



PLANNING COMMISSION MINUTES

Regular Meeting
July 22, 2013 at 7:00 p.m.
City Council Chambers
701 Laurel Street, Menlo Park, CA 94025

CALL TO ORDER – 7:01 p.m.

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

INTRODUCTION OF STAFF – 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 the City Council was scheduled to hold a public hearing on the Louise Street Right-of-Way Abandonment and also hear an appeal of an encroachment permit for a driveway relevant to the request for abandonment on their July 16 agenda. He said the Council continued the item. He said his understanding was the 1825 Santa Cruz Avenue property owner and some Louise Street property owners were negotiating toward a solution. He said the item is tentatively scheduled to return to the City Council on August 20, 2013.

- b. Housing Element – City Council, July 16, 2013

Senior Planner Rogers said this was an informational item related to the next cycle of planning for the Housing Element and formation of a Steering Committee to include two Council Members, two Planning Commissioners, and two Housing Commissioners with the first meeting rescheduled to August 6, 2013.

B. PUBLIC COMMENTS

There were none.

C. CONSENT

C1. Approval of minutes from the June 24, 2013 Planning Commission meeting

Commission Action: M/S Riggs/Strehl to approve the minutes as submitted.

Motion carried 6-0 with Commissioner Ferrick absent.

D. PUBLIC HEARING

D1. Use Permit/Naresh Shanker/1280 Bay Laurel Drive: Request for a use permit for the construction of single-story additions to an existing nonconforming single-story, single-family residence on a standard lot in the R-1-S (Single Family Suburban) zoning district. The project would exceed 75 percent of the existing replacement value in a 12-month period.

Staff Comment: Planner Ishijima said staff had no additions to the staff report noting the distribution of a color rendering to the Commission.

Questions of Staff: Commissioner Onken said there was only one covered space and asked about required parking. Planner Ishijima said the required parking was not permitted in the required front setback and that there was existing non-conformity of one covered space.

Public Comment: Mr. Naresh Shanker introduced his wife, Shelley, and said they have lived in Menlo Park for nearly 15 years. He said the project was designed to provide more space with greater access to light.

Mr. Eric Nyhus, Nyhus Design Group, said the intent was to make the existing ranch home more efficient with cleaner lines and would be more compliant with the daylight envelope. He noted the hip roof with a metal band to provide interest between the vertical stucco and horizontal band. He said they would raise the porch to allow for more light intrusion as the porch was currently very dark.

Chair Kadvany closed the public hearing.

Commission Comment: Commissioner Riggs said the rendering was very helpful. He said it seemed they were proposing a charcoal roof but a "cool" roof might be required by the Building Department which would preclude that color. Mr. Nyhus said he would check but hoped he could keep the roof as dark as possible so it would appear set back.

Commissioner Eiref said he thought this was a tasteful update to the existing house and was a rare example of a house not being demolished and replaced with a much larger home. He moved to approve as recommended in the staff report. Commissioner Onken seconded the motion.

Commission Action: M/S Eiref/Onken 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 Nyhus Design Group, consisting of 15 plan sheets, dated received July 9, 2013, and approved by the Planning Commission on July 22, 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. 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.

Motion carried 6-0 with Commissioner Ferrick absent.

D2. Use Permit/DGB Development/204 University Drive: Request for a use permit to demolish an existing single-story, single-family residence and construct a new two-story, single-family residence with a detached garage on a substandard lot with regard to lot depth and lot size in the R-1-U (Single Family Urban) zoning district.

Staff Comment: Planner Ishijima said there was a correction on page 2, under “Project Description,” first paragraph, last sentence, and that it should be changed to state “lot depth” rather than “lot width” as the area of noncompliance with a standard lot.

Public Comment: Ms. Natalie Hyland, Hyland Design Group, said she was the building designer and applicant for the project. She said the project was being developed for resale. She said the house styles in the neighborhood were fairly eclectic. She said they chose a Colonial Revival style as its stacked features would allow more square footage. She said this corner lot was very small and needed large setbacks. She said there were some other Colonial style homes in the area. She said that articulation to break up the mass and bulk would include cedar shingles. She said she visited each adjacent neighbor with plans and a letter. She said one neighbor on University Drive commented that the natural landscaping and the trees were very important to the neighborhood. She said they would keep all of the Heritage trees and most of the other trees. She said the neighbor wanted the mature landscaping that currently screened her house from the project site. She said all of that landscaping would remain except for a small Almond tree, which the Arborist said should be removed.

Chair Kadvany closed the public hearing.

Commission Comment: Commissioner Onken said that homes were not noticed on concerns in Allied Arts as they were low structures. He said it was uncommon that corner lots were accentuated with two-story buildings. He said it seemed the larger lots and larger homes tended to be in the middle of the block in Allied Arts. He said this project would be an accent on the corner so it was good that the trees and landscaping were being maintained. He said this would be the first dominant home on a corner lot.

Commissioner Strehl said this was a small lot with a pretty big house. She asked why there was not a window in the kitchen and living room area in the large wall facing the neighbor. Ms. Hyland said it was to provide privacy to the neighbor.

Chair Kadvany noted that because this was a corner lot the setbacks were significant. He said he thought the shingle siding would look good.

Commissioner Riggs said that there were more gables than the lot could support, but the project protected the setbacks. He said it was a supportable project.

Commission Action: M/S Strehl/Kadvany 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 Hyland Design Group, consisting of nine plan sheets, dated received July 11, 2013, and approved by the Planning Commission on July 22, 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 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 plans to include safety railings for the lightwells, in compliance with the Building Code requirements, subject to review and approval of the Building and Planning Divisions. The street-facing railings shall use materials in keeping with the overall residence.

Motion carried 6-0 with Commissioner Ferrick absent.

D3. Minor Subdivision/Gilbert Fernandez/1357 Woodland Avenue: Request for a tentative parcel map to create two single-family residential parcels where one parcel currently exists in the R-1-U (Single Family Urban) zoning district. As part of the proposed development, the existing single-family residence would be demolished, and one 22.1-inch diameter heritage English walnut tree in the front yard is proposed for removal.

Staff Comment: Planner Perata said staff had no additions to the staff report.

Questions of Staff: Commissioner Riggs asked what the minimum lot width was for an R-1-U lot. Planner Perata said it was 65 foot. Commissioner Riggs noted that should be corrected in the table.

Public Comment: Ms. Michelle Minor, project designer, said the proposal was to subdivide and create two standard lots with a flag lot in the rear. She said the existing residence would be removed and a single-story home built in the rear and a two-story home built in the front. She said the one Heritage tree proposed for removal was an English walnut that the Arborist said was in poor health.

Public Comment: Mr. Patrick Moran, neighbor, said a number of years prior a large two-story home was built on the property next to his home and this would put another two-story on the other side of his property, creating a canyon as his home was a traditional bungalow. He said they have a wonderful resource in the San Francisquito Creek and what he was seeing in his section of Woodland Avenue was the construction of a two-story in the front and a one-story in the rear, creating a uniform row of homes which he thought lessened the natural beauty of the area and the Creek. He said he was opposed to the proposed subdivision.

Ms. Kirsten Keith, neighbor, said she owned property to the rear of the subject property. She said she had met with the architect and discussed the plans but as was noted by Mr. Moran that once the subdivision occurred there would be no future discretionary review. She said she also was saddened that the traditional home would be removed. She said she would like assurance that the developer would build as they had proposed to the neighbors, noting that the plans designated certain height and setbacks.

Chair Kadvany said that the Commission had not received the plans mentioned by speakers. Planner Perata said that was correct and the plans before the Commission were specific to the tentative map and the preliminary grading and drainage plan.

Chair Kadvany closed the public hearing.

Commission Comment: Commissioner Bressler asked if a review of the future development project could be tied to approval of this request to subdivide. Planner Perata said the project before the Commission was specific to the subdivision and the subdivision ordinance so the Commission could not add a condition of approval that the building permit plans would have to come before the Commission as there would be two standard lots.

Chair Kadvany allowed Ms. Keith to speak. Ms. Keith said there were pretty specific plans and Ms. Minor had those with her. Ms. Keith said if they adhered to those plans after the subdivision that would be fine but if there were changes made to those plans that those should be tied to review.

Commissioner Riggs said a request had been made to qualify the approval based on the plans shown to neighbors but which plans had not been submitted to the Planning Commission. He asked if that was possible.

Senior Planner Rogers said the recommendation was for the Planning Commission to make a finding that the proposed minor subdivision was technically correct and in compliance with all applicable State regulations and City General Plan, Zoning and Subdivision Ordinances, and the State Subdivision Map Act. He said if the Commission denied the proposed subdivision or conditioned the proposed subdivision differently from the current City ordinance then they would need to make findings identifying what the terms and conditions of the State law or the City's Ordinance that had not been satisfied. He said staff had reviewed compliance of the proposal with the identified and applicable State and City regulations, ordinances, and law, and no flaws had been found in the application. He said if there had been something missing there could be a condition to remedy. He said this was not the opportunity to revisit the City's zoning ordinance related to development on standard lots.

Commissioner Riggs said he was supportive of code and consistency of its application, noting this provided fairness to neighbors and applicants. He said he was not in favor of the Commission using its authority to create additional restrictions; however, there was an implication of an agreement between the neighbors and the applicant. He said he hoped that there was good faith in the meetings the Commission had been told about and that would guide the development.

Commissioner Onken said that they were being asked to look at the lot split and they did not have oversight of what homes would be built there if they met development standards for standard lots. He said there was concern that this act of lot splitting would mean the loss of trees on a road that was woody and featured the Creek. He said he would recommend approval subject to project specific condition 4.c that noted replacement of heritage trees should be a minimum of 15-gallon trees in size being modified. He said he would like mature heritage trees replaced at a minimum of two and in a larger boxed size in the front 10-foot setback along the front to keep the woody edge.

Chair Kadvany said his understanding was that a 15-gallon box tree would do better in the long term than a 24-inch box tree.

Planner Perata said when increasing tree size for replacement that staff generally understood that anything larger than a 24-inch box could have long-term growth issues.

Commissioner Onken moved to approve and modify item 4.c to require a minimum of two replacement trees in the front setback at a minimum 24-inch box size.

Commissioner Eiref asked if it was fair to ask the applicant or architect what the intention was regarding the design plans shared with the neighbors.

Mr. Ying-Min Li said he was the owner of the property and he wanted to assure the Commission that the design provided to the neighbors by the architect would be the

design they used for the property. He said he was not going to change anything to the design as he wanted to keep the good relationships with the neighbors.

Ms. Minor said they designed both houses and then met with the neighbors, who had some opposition to the original two-story home they were intending on the rear lot. She said they completely redesigned that home to a one-story for the neighbor who was opposed to the two-story residence. She said they then redesigned the front house and moved the upper story over for the neighbor. She said they had no desire to redesign the homes. She said she would like the opportunity to clean up the plans before they were submitted to the City.

Commissioner Riggs seconded the motion and complimented Mr. Li and Ms. Minor on their commitment to the plans developed through discussions with neighbors. He asked if the applicant was comfortable with the motion to include two trees in the front setback. Ms. Minor said they could accommodate one tree in the front but would like one tree to be further back so as not to conflict with the driveway.

Commissioner Onken suggested keeping the minimum of two trees but within the 20-foot front setback rather than within 10-feet.

Ms. Minor said the one tree that was being removed was in the front and the other was a small Honey locust. She said they would have to have a panhandle driveway and she appreciated having the trees within the 20-foot rather than the 10-foot of the front setback.

Commissioner Riggs commented that root guards were available to protect driveways.

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

1. Make a finding that the project is categorically exempt under Class 15 (Section 15315, "Minor Land Divisions") of the current California Environmental Quality Act (CEQA) Guidelines.
2. Make findings that the proposed minor subdivision is technically correct and in compliance with all applicable State regulations and City General Plan, Zoning and Subdivision Ordinances, and the State Subdivision Map Act.
3. Approve the minor subdivision subject to the following standard conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by JAD Engineering, Inc., dated received July 15, 2013, consisting of three sheets and approved by the Planning Commission on July 22, 2013, except as modified by the conditions contained herein, subject to review and approval of the Planning Division.

- b. Within two years from the date of approval of the tentative parcel map, the applicant shall submit a parcel map for review and approval of the City Engineer.
- c. Concurrent with the parcel map submittal, the applicant shall pay the fee for the parcel map. The applicant shall also pay fees for the approval of the associated improvement plans prior to the approval of the parcel map.
- d. Concurrent with the parcel map submittal, the applicant shall submit a Grading and Drainage Plan for review and approval of the City Engineer. The Grading and Drainage Plan shall demonstrate that storm water shall not drain on adjacent properties. The Grading and Drainage Plan shall also indicate all proposed modifications in the public right-of-way including frontage improvements and utility installations.
- e. Prior to recordation of the parcel map, the applicant shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.
- f. Prior to recordation of the parcel map, the applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
- g. Prior to recordation of the parcel map, the applicant shall remove and replace all damaged, significantly worn, cracked, uplifted or depressed frontage improvements (e.g., curb, gutter, sidewalk) and install new improvements per City standards along the entire property frontage. The applicant shall obtain an encroachment permit prior to commencing any work within the City's right-of-way or public easements.
- h. Prior to recordation of the parcel map, the applicant shall install new utilities to the point of service subject to review and approval of the City Engineer. All electric and communication lines servicing the project shall be placed underground. Each lot/unit shall have separate utility service connections.
- i. Prior to recordation of the parcel map, the applicant shall enter into and record a "Stormwater Treatment Measures Operations and Maintenance (O&M) Agreement" with the City subject to review and approval by the Engineering Division. With the executed agreement, the property owner is responsible for the operation and maintenance of stormwater treatment measures for the project. The agreement shall run with the land and shall be recorded by the applicant with the San Mateo County Recorder's Office.

- j. Prior to recordation of the parcel map, the applicant shall pay applicable recreation in-lieu fees per the direction of the City Engineer in compliance with Section 15.16.020 of the Subdivision Ordinance.
 - k. Prior to building permit issuance for the construction of the second residence, the approved parcel map shall be recorded at the County Recorder's Office.
 - l. Heritage trees in the vicinity of construction shall be protected pursuant to the Heritage Tree Ordinance. Prior to issuance of a demolition or building permit, the applicant shall implement the tree protection plan and recommendations in the Arborist Report for all applicable heritage trees for review and approval by the Building Division.
4. Approve minor subdivision subject to the following ***project-specific*** conditions.
- a. Prior to recordation of a final parcel map, the applicant shall submit a demolition permit to the Building Division and subsequently demolish the existing residence and accessory structure on the project site, subject to review and approval by the Planning and Building Divisions.
 - b. Prior to building permit issuance for a new dwelling unit on the panhandle lot (parcel 2), the applicant shall pay a Traffic Impact Fee (TIF) at the rate for single-family dwellings, subject to the Municipal Code Section 13.26. The fee rate is subject to change annually on July 1 and the final calculation will be based upon the rate at the time of fee payment. The TIF rate is adjusted each year based on the ENR Construction Cost Index percentage change for San Francisco.
 - c. Simultaneous with the submittal of a complete building permit application for Parcel 2, the applicant shall revise the plans to include the species and size for ~~a~~ **two** proposed heritage tree replacements, subject to review and approval of the Planning Division and City Arborist. The heritage tree replacements shall be a minimum of ~~45-gallon~~ **24-inch box** in size, ***and shall be located within the first 20 feet of the front property line.***

- d. Concurrent with the submittal of complete building permit applications for each residence, the applicant shall document that each parcel is in compliance with the impervious area identified in the preliminary grading and drainage plans, and hydrology report. As this project is a subdivision, it is subject to the requirements of Provision C.3 of the MRP. Based on the approved hydrology report for the project, the total proposed impervious area for the project was estimated to be less than 10,000 square feet, and therefore is not subject to the stormwater treatment requirements. To ensure that the final construction remain in compliance with Provision C.3, the impervious area for parcel 1 shall not exceed 6,598 square feet and the impervious area for parcel 2 shall not exceed 3,399 square feet. The applicant will continue to have the option to use pervious materials (pervious pavers, pervious asphalt, pervious concrete, etc.) to supplement the hardscape used for the project.
- e. If a building permit for the first residence is submitted prior to recordation of the parcel map, the building permit shall clearly document compliance with the development standards for the specific lot of the subdivided property.

Motion carried 6-0 with Commissioner Ferrick absent:

D4. Architectural Control and Use Permit/Houston Striggow/642 Santa Cruz

Avenue: Request for architectural control for exterior modifications to apply a partially opaque film to a portion of the left side façade (along the breezeway) of an existing bakery in the SP-ECR/D (El Camino Real/Downtown Specific Plan) zoning district. The application also includes a request for a use permit for outside seating along Santa Cruz Avenue.

Staff Comment: Planner Perata said a material and color board for the film for the breezeway was being distributed to the Commission. He said he had no other updates.

Public Comment: Mr. Houston Striggow said he was one of the co-founders of Susie Cakes Bakery. Ms. Susie Sarich said she was the other co-founder. Mr. Striggow said the application was to add outside seating and to use current standards that would allow them to place opaque film on rear glass covering up to 50% where operations took place.

Ms. Fran Dehn, Menlo Park Chamber of Commerce, said one of the City Council's 2013 goals was to beautify the downtown. She said this project was not in keeping with that goal. She said SusieCakes has a really great graphic design and logo and color palette. She said if there was any opaque, semi-opaque film used on the windows that it should be done in such a way that would be inviting to the public. She said she did not know how or if the interior would be reconfigured but suggested emphasizing creative designs that satisfied both privacy for SusieCakes and was public welcoming.

Ms. Penelope Huang, business neighbor, said the Commission gave clear direction in 2011 that the windows were not to be covered at SusieCakes and the interior was to remain attractive and visible. She said SusieCakes covered the windows and did nothing to improve the interior. She said the business opened March 2012. She said the reason given for using the covering was to shield views of used linen, aprons, garbage bags, recycling cans, mops and mop buckets, janitorial supplies, the employee break area and bathroom supplies as these sights would put off their guests, who would not then buy the products. She suggested to the applicants that these items could be stored in closets or cabinets but was informed this was not possible. She said she had suggested to the applicants that a blind could be lowered during the periods when cash was being counted in the office and raised during the rest of the time. She was told this also was not possible because there were people working in there all day. She said SusieCakes chose to lay out the interior this way and relocated the bathrooms from the back of the store to the front of the store. She said they designed a janitorial area, open storage layout, office and the less desirable aspects of their business to be against the windows of the breezeway. She said they had no intention of making the interior attractive as directed by the Commission and had always intended to put up window coverings. She said covering those windows led SusieCakes employees to treat this entrance to the store like a back alley. She said employees go in and out all day, and deliveries were made leaving tracks and deposits of material on the concrete. She said the employees drag trash bags to the parking lot often leaving a trail behind them. She said the applicants spray painted their chairs behind the back entrance and left overspray on the concrete. She said recently employees spilled flour outside her office door and left it there all day until she asked it be cleaned up. She said the window coverings supported the perception that this was a back door and totally disregarded that this was her front door. She said the letters of support for the project were in the majority recipients of donations. She said her company, the hair salon and SusieCakes share a façade of full windows. She said out of respect for occupying a highly retail space both her business and the hair salon go to great lengths to provide a visually appealing space for shoppers walking down the breezeway. She asked the Commission to support its conditions of approval from December 2011 that the applicant was to modify the project interior layout to keep the windows clear along the breezeway with an attractive, visible interior. She said she had given the Commission a summary of concerns with accompanying photographs.

Chair Kadvany closed the public hearing.

Commission Comment: Commissioner Onken asked if the applicants could address how the situation had gotten this way. Ms. Sarich said they were attempting to be great business owners and it appeared to be one individual who was critical of how they conducted their business. She said the window covering would solve the problems and protect the privacy and safety of her and her team members; and would make the breezeway aesthetically pleasing. She said her bakery was very clean and organized. She said they were neither a bank nor a hair salon but a food service business and they

needed a back room which was not pretty. She said they had put \$600,000 into the business and things could not be reconfigured. She said health and ADA codes drove the location of certain features. She said she would like to do the right thing.

Chair Kadvany said the question was why the applicant had not proceeded with the direction given by the Planning Commission in December 2011. Ms. Sarich said they built to the plans that were approved which located the office and refrigerator as they were.

Mr. Striggow said there was a side door with an attractive entry. He said meeting health department and building codes, as well as ADA compliance drove where things were located. He said a kitchen was neither an office nor a bank. He said they needed a service entry and that was off the breezeway.

Commissioner Eiref said he visited the site over the past few weeks and though tables in the front would be fine. He said that the breezeway was not a rear entrance and they were next door to a world class bank and other businesses. He said he could see in the interior routers and open shelving with boxes on them. He said he thought there were things they could do to make the breezeway attractive. He asked about placing their logo on the breezeway façade. Ms. Sarich said sign regulations in the City limited the amount of signage to square footage and although she had wanted a sign off the breezeway it could not be permitted. She said she supported making the area attractive and suggested complete opaque film with their graphics and photographs of their products. Commissioner Eiref asked about the inferences about spills. Mr. Striggow said the Health Department complimented them on their cleanliness and professionalism. He noted that there would be spills. He said this was their eighth bakery and they have never had these difficulties with any of their other bakeries.

Commissioner Bressler asked if there could be a variance so they could use graphics or their logo if that would make the area more acceptable.

Planner Perata said variances require making five findings and would require a re-noticing.

Commissioner Bressler said that Ms. Huang wanted to be on Santa Cruz Avenue frontage and was approved by the Planning Commission for that but that was appealed and denied by the Council, which was why her business was located on this breezeway.

Commissioner Strehl said there must be a way to work out some compromise between the applicants and their neighbors. She said there were things internally that would improve the visuals such as having cabinets rather than open storage shelves. She said it was their business' back door but other businesses' front doors.

Commissioner Riggs said the Commission approved the project with the condition that the applicant was to modify the project interior layout to keep windows clear along the

breezeway with an attractive interior visible. He said the amount of exposure along the breezeway was simply limited to the office and 10 more feet of glass, which was only about 100 square feet that needed to be made attractive. He said they had clearance to display written into the approval. He said the concept that a back entrance in the food industry was necessarily a rough space was not correct and noted Amici's rear entrance addressed and encouraged customers. He said a lot of kitchen areas in restaurants have become featured areas. He said SusieCakes needed to be part of the village and the breezeway street and to contribute to both of its facades.

Chair Kadvany noted his agreement with Commissioner Riggs' comments. He said if the rear had needed to be made invisible that should have been part of the original project application. He said the situation should be remedied in the right way and that was to meet the original conditions of approval made by the Commission and not a request for a sign variance.

Commissioner Onken moved to strike 3.e of the recommendations regarding the film but make the remainder of the findings, and encourage the applicant to return with a proposal that might have a request for a variance for signage or improvements to the breezeway façade within four to five months. Commissioner Strehl seconded the motion.

Commissioner Bressler said he did not agree with what Commissioners Riggs and Kadvany had said as he was giving the applicants the benefit of doubt that there were valid reasons the interior needed to be laid out as it was. He said all the Commission really cared about was the best, fastest, and most effective solution for everyone. He said he wanted to make this work and it was a unique situation because of the breezeway. He said maybe the mistake was the Commission's and not the applicants' and perhaps they were given an impossible task.

Recognized by the Chair, Mr. Striggow said they were limited in the amount of opaque film they could use. He said they have a feature bakery in the retail section of the store and they wanted people to come in and watch the food preparation.

Commissioner Eiref said the applicants own eight bakeries and thought they could come up with a unique solution. He said blacking out the breezeway façade was not the answer. He asked if they accepted one portion and struck another portion of the application request whether that would create greater problems than either denying or continuing the project.

Planner Perata said a denial would require the applicants to return with a completely revised proposal but with the opportunity to appeal to the City Council. He said a continuance would require them to modify the current proposal and return to the Planning Commission.

Senior Planner Rogers said that continuances worked most effectively when the direction was fairly clear, which he did not think was the case at this point.

Commissioner Riggs asked if it was possible to approve the seating and continue the other element. Planner Perata said it was. Commissioner Riggs asked if it was a problem for staff's administration to separate the approvals. Planner Perata said he did not see a processing or administrative issue for staff with the proposed motion.

Commissioner Riggs asked if the motion was for the applicant to return before five months or earlier with a proposal to solve the issues of the breezeway façade. Commissioner Onken said if a variance were to be pursued for something creatively and wonderfully different as opposed to just dealing with the issues identified the extension of time would support that. Commissioner Riggs said he was concerned as getting the film removed had taken over a year of staff's attention, and that the future result might be the same as this evening with the applicants taking the stand that the Commission's direction could not be met.

Commissioner Onken said he had not been on the Planning Commission during the original discussion of this project but it appeared that there were two solutions for the breezeway: one was to keep it clear and open noting that the entire space could not be a show kitchen and that there was need for back room space and another solution of filming which nobody really wanted. He suggested giving the opportunity for the applicants to develop what they needed while addressing neighbors' concerns.

Commissioner Strehl said she concurred with Commissioner Onken, and suggested that they look at how the interior space was being used and at making the office more visually pleasing. She said having the breezeway façade blacked out did not offer any value to the breezeway.

Chair Kadvany said he concurred with Commissioner Riggs' comments and staff's observation as to a lack of direction to the applicants from the Commission. He said four to five months sounded like a long time and he was also concerned that there was no role for a stakeholder process. He said stakeholders were not just the one neighbor but everyone who used the breezeway and had some expectation about what level of aesthetic ambience was needed there. He said one direction was to make the interior visibly pleasing and the other direction was to make the rear exterior more visibly pleasing. He said he was not comfortable with that ambiguity.

Commissioner Riggs said it was about 80 square feet of space that was surrounded on two sides by glass, which he did not think was a large problem. He said the stainless steel refrigerators were a positive view. He suggested the mop sink could be simply screened. He said rather than storage carts it would be nice to display replicas of Grandma's wonderful blue bowls. He said also a run of Monday's cupcakes could be on display in the back. He suggested they look at interior design rather than an architectural remodel. He said the Commission had residential project applicants work

with their neighbors to resolve concerns. He said they could ask the applicants to sit down with the two neighboring merchants with their proposed interior design and come up with a solution.

Chair Kadvany said he agreed and he thought it was perfectly doable. He suggested too that they might want to have the staff bus the area more as when he walked by recently there were two empty boxes visible through the glass.

Commissioner Strehl said she thought this was a combination of treatments to improve the area visually and address functionality. She called for the question.

Commissioner Riggs asked if staff had enough direction. Planner Perata said he thought so. He said the motion would be to continue all of the architectural control in item number 3 and all of the conditions listed under it. He said outdoor seating was the use permit portion. He said the direction he heard was:

- Screen the mop sink
- Potentially place a display case featuring products or kitchen utensils such as bowls
- Work with neighbors and sit down and discuss façade treatments being proposed.

Commissioner Strehl said she had suggested that they also make the office area more visually appealing as well as functional. Commissioner Riggs said perhaps they could have a nice graphic on the shade when it was closed in the morning.

Commissioner Eiref said that several of the Commissioners were open to the idea of branding and screening with graphics.

Commissioner Onken said he disagreed with everything and thought they were micromanaging. He said they should allow the applicant to take a fresh look and redesign the interior. He said his motion was to strike the architectural control item, approve the findings for the outdoor seating, and allow the applicant to come back with a new proposal for the entire back façade.

Commissioner Riggs said he would agree if this was a project that was waiting to be built. He said that in this situation there had been 18 months of nonconformance with the project approval and now a presentation as to why the applicants could not do anything differently. He said if they gave guidance about the five items to do that was not precluding the applicants from bringing back something brilliant and persuasive that would work even if it did not specifically relate to the five points of guidance.

Staff requested Commissioner Onken to restate his motion. Commissioner Onken said his motion was to approve the use permit and continue the architectural control and have the applicants return with a proposed solution within four to five months.

Commissioner Riggs confirmed with Commissioner Onken that that would include the guidance staff had already mentioned. Chair Kadvany said also that should include meeting with stakeholders.

Senior Planner Rogers said with separating out the use permit and architectural control some wording about the conditions of approval would need to change, but that was minor. He asked in terms of the continuance if the Commission's preference was to list the topics with a preface that they were being listed as suggestions or food for thought. Commissioner Strehl said as suggestions. Chair Kadvany said as areas of concern. Senior Planner Rogers suggested including specific requests with the preface "including but not limited to". Commissioner Riggs said he thought it should be prefaced that this was what the Commission has asked for or for an overridingly successful, persuasive alternative. Chair Kadvany said that they were really returning to the conditions made by the Commission originally that the interior shall be visually attractive. Senior Planner Rogers said regarding variances that to his knowledge they have not processed variances from the sign ordinance in recent years and he wanted it on record that there might be technical issues with that. He said also regarding variances that with numerical standards such as a 20-foot setback variances were limited to 50% of whatever the standard was. He said the definition of a sign in the sign ordinance was somewhat complicated but essentially signs were things that spoke to the name or the nature of the products, or types of goods. He said there was nothing regarding the use of colors, abstract patterns or such things that could be part of the image of a business.

Commission Action: M/S Onken/Strehl to partially approve and partially continue the item as follows.

1. Make a finding that the project is categorically exempt under Class 1 (Section 15301, "Existing Facilities") of the current CEQA Guidelines.
2. Make findings, as per Section 16.82.440 of the Zoning Ordinance that the proposed outdoor seating in conjunction with a bakery is appropriate and would not be detrimental to the health, safety, morals, comfort, or general welfare of the persons residing or working in the neighborhood of such proposed use. In addition, the outdoor seating would maintain unimpeded pedestrian access on the public right-of-way.
3. ~~Adopt the following findings, as per Section 16.68.020 of the Zoning Ordinance, pertaining to architectural control approval:~~ ***Continue the request for architectural control with the following suggestions for redesign:***
 - 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.~~
 - ~~e. The development is consistent with the El Camino Real/Downtown Specific Plan. In particular:~~
 - ~~i. The project complies with the 50 percent limit for opaque glass on a façade (Standard E.3.5.16).~~
 - ~~ii. The project complies with the minimum 50 percent transparency requirement for opaque glass (Standard E.3.5.02).~~
 - ***The mop sink should be screened from view;***
 - ***Display cases containing products and/or mixing bowls could be located adjacent to the breezeway windows;***
 - ***The applicant should work with the neighboring tenants to find a design solution for the breezeway façade;***
 - ***The office should be modified to be more visually appealing;***
 - ***Branding and signage could be part of a solution for the treatment along the breezeway façade; and***
 - ***The applicant may also propose alternate comprehensive solutions that address the concerns stated by the Planning Commission.***
4. Approve the use permit and architectural control requests subject to the following **standard** conditions of approval:
- a. Development of the project shall be substantially in conformance with the plans prepared by John Clarke Architects, dated received July 5, 2013, consisting of four plan sheets and approved by the Planning Commission on July 22, 2013, except as modified by the conditions contained herein, subject to review and approval of the Planning Division.

- b. The applicant shall comply with all West Bay 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 applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
5. Approve the use permit ~~and architectural control~~ subject to the following ***project specific*** conditions:
- a. Within two weeks of the effective date of the Planning Commission action, the applicant shall submit an encroachment permit for the outdoor seating within the public right-of-way along Santa Cruz Avenue, subject to review and approval of the Engineering and Planning Divisions.

Motion carried 6-0 with Commissioner Ferrick absent.

E. COMMISSION BUSINESS

There was none.

ADJOURNMENT

The meeting adjourned at 9:10 p.m.

Staff Liaison: Thomas Rogers, Senior Planner

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on August 19, 2013