneous with the submittal of a complete building permit application, the project arborist shall provide an updated arborist report that analyzes possible impacts and subsequent mitigation measures of the specific foundation design on Tree #4 and Tree #3, subject to review and approval of the Building and Planning Divisions, and City Arborist.

Motion carried 5-0 with Commissioners Eiref and Kadvany absent.

D2. Use Permit/Casey Cramer, Arcanum Architecture, Inc./918 College Avenue:

Request for a use permit to demolish two existing single-story, detached, residential units and an associated garage, and subsequently construct a new two-story single-family residence with an attached garage on a substandard lot with regard to lot width in the R-1-U (Single Family Urban) zoning district. One heritage southern magnolia tree measuring 16.5 inches in diameter that is located in the public right-of-way is proposed for removal as part of the project.

Staff Comment: Planner Grossman said the applicant after the publication of the staff report met with the neighbors at 926 College Avenue to discuss the neighbors' privacy concerns. She said solutions that were agreed upon included an extension of screening trees between the two properties and "smart" glass for the bathroom facing the neighbors' property. She said the Commission might want to add those items to the conditions of approval.

Public Comment: The property owners, Mr. Karlis Feizenberg and Ms. Ariana Beil, introduced their architect, Mr. Tim Chapelle.

Mr. Tim Chapelle, Arcanum Architecture, said the project was designed to take advantage of as much natural light as possible and to be a community-friendly house.

Mr. Richard Bonino said he and his wife had been concerned about their privacy as their property has a pool and patio. He said they met with the neighboring property owners and had come to agreement that as long as the trees or hedges were extended to the end of the subject property and they could participate in the choice of the plantings that they would support the project. Ms. Pam Bonino said the current plans did not show the extension of the planting for screening between the properties.

Acting Chair Ferrick closed the public hearing.

Commission Comment: Commissioner Onken noted that the front façade was the garage, the ingenious compound design with bridges put all the living space facing the sides which created the privacy concerns, and yet all of this was overcome and it was a

lovely project. He said it was preferable that the garage had two separate doors rather than one door. He said as the Commission developed its residential development guidelines this might be an example of a good project that did not necessarily meet some of those guidelines. He said he could support the project.

Acting Chair Ferrick asked about the screening extension. Mr. Chappelle provided a revised plan showing the extended screening. Acting Chair Ferrick noted for the record that Mr. Chappelle shared the drawing with the Boninos before giving the revised plan sheet to staff. The Commission then was given the revised plan sheet to review.

Commissioner Bressler said he liked the project and it was a good example for other people who might want to build a different looking home.

Commission Action: M/S Riggs/Strehl 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 subject to the following **standard** conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by Arcanum Architecture, Inc., consisting of 12 plan sheets, dated received June 13, 2013, and approved by the Planning Commission on July 8, 2013, except as modified by the conditions contained herein, subject to review and approval by 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 by 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 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 the issuance of grading, demolition or building permits.
- 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 project-specific conditions:

- a. Concurrent with building permit submittal, the project plans shall specify that the proposed landscape screening trees on the southern side of the project site shall extend to the rear terminus of the proposed residence. The selected tree species shall be subject to the review and written approval of the property owner of 926 College Avenue. The project plans and written approval of the selected tree species shall be subject to review and approval of the Planning Division.***

Motion carried 5-0 with Commissioners Eiref and Kadvany absent:

D3. Use Permit/Farhad Naimy/715 College Ave: Request for a use permit to demolish an existing single-story, single family residence and a detached garage, and construct a new two-story, single family residence with an attached garage on a substandard lot with regard to lot width, in the R-1-U (Single Family Urban) zoning district.

Staff Comment: Planner Ishijima said there were no additions to the written report.

Public Comment: Mr. Farhad Ashrafi, project architect, said they met with neighbors and although the neighbor on the left did not have any privacy concerns, the applicant offered to plant trees between the properties to provide screening.

Acting Chair Ferrick closed the public hearing.

Commission Comment: Commissioner Onken said on the upper floor that the side facing windows were larger and much more dominant than some of the front facing windows, noting bedroom numbered three.

Mr. Ashrafi said bedroom numbered three was actually set behind the living room and the living room had a higher ceiling. He said the main window and egress for that bedroom was on the side. He said there were three windows on top for sunlight and ventilation. He said the smaller windows were the bathroom and bedroom numbered two and not necessary for egress.

Commissioner Onken asked if there was another way besides tree planting to mitigate potential privacy impacts with the neighbors. Mr. Ashrafi said the property owner had made several attempts to contact the neighbors and delivered letters to all of the adjacent neighbors. He said the particular side neighbor looked at the plans and he and the property owner suggested the planting in the side setback area. He said the neighbors had indicated they had no concerns.

Commissioner Onken asked about the materials used for the façade. Mr. Ashrafi said the stained header boards were standard in a stucco application. He said to break up the façade and the one-story element in the living room area, they changed the texture by using cultured stone at the living room and chimney area.

Commissioner Riggs said this was not his preferred architecture for Menlo Park. He said the stained header board was done for cost reasons; however he appreciated that the stone went full height and created an element.

Acting Chair Ferrick said there was one window with a two-foot sill height and that faced the neighboring property, and asked if the sill height (bedroom numbered three) could be raised to three feet. Mr. Ashrafi said he could raise the two sill heights by six inches and stay in compliance with egress requirements. She said she really liked the trellis over the garage and the carriage style look of the garage doors.

Commissioner Riggs said the chimneys seemed a bit low and should be 30-inches taller than anything within 10 feet. Mr. Ashrafi said that these were gas fireplaces but provided the Commission a photo of the standalone chimney. Commissioner Riggs said this raised the chimney about four feet. He said that chimneys were not needed at all with gas fireplaces but should be of a proportion in form. He said adding a foot to the chimneys as presented would work. He said he was withholding at least five comments on this type of architecture as he did not think small changes would have an impact.

Mr. Ashrafi said he understood by comments from Planning staff that the chimneys should be raised to the eave lines on the second floor, and that was what he had done in the plan he showed. Commissioner Riggs noted the Commission had given that direction on another project but that project had been very different from this one with the eaves only three feet apart. He asked if the architect was comfortable with adding a foot of height to the chimneys. Mr. Ashrafi said that change could be accommodated.

Commissioner Riggs moved to approve the use permit with modifications to increase chimney heights approximately by one foot and increase sill heights by six inches as long as egress certification was still given. Acting Chair Ferrick seconded the motion.

Commission Action: M/S Riggs/Ferrick to approve the item with the following modifications:

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 Ashrafi Architect, consisting of 12 plan sheets, dated received June 13, 2013, and approved by the Planning Commission on July 8, 2013, except as modified by the conditions contained herein, subject to review and approval by 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 by 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 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 the issuance of grading, demolition or building permits.
- 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 conditions:

- a. ***Simultaneous with the submittal of a complete building permit application, the applicant shall revise the window sill height of Bedroom #3 on the right side approximately six inches, and in compliance with the Building Code requirements, subject to review and approval of the Planning Division.***
- b. ***Simultaneous with the submittal of a complete building permit application, the applicant shall revise the height of both chimneys to be approximately one foot higher, subject to review and approval of the Planning Division.***

Motion carried 5-0 with Commissioners Eiref and Kadvany absent.

D4. Use Permit/Gaurav and Ritika Suri/1090 Creek Drive: Request for a use permit for interior remodeling and the construction of a first- and second-floor additions to an existing two-story, non-conforming single-family residence on a substandard lot with regard to lot size and lot width in the R-1-U (Single Family Urban) zoning district. The project would exceed 50 percent of the existing replacement value in a 12-month period and requires approval of a use permit by the Planning Commission.

Staff Comment: Planner Ishijima said staff had no additional comments.

Public Comment: Mr. Gaurav Suri, the property owner, introduced his wife, Ritika, and their architect Michael Ryan. He thanked Planner Ishijima for her courtesy and professionalism throughout the process. He said they were totally committed to retaining the character of the house noting they really liked the garden. He said they have proactively reached out to neighbors to describe the project and neighbors had expressed satisfaction with the plan.

Mr. Michael Ryan, project architect said that the property owners loved the house as it was and wanted to keep that character. He said however that all of the upstairs rooms had sloped ceilings. He said they were proposing to lift the pitched roof and make the dormers larger to provide more room on the first floor and open the house to the south facing sun.

Acting Chair Ferrick closed the public hearing.

Commission Comment: Acting Chair Ferrick said her one concern was with the very small nonconforming side and rear setbacks on the rear and sides, but noted that most of the work proposed would be to the interior.

Commissioner Onken said it was a perfectly acceptable proposal and it seemed that the applicants would protect the trees. He cautioned against using brick for the patio over cedar roots. Commissioner Onken moved to approve as recommended in the staff report. Commissioner Strehl seconded the motion.

Acting Chair Ferrick asked if the architect could describe the added square footage. Mr. Ryan said that not much square footage was being added on the first floor but they were slightly expanding the living room to un-pinch one end of the existing room. He said most of the work on the second story was interior.

Commission Action: M/S Onken/Strehl 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 Michael Ryan Architecture and Design, consisting of 17 plan sheets, dated received June 24, 2013, and approved by the Planning Commission on July 8, 2013, except as modified by the conditions contained herein, subject to review and approval by 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 by 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 and construct a new City standard concrete curb and gutter on Arbor Road along the project frontage from the property line to the existing curb at the corner of Arbor Road and Creek Drive. The plans shall be submitted for 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 the issuance of grading, demolition or building permits.
 - 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 ***project-specific*** conditions:
- a. Simultaneous with the submittal of a complete building permit application, the applicant shall revise the landing outside of Bedroom #1 on the right side to be at least four feet from the side property line, and in compliance with the Building Code requirements, subject to review and approval of the Planning Division.

Motion carried 5-0 with Commissioners Eiref and Kadvany absent.

E. REGULAR BUSINESS

- E1. Architectural Control Revision/Live Oak Property Investments/650 Live Oak Avenue:** Request for approval for architectural control revision for an existing commercial building in the SP-ECR/D (El Camino Real/Downtown Specific Plan) zoning district. The revision would remove the original 2011 proposal's inclusion of perforated weathering steel panels over a portion of the exterior, permitting the approval of the building as it has been constructed.

Staff Comment: Senior Planner Rogers said staff was recommending that the current sign be replaced with a monument sign and that was not stated in the staff report. He said the existing sign was ministerially permitted the previous year and was a

replacement of an existing pole sign. He said that sign was permitted administratively and had not occurred in error. He said they were now recommending that it be removed and replaced based on the scope of the revision.

Public Comment: Mr. Mike Tevis said this was a multi-phased improvement project. He said activation was very important in their business so that people could see in and out of the building. He said when they finished the building they liked the look of the dark charcoal color and based on problems identified by their architect with the proposed application to the exterior of Cor-ten siding, they decided it would be better not to use. He said they agreed with the condition in the staff report related to landscaping. He said regarding the pole sign that they were in the process and expected to be before the Commission in a couple of months with a proposal to develop a dense residential development of 18 to 24 units around this building, consistent with the Specific Plan zoning. He said the units would be for rent and would have underground parking for both the residential and existing office building. He said if staff and the Commission were willing to defer action on the sign replacement requirement so it remained functional for the tenants occupying the building they would appreciate it as they expected to be constructing in about 18 months at which time the replacement sign would have to be removed.

Acting Chair Ferrick closed the public comment period.

Commission Comment: Commissioner Riggs said he was concerned that the Commission had approved a project but that was not the project built. He said this project which was essentially a stripped down box was in a neighborhood of unique character and detail and it had been the surface treatment that had sold the project to the Commission, but that was not part of the project as it was built. He said he thought that many would consider this building an eyesore. He said the fact the land around it was going to be developed would help but did nothing currently to mitigate the building's appearance.

Commissioner Onken said he did not find the building overly problematic and was okay with the sign as it might appeal to twenty or thirty year olds. He said that perhaps there would be an opportunity in a year or two to build something but the project had to be considered as it looked now.

Mr. Tevis said the tenant and broker had been overwhelmingly supportive of the appearance of the building. He said they had prolific demand for the spaces and if he had access to more land around the site to build a bigger more creative office site mixed use project they would do that. He said they for the past 18 months they have attempted to get contiguous properties on the block without success. He said the leases expire in May and June 2014, and they expected to have an application by late fall to the Commission. He said their proposal would be very modern and a great opportunity for the twenty and thirty-somethings to rent and live in Menlo Park. He said

the existing building appealed to the tenant base they were seeking. He said to tear it down in this phase did not make economic sense.

Acting Chair Ferrick said that she understood the applicant not wanting to take down the sign now, replace it and then have to remove and replace again later, but she understood Commissioner Riggs' concern that the project was not what was approved. She said she appreciated that some people liked the project as it looked today. She asked if there was any other similar option besides the Cor-ten.

Mr. Tevis said he thought the better logic was to look at the project as a whole and give them 18 months on the condition of the sign and on the Cor-ten siding. He said if they used it on the existing building but the new buildings were perhaps anodized steel, black paint and wood that would clash more than with the basic charcoal the building was now. He said the residential project was a much larger project and they wanted to look at the whole project and then embellish the existing building so it was related but not completely blended.

Acting Chair Ferrick asked when they could bring a proposal to the Planning Commission. Mr. Tevis said they could by that by the end of March 2014 and if they did not do that the Commission might required them to install the Cor-ten within some reasonable amount of time following. .

Commissioner Bressler said he could support a more flexible process in this situation.

Commissioner Onken moved to continue the item for a maximum of 12 months, unless the application was replaced by another application.

Commissioner Riggs said he was surprised the applicant could get a certificate of occupancy without completing the project as designated by the approved plans. He asked staff about the sign conflict, noting there had been an existing sign pole. Senior Planner Rogers said an application for a sign permit was made to replace the upper part of the existing pole sign which process involves ministerial review. He said there was no reason to disapprove it under the standards Planning staff review ministerial permits. He said within the context of the overall current application that staff had looked for things that might be improved on the site given that the current application was a fully discretionary action. He said in their subjective judgment it seemed that replacing that sign with a monument sign and requiring landscaping were good things that could not have been done administratively.

Commissioner Riggs asked about the certificate of occupancy. Senior Planner Rogers said he could not speak for the Building Official generally but in this case the Building Official had granted temporary occupancy for at least a portion of the building in consultation with Planning staff based on the understanding that either the Cor-ten siding or plan revision application was coming soon. He said the Building Permit was still an active permit. Commissioner Riggs asked if the building were only partially

occupied. Mr. Tevis said it was fully occupied. Commissioner Riggs said the question was whether the building should be red-tagged and vacated as it was in violation of the use permit. He said he hoped the applicants would not make the residences match the office building. He asked if the applicant could bring designs to them in a couple of meetings time that would provide a finish for this building. He said Studio G, an architectural firm in Los Gatos, were known for modern exterior solutions. He said they could have a good looking building within a few months. He said he was glad they were going to include the residential element but he was concerned the project had been nonconforming for over a year. He asked that the application be continued to the next available meeting to provide designs that would finish the building better. Mr. Tevis said he would not be able to do that. He said he wanted to focus on the bigger project and while he would do whatever the Commission decided, he did not think it was a productive use of his or his architect's time to make minor, cosmetic modifications to the existing building when they would bring the entire project to the Commission in another six months. He said he found working with Senior Planner Rogers and Ron LaFrance to be the most helpful and business friendly experience he had ever had in Menlo Park. He said he had tenants who either were going to locate in San Francisco or Menlo Park, wherever they could most quickly find space. He said they now have 50 people who work in the building. He said he liked the motion to continue the project revision for 12 months.

Commissioner Riggs said he was happy to hear of the responsiveness of staff but questioned the applicant for not finishing the work he had committed to. He said he sympathized with what they wanted to do but they should commit to finishing what they said they would do originally. He said that he did not see a need at this time to change the sign, or find them in non-conformance and have them vacate the building, but they should accept the responsibility of finishing the building sooner rather than later.

Commissioner Bressler said he was persuaded by what the applicant was saying and they should see how other Commissioners felt about the motion on the table. Commissioner Strehl called the question.

Acting Chair Ferrick said she appreciated Commissioner Riggs' concerns. She said the idea that nonconformance with the use permit was acceptable just because the applicants were able to have tenants occupy the building before it was done was problematic. She said however it was a unique situation and the site has now become part of the Specific Plan area. She said the applicant continues to have an active building permit and has concrete plans to build out a more comprehensive development next to this site. She said she also thought it was better for the environment not to use materials once and then remove and make changes. She said the applicant was assuring the Commission that the building would get finished as part of the overall project and she was willing to wait another year for that noting it was a relatively decent occupied building and not a weedy, vacant car lot. She said she did share Commissioner Riggs' frustration about sending the wrong message. She said she did appreciate the applicant indicating there had been an effort by City staff to be business

friendly as that was also an important aspect as the last thing the City wanted was a lot of unoccupied commercial buildings. She said she would support being lenient in this case and continuing this item for a year.

Commission Action: M/S Onken/Strehl to continue the item for a maximum of 12 months, unless the application is replaced by another application.

Motion carried 5-0 with Commissioners Eiref and Kadvany absent.

F. COMMISSION BUSINESS - None

Acting Chair Ferrick said she would not be able to attend the July 22, 2013 Commission meeting.

ADJOURNMENT

The meeting adjourned at 9:03 p.m.

Staff Liaison: Thomas Rogers, Senior Planner

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on August 5, 2013