



PLANNING COMMISSION MINUTES

Regular Meeting
September 8, 2014 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, Combs, Eiref (Chair), Ferrick, Kadvany, Onken (Vice Chair), Strehl

INTRODUCTION OF STAFF – Jean Lin, Associate Planner; Stephen O’Connell, Contract Planner; Kyle Perata, Associate Planner; Thomas Rogers, Senior Planner

A. REPORTS AND ANNOUNCEMENTS

A1. Update on Pending Planning Items

- a. Commonwealth Corporate Center – City Council – August 19 and 26, 2014

Senior Planner Rogers reported the City Council at its August 19 meeting took action on the Commonwealth Corporate Center project with the second reading of the ordinance associated with the approval to occur at the August 26, 2014 City Council meeting.

- b. General Plan – Workshops – September 11 and 17, 2014

Senior Planner Rogers said public workshops on the General Plan Update were scheduled for September 11 and September 17, 2014.

Commissioner Strehl, the Commission’s designated representative on the General Plan Update Committee (GPAC), said they had met with the staff and the consultant to discuss the public outreach process.

Commissioner Bressler, At-Large-Member on GPAC, said it appeared this would be an intensive two-year project to update the General Plan.

B. PUBLIC COMMENTS #1

There was no public comment.

C. CONSENT

C1. Approval of minutes from the August 4, 2014 Planning Commission meeting (*Attachment*)

Commission Action: M/S Eiref/Onken to approve the minutes as submitted.

Motion carried 7-0.

D. PUBLIC HEARING

D1. Use Permit/Yonghua Zhang/143 Willow Road: Request for a use permit for interior remodeling and the construction of first- and second-floor additions to an existing single-story, single-family residence on a substandard lot with regard to lot width in the R-1-U (Single Family Urban) zoning district. The existing nonconforming residence will be brought into conformance as part of the proposed project. The proposed remodeling and expansion would exceed 50 percent of the existing floor area, and is considered equivalent to a new structure. (*Attachment*)

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

Public Comment: Mr. Yonghua Zhang, property owner, said his family had bought the house seven years ago with the intention of remodeling. He said they explored different options and found they needed to wait until the economy recovered. He said the lot was narrow and there was a large tree to protect. He noted they would bring the nonconformance into conformance as part of the proposed project. He said they worked with the neighbors to design their second floor addition as their neighbors were important to them.

Chair Eiref asked about the covered and uncovered spaces which he thought blocked the covered space. He said he had safety concerns with the ingress and egress from Willow Road. Planner Lin said the uncovered space did not block the covered space. She said the plan has a provision for turning radius so a car can be backed out onto the street and be forward facing. Chair Eiref said he might be thinking about one of the other projects on the agenda.

Commissioner Onken asked about the grade being raised. Mr. Zhang said the property was located in a flood zone. He said their neighbor had also raised the grade on their home project because of the flood zone. Commissioner Onken suggested they would not want to put two feet of soil on top of the redwood tree's roots. Mr. Zhang said they would work with the arborist to protect the tree.

Commissioner Onken said an elevation showed that the second story addition would cut into the daylight plane. Planner Lin said the zoning ordinance had a revision to allow limited daylight plane intrusion. She said the project's intrusion by the second story into the daylight plane was within that limit.

Commissioner Kadvany said he thought the redwood tree looked somewhat stressed and asked if it they wanted to keep the tree. Mr. Zhang said their intention was to keep the tree.

Commissioner Ferrick asked about the entry doors noting the front most door seemed to be a family entry and the door to the right which seemed a side entry was the front entry. Mr. Zhang said ideally the front entrance would be in the center of the front elevation but the location of the redwood did not allow for that, so the door was put to the side. He said the other door although it looked to the front was a side door by the garage.

Chair Eiref closed the public hearing.

Commission Comment: Chair Eiref said it was good the applicants were doing an update to the home. He said the design of the additions although simple would work as the house was

located in a busy area. He said he was supportive of the project. Commissioner Strehl said she was pleased the property would be redeveloped and that they were making the setback conforming.

Commissioner Bressler moved to approve the project. Chair Eiref seconded the motion.

Commissioner Ferrick said she appreciated that the applicant worked with neighbors. She said although she did not like the location of the front door, she understood the consideration being made for the redwood tree.

Commission Action: M/S Bressler/Eiref to approve the use permit as recommended in the staff report.

1. Make a finding that the project is categorically exempt under Class 1 (Section 15301, "Existing Facilities") of the current 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 Design, consisting of 10 plan sheets, dated received on September 2, 2014, and approved by the Planning Commission on September 8, 2014, 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. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance.

Motion carried 7-0.

D2. Use Permit/Sarah Potter/236 Willow Rd: Request for a use permit to remodel and construct first- and second-story additions to an existing single-story, single-family residence on a substandard lot with respect to lot width, depth, and area in the R-1-U (Single Family Urban) zoning district. The proposed remodeling and expansion would exceed 50 percent of the existing floor area, and is considered equivalent to a new structure. (*Attachment*)

Staff Comment: Planner O'Connell said there were no additions to the staff report.

Public Comment: Ms. Sarah Potter, project designer, said she was representing the property owners of 236 Willow Road. She said they were sensitive to the neighborhood design and wanted to keep the house close to the existing design. She said they found it made more sense to replace half of the existing structure to create a new foundation there and then place the second story in that area. She said they would use different textures to modulate the massing and height.

Commissioner Strehl asked about the garage. Ms. Potter said they moved the garage to the front so the property owners would have more family space in the back yard. She said there would be one garage parking space and a tandem space. She said there was a bicycle lane in front of the home that they currently need to back out into and the new parking would not change that. She said the property owners felt comfortable still with doing that maneuver. She said the hedge there would also be lowered to improve visibility.

Chair Eiref closed the public hearing.

Commission Comment: Commissioner Onken said he was happy with what they were proposing and the addition of one parking space. Commissioner Ferrick said the design fit nicely with the context of the neighborhood. Chair Eiref noted this was the parking situation he had remarked upon on the previous agenda item. He said it sounded like it worked for the property owners.

Commission Action: M/S Kadvany/Strehl to approve the project 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 Green Cottage Homes, Inc., consisting of five plan sheets, dated received August 26, 2014, and approved by the Planning Commission on September 8, 2014, 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. 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.

Motion carried 7-0.

D3. Use Permit/Transcriptic Inc./3565 Haven Avenue, Suite 3: Request for a use permit for the storage and use of hazardous materials for the research and development (R&D) of testing and research processes located in an existing building in the M-2 (General Industrial) zoning district. All hazardous materials would be used and stored within the building.
(Attachment)

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

Public Comment: Ms. Cornelia Scheitz, Transcriptic Inc., said their facility does basic research and accepts experiments remotely from scientists. She said they needed larger lab facilities to get this work done due to their expanding business.

Commissioner Bressler asked about future expansion. Ms. Scheitz said they hoped to grow exponentially but not all of their efforts would stay in Menlo Park. She said the business model of having a remote laboratory for scientists allows her company the flexibility to build laboratories where they were needed. She said they probably would not need more space beyond this request in Menlo Park.

Chair Eiref closed the public hearing.

Commission Comment: Chair Eiref noted the Fire District, the City's Planning and Building Department, San Mateo County Environmental Health Service Division, and West Bay Sanitary District had signed off on this request.

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

1. Make a finding that the project is categorically exempt under Class 1 (Section 15301, "Existing Facilities") of the current 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 provided by the applicant, consisting of nine plan sheets, dated received August 12, 2014, and approved by the Planning Commission on September 8, 2014 except as modified by the conditions contained herein, subject to review and approval of the Planning Division.
 - b. Prior to building permit issuance, the applicant 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 applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
 - d. If there is an increase in the quantity of hazardous materials on the project site, a change in the location of the storage of the hazardous materials, or the use of additional hazardous materials after this use permit is granted, the applicant shall apply for a revision to the use permit.

- e. Any citation or notification of violation by the Menlo Park Fire Protection District, San Mateo County Environmental Health Department, West Bay Sanitary District, Menlo Park Building Division or other agency having responsibility to assure public health and safety for the use of hazardous materials will be grounds for considering revocation of the use permit.
- f. If the business discontinues operations at the premises, the use permit for hazardous materials shall expire unless a new business submits a new hazardous materials business plan to the Planning Division for review by the applicable agencies to determine whether the new hazardous materials business plan is in substantial compliance with the use permit.

Motion carried 7-0.

E. REGULAR BUSINESS

E1. Use Permit/Benjamin T. Himlan, Off the Grid/1090 Merrill Street: Request for the six-month review of a use permit for a recurring special event (weekly food truck market) on a portion of the Caltrain parking lot, at the corner of Merrill Street and Ravenswood Avenue in the SP-ECR/D (El Camino Real/Downtown Specific Plan) zoning district. (*Attachment*)

Staff Comment: Senior Planner Rogers said correspondence on this use permit review had been received after publication of the staff report. He said those documents had been provided to the Commission at the dais and there were copies at the rear table for the public. He said there were postcards from people in Menlo Park and surrounding areas that were supportive of the project and there were a number of emails received from community members that were also supportive of the event. He said some of the correspondence seemed to indicate there was some misunderstanding about the purpose of the review this evening. He said there was no Planning Commission action requested; rather, this item was to allow an opportunity for the Commission to receive feedback about the event and see if there were opportunities to improve. He said the event's use permit was valid through February 2015.

Mr. Ben Himlan, Off the Grid, said that overall they had positive feedback. He said there were minor logistical issues when they started the first events related to parked cars in spaces with signage about their use the event. He said that issue has resolved. He said there were also some concerns about impacts to the parking garage at Menlo Center. He said they have created signage and worked with the property management group of Menlo Park to prevent such impacts.

Commissioner Strehl asked if they had reached the expected demand or if attendance would grow more. Mr. Himlan said the first week there was a lot of buzz about the event so attendance was large but less the second week when there was less buzz. He said they seem to have about 1,200 to 1,300 transactions each week. He said 60% of the people attending, which was based on the data they gathered, were from out of town and were coming to the event immediately after work. He said he thought the event would build as a mid-week destination to get something to eat and hang out for awhile. He said if they did not keep the marketplace interesting, there could be a dip in attendance, but they varied the trucks to create more interest. Commissioner Strehl said the report indicated 600 to 800 people at the events. Mr. Himlan said the numbers he quoted was what they were seeing in transactions. He noted

they have 200 seats and those were usually full by 6:37 p.m. He said he thought they were seeing 800 to 1,000 people every week.

Commissioner Strehl asked if problems were foreseen with parking at the Caltrain lot when there were Giants' games. Mr. Himlan said they have held their events through most of the Giants' season and had no major issues with overlap with the games. He said the majority of the games were during the day. Commissioner Strehl asked about impacts in the winter season. Mr. Himlan said that it was slower in the winter season and they would reduce the number of trucks and shorten the hours of operation.

Commissioner Combs asked where people were parking and if it had been expected that 70% of the patrons would drive to the event. Mr. Himlan said the data was submitted on August 13 and that they have conducted 182 interviews since they started. He said they did three observational studies prior to starting the weekly event during the time period from 3 to 5 p.m. He said they saw that every half hour parking increased. He said the Caltrain parking would be used the most and that overflow parking was on the other side, on Alma Street. He said they were making efforts to keep their patrons' cars out of the Menlo Center parking garage. He noted that had been successful some nights and unsuccessful other nights. He said the majority of people attending were coming in groups of two or more, which he thought had a positive impact on the parking situation and also a positive was that the event was close to the train station.

Commissioner Onken asked if there had been complaints. Senior Planner Rogers said there had been no formal complaints received by the City and no code enforcement instances. He confirmed that the applicant and Menlo Center property managers were working to resolve any parking issues related to the weekly event. He said the City Police Department sent officers to the first weekly events and they reported no safety issues or concerns. He said they checked with the City's Transportation Division about this review and they had no issues to bring to the Planning Commission's attention.

Commissioner Onken asked the rationale for not having tables. Mr. Himlan said bringing tables was logistically difficult because of their bulk and having space in their truck for them.

Commissioner Kadvany asked if the analysis done for the event was unique or was this something they did with all of their sites. Mr. Himlan said this information was unique and prepared for the Planning Commission specifically. He said they were collecting the data however at each of their sites to create customer profiles.

Commissioner Ferrick said she had heard anecdotally that local restaurant owners had positive feedback about the events. Mr. Jim Cogan, Economic Development Manager, Menlo Park, said one of his favorite anecdotes was from the manager at The Left Bank, who told him they had to add a server on Wednesday nights because of the additional foot traffic business the event was bringing to her restaurant. He shared some other anecdotal restaurant owner experiences related to increased activity on Wednesday evenings. He said the City has been pleased with the way Off the Grid has conducted its business in town.

Mr. Milton Borg said he owned the 7-11 and J&J BBQ property. He said that restaurant owner had not received notice about this event. Chair Eiref asked Senior Planner Rogers to reply. Senior Planner Rogers said they definitely had done a notice that would have included those

properties. Mr. Borg said the applicant was not required to have parking like other businesses which he thought was unfair. He said the local residents who owned expensive homes nearby had their concerns about noise ignored. He said the restaurants in the City of Menlo Park covered the food spectrum and he did not see what the event was bringing to the City.

Commissioner Ferrick offered her report and a copy of the surveys to Mr. Borg, which he accepted.

Ms. Catherine Bendebury said Off the Grid was great and addressed a niche not covered by local businesses.

Chair Eiref closed the public hearing.

Commission Comment: Chair Eiref noted the positive feedback and the survey information they had received. Commissioner Ferrick concurred and said she appreciated the feedback from Mr. Cogan that local restaurants were profiting from the event with more hiring and more sales. Commissioner Kadvany said the survey data showed on the whole that the people coming to this event were complementary to the other restaurant uses.

Commissioner Combs asked who collected the data.

Mr. Himlan said they devised the questions and approached people randomly at the site in Menlo Park, took that information and entered it into survey software.

Commissioner Strehl asked if the J&J Hawaiian BBQ was on Off the Grid's sign listing of nearby restaurants. Mr. Himlan said he did not think so but he could have it added. Commissioner Strehl said she was surprised that the number was low for people attending who came by train to the event. Mr. Himlan said people in communities tended to have routines. He said commuter buses from Stanford come to the station between 4:30 and 5:00 p.m. every five minutes and with the repetition of the event they expected more of those people to stay.

E2. Architectural Control/612 College, LLC/612 College Avenue: Request for architectural control to demolish a single-family residence and detached garage/warehouse building, and construct a total of four new residential units within two three-story structures in the SP-ECR/D (El Camino Real/Downtown Specific Plan) zoning district. As part of the development, the following four heritage trees are proposed for removal: two cedar trees in poor condition in the front yard, one multi-trunk elm in poor condition along the Alto Lane frontage, and one coast live oak in good condition at the middle of the parcel. ***This item was continued from the Planning Commission meeting of August 18, 2014.***
(Attachment)

Staff Comment: Senior Planner Rogers said the date of the staff report should read September 8, 2014. He said that day staff had received correspondence from Roger and Marge Abrams, new residents at 611 College Avenue, who indicated opposition to the project as currently proposed. He said the applicant has prepared a presentation and hard copies of that had been provided to the Commission.

Public Comment: Mr. Mark Donahue, project architect, said a concern expressed previously about the project was the windows along the Alto Lane elevation and that they had a pinched

and compressed feel. He presented a visual of the newly designed windows and landscaping along Alta Lane which he said would soften the base. He said there had been concern expressed for the privacy of the neighbor at 620 College Avenue. He said they planned to have a Chinese pistache tree planted in that area. He said to mitigate visual impact for the winter when that tree would not have leaves, they had raised all of the sills of the windows facing that neighbor. He said also there was a concern with the V-shaped roof on the College Avenue elevation. He said they had modified the roof. He said there had been questions about the materials. He said he had brought a larger example of the wood veneer. He said there was also a question about softening the masonry base and showed a slide of what they were proposing to do with landscaping.

Mr. Jan Prak, College Avenue, said he was opposed to the development proposal and objected to the rezoning of single-family residential to the higher density zoning. He said there had been another higher density project for which there had been considerable discussion. He said the subject site was very small and would barely accommodate one house or just two little houses. He said the proposed three-story building was completely out of character with the neighborhood and inappropriate. He said he felt College Avenue was being singled out for this dense housing. He said he thought the house next to the project would be devalued. He suggested the Commission deny the project.

Mr. Dave Geraghty, College Avenue, said these units should have Alto Lane addresses. He said Menlo Park has effectively moved El Camino Real closer to their College Avenue homes. He noted an R-3 unit at 612 College Avenue that had been lumped in with the 389 El Camino Real higher density development. He said without notification to the neighbors this residential lot had been rezoned. He said the developers for the 389 El Camino Real project made great effort to create a transition from El Camino Real to College Avenue. He said the home at 612 College Avenue that was part of that development was set back in line with the other single-family residences on College Avenue. He said this project did the reverse. He said they tore down the house without permits and left a hole on the site. He said this project would be built to three-stories and to seven feet from the property lines with no attempt to transition from El Camino Real to the residences on College Avenue. He said the project was out of character with the single-family lots on the block.

Chair Eiref closed the public hearing.

Commission Comment: Chair Eiref confirmed with staff that the zoning was part of the Specific Plan and asked how far down College Avenue the Plan zoning covered. Senior Planner Rogers said the subject parcel prior to the Plan rezoning had been zoned R-3 and had been identified in the Vision Plan and the Specific Plan as a site that would be rezoned. He said the rezoning occurred with the Specific Plan actions. He said the notification requirements were met and exceeded above and beyond with email and other outreach efforts. He said the prior R-3 zoning would have allowed a 10-foot setback and an up to 35 foot high structure on the side next to 620 College Avenue. He said, by contrast, the Specific Plan zoning on that side provided for a transition to the neighborhood and that setback line was increased to 20 feet and a new façade height limit of 30 feet was introduced. He said the current zoning was more sensitive to the transition from El Camino Real to the College Avenue neighborhood than the previous zoning for this parcel. He said this was the last Plan property before the single-family residential zone on College Avenue.

Commissioner Bressler said if there had not been a Specific Plan there could be negotiation about this project such as occurred with the 389 El Camino Real project. He said the Commission under the Plan only has architectural review. He said he did not think that distinction was made clear during the Plan process. He said that people should become politically involved with matters before the City.

Commissioner Ferrick asked about notification for the Specific Plan. Senior Planner Rogers said multiple flyers and notices were sent Citywide to capture the most interest. He said rezoning notifications were sent as prescribed in the zoning ordinance which was within a 300-foot radius. He reviewed some of the outreach methods the City had done and noted the efforts had been extensive.

Commissioner Kadvany said if residents wanted to pursue change to the Plan that there were efforts occurring. He said under current zoning the neighbors' homes on College Avenue could have had a 28-foot tall building just 10-feet or less away. He said that would have had a greater impact than this proposal which would have a 20-foot setback between the project and the next property. He said he thought the design and materials for this building were very good. He noted the project would face onto Alto Lane. He said this project would offer four residential units to the City and housing units were needed. He said he thought this would be an attractive addition to the neighborhood and had good landscaping.

Chair Eiref noted the increased setback, patio and greenery around the back next to the neighborhood, and the more modern design integrating with older style homes. He said there was a need for housing in the City. He said the windows were larger along Alto Lane which he liked. He noted the roof had been redesigned to be straight and landscaping had been increased. He said the back facing College Avenue was varied and nice but the Alto Lane side was blockier.

Commissioner Onken observed that even with a 20-foot setback between residences that if the living spaces of each faced one another such a design could be contentious and suggested that be considered in designing under the Specific Plan standards and guidelines.

Commissioner Ferrick said she liked the changes to the design particularly the roof redesign. She said the Alto Lane elevation had improved in appearance. She confirmed with staff that if the ballot measure related to the Specific Plan passed there would be no impact to this project if approved.

Commissioner Bressler said this proposal was an improvement and he could support the project.

Commissioner Onken suggested they consider Findings 2b-2e and then 2a which might require more discussion. There was Commission consensus.

Commissioner Onken moved to approve the Findings 2b-2e as recommended in the staff report. Commissioner Ferrick seconded the motion. Motion carried 7-0.

Chair Eiref said he thought that the neighborhood for this project started at El Camino Real and then transitioned back toward College Avenue. He confirmed with staff that some office could

have been possible on the portion of lot on El Camino Real. He said he thought residential was preferable.

Commissioner Strehl moved to approve Findings 2.a as recommended in the staff report. She said the applicant had made significant improvements in the design, materials, and landscaping. She said she felt the lot was closer to El Camino Real rather than to the College Avenue neighborhood. Commissioner Kadvany said he agreed. He said this was improving the neighborhood and was a good quality residential development. He seconded Commissioner Strehl's motion.

Commissioner Ferrick said she would agree with one of the speakers about the difference in the architecture but noted there were eclectic styles in the neighborhood. She said this development was a transitional property from the commercial properties to this more modern design which then transitioned to the smaller scale residential. She said definitely this project was preferable to having commercial space.

Commissioner Bressler said if this was an office development he would not support it. He said he could support this project.

Chair Eiref said this proposal had a feeling of privacy and access.

Commissioner Bressler asked if this project could be appealed to the City Council. Senior Planner Rogers said it could.

Motion carried 7-0.

Commissioner Combs moved to approve all the remaining actions as recommended in the staff report. Chair Eiref seconded the motion. Motion carried 7-0.

Commission Action: The Planning Commission approved the proposal as recommended in the staff report in three separate motions as follows. The approval findings as recommended in the staff report follow these actions in their entirety as written to avoid confusion.

M/S Onken/Ferrick to approve Findings 2b-2e as recommended in the staff report.
Motion carried 7-0.

M/S Strehl/Kadvany to approve Findings 2a as recommended in the staff report.
Motion carried 7-0.

M/S Combs/Eiref to approve all remaining actions as recommended in the staff report.
Motion carried 7-0.

All of the preceding motions were unanimous and relate to the full findings as recommended in the staff report as follows:

1. Make findings with regard to the California Environmental Quality Act (CEQA) that the proposal is within the scope of the project covered by the El Camino Real/Downtown Specific Plan Program EIR, which was certified on June 5, 2012. Specifically, make findings that:

- a. 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.
 - b. Relevant mitigation measures have been incorporated into the project through the Mitigation Monitoring and Reporting Program (Attachment F), which is approved as part of this finding.
 - c. Upon completion of project improvements, the Specific Plan Maximum Allowable Development will be adjusted by three residential units and negative 1,620 square feet of non-residential uses, accounting for the project's net share of the Plan's overall projected development and associated impacts.
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.
 - e. The development is consistent with the El Camino Real/Downtown Specific Plan, as verified in detail in the Standards and Guidelines Compliance Worksheet (Attachment D).
3. Approve the architectural control subject to the following **standard** conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by Mark K. Donahue Architect, consisting of 24 plan sheets, dated received September 3, 2014, and approved by the Planning Commission on August 18, 2014, 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. The Engineering Division has noted one particular revision to the initial submittal: the applicant shall revise the civil plans to relocate the longitudinal private water line outside of Alto Lane, subject to the review and approval of the Engineering Division.
 - 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.
 - h. Concurrent with the submittal of a complete building permit application, the applicant shall provide documentation indicating the amount of irrigated landscaping. If the project proposes more than 2,500 square feet of irrigated landscaping, then a detailed landscape plan documenting compliance with the Water Efficient Landscape Ordinance (Municipal Code 12.44) will be required, subject to review and approval of the Engineering Division.
4. Approve the architectural control subject to the following **project-specific** conditions:
- a. Simultaneous with the submittal of a complete building permit application, the applicant shall address any remaining requirements relating to the demolition of the residence, subject to review and approval of the Building Division.
 - b. Simultaneous with the submittal of a complete building permit application, the applicant shall submit an updated LEED Checklist, subject to review and approval of the Planning Division. Confirmation that the project conceptually achieves LEED Silver certification shall be required before issuance of the building permit. Prior to final inspection of the building permit, the project shall either submit verification that the development has achieved final LEED Silver certification, which may be confirmed by an outside auditor, if the City has established such a program.
 - c. The applicant shall address all Mitigation Monitoring and Reporting Program (MMRP) requirements as specified in the MMRP (Attachment F). Failure to meet these requirements may result in delays to the building permit issuance, stop work orders during construction, and/or fines.

- d. Prior to issuance of the building permit, the applicant shall submit all relevant transportation impact fees, subject to review and approval of the Transportation Division. Such fees include:
 - i. The citywide Transportation Impact Fee (TIF) is currently estimated at \$2,812.05. This is calculated by multiplying the fee of \$1,835.26 per multi-family unit by 4 units, with credit allowed for the single-family unit (\$2,989.99) and 1,620 s.f. of warehouse space (\$0.95/s.f., or \$1,539.00). This fee is updated annually on July 1st based on the Engineering News Record Bay Area Construction Cost Index.
 - ii. The Specific Plan EIR requires fair-share contributions for additional intersections not included in the citywide TIF. The detailed calculations for these improvements are not yet finalized, but preliminary estimates indicate that the cost to be considered for adoption is approximately \$360 per P.M. peak hour vehicle trip, with credit for existing, occupied uses similar to 4.d.i.
- e. Prior to building permit issuance, the applicant shall pay the El Camino Real/Downtown Specific Plan Preparation Fee, which is established at \$1.13/square foot for all net new development. For the subject proposal, the fee is estimated at \$4,936.97 (\$1.13 x 4,369 net new square feet).

Motions approving were 7-0.

F. STUDY SESSION ITEMS

F1. Study Session/David Claydon/555 Willow Road: Study Session/David Claydon/555 Willow Road: Request for a study session for the conversion of an existing nonconforming structure from office uses (currently vacant) to two residential units. The proposed project would include first and second floor additions to the existing structure. As part of the project, the existing restaurant building, which is a nonconforming use and structure, would remain. The project site is located in the R-3 (Residential Apartment) zoning district. (*Attachment*)

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

Public Comment: Mr. David Claydon said originally they tried to develop this lot with a six unit apartment complex but Fire District requirements made that impossible to do. He said they reduced the scheme until they got to this proposal which was for two large apartments.

Commissioner Onken said the apartments appeared to him to be semi-detached single-family residences. He said he thought the reference to apartments was misleading.

Planner Perata said these were dwelling units and had the same regulations for development as condominiums.

Chair Eiref asked why they wanted to keep any of the old structure.

Mr. Claydon said they would clean it all and keep the concrete wall and slab. He said by leaving those in place they would get a lot of LEED points. He said they have a goal of zero energy use

for the project. He said the footprint for the project would be about the same if they had demolished the building.

Chair Eiref asked about removing the restaurant deck. Mr. Claydon said it related to emergency access requirements.

Commissioner Ferrick asked about parking spaces for the residences. Mr. Claydon said one access was from Willow Road and the other was from Coleman Avenue through the restaurant parking lot. Commissioner Ferrick asked why they would construct two, five-bedroom apartments. Mr. Claydon said the covered parking and other parking requirements for each residential unit became difficult to situate for three apartments. Commissioner Ferrick asked why every bedroom had suite bathrooms. Mr. Claydon said they were trying to create a unit where they could accommodate an in-law, and maximize the square footage and make it flexible. Commissioner Ferrick asked about the style of architecture. Mr. Claydon said it was just conceptual at this time. He said they wanted to keep the design simple noting the site was located next to a parking lot, a bland apartment building, and a wide street. He said they would plant redwood trees along Willow Road to screen and soften the view.

Commissioner Kadvany said the staff report presented eight design considerations that seemed to question all of the design decisions proposed for the project. Mr. Claydon said that they were not allowed to build more than two stories because of the circulation requirement for a fire vehicle to have access to three sides of the building. He said if they had three apartments they would have to provide another covered and uncovered parking space. He said it was hard to get density because of the parking requirements. Commissioner Kadvany asked about doing carports. Mr. Claydon said there would not be room to turn around from those. Commissioner Kadvany said on page 3 of the staff report staff raised a question about the feasibility of even using the existing structure much less build a second story on it. He said the structure was in bad shape and he did not think there would be an effective cost savings. He said there was other discussion in the staff report that this was an unusual site. He said preserving the restaurant was a great goal but raw numbers of hardscape and landscape indicated that the project was very far away from the standards required for those for residential development. He said it seemed like a boarding house in a parking lot.

Mr. Claydon said the property has a panhandle that was a driveway. He said they were proposing removing some paving and adding landscaping. He said they would plant trees that would soften the appearance and use pervious paving as much as they were able.

Commissioner Onken said the staff report indicated the two apartments needed nine parking spaces. He said there had been 20 spaces on the site but now that was reduced to 17 parking spaces. He asked how that was calculated for the mix of residential and commercial parking. He asked if it could be segregated.

Planner Perata said two covered and two uncovered spaces were required for the two proposed residential units. He said as this was an R-3 parcel there was no parking standard in the zoning ordinance for a commercial use but other commercial businesses on Willow Road were parked six spaces per 1,000 square feet of gross floor area. He said also the use base parking guidelines for restaurants specified six spaces per 1,000 square feet. He said in applying that there would be five parking spaces needed for the restaurant. He said the additional parking could be used for the restaurant or for the residences in the evening.

Commissioner Onken asked why the parking could not be reduced further. Mr. Claydon said at certain times of the day most of the parking spaces were used by restaurant patrons, Commissioner Onken noted that parking was an issue in the City but he was concerned the applicant was limiting the project design by providing more parking than what was required. Mr. Claydon said the extra parking was along the edge of the site which was an area that did not have great utility other than for a planting strip. Commissioner Onken suggested that the restaurant parking could be located here. He said he agreed with other Commissioners about the idea of keeping the existing structure in the front which he thought was just the bicycle storage in the new design. He questioned its integrity for a second story. Mr. Claydon said they would use a steel frame to stabilize. Commissioner Onken said they might be limited to two-stories because of the Fire District requirements but there was 17 feet more height allowed by code for this site. He said a roof or something could be added to make it look less like a stucco box. He suggested improved architecture when the project came back to the Commission. He said as it was presented it was not something he could approve. He said the two homes looked like bedsits for single-room occupancy (SRO), and he suspected that was why there was so much parking. He said that would be unacceptable.

Commissioner Strehl said the City in the Housing Element Update had identified potential sites for homeless shelters and asked if this site was part of that area so identified. Planner Perata said he was not immediately certain. Commissioner Ferrick said the site was definitely part of the area identified in the Housing Element as an opportunity for housing but not necessarily for homeless shelters.

Commissioner Strehl asked if the structure were to be demolished if the property would have to comply with a 20-foot setback from Willow Road. Mr. Claydon said the City annexed eight feet of the property for purposes of potentially widening Willow Road. Planner Perata said the plan line on this property could be dedicated to Willow Road widening. He said the 20-foot setback would be measured from the plan line which was located slightly within the property line of the parcel. He said the existing building did not comply with that required setback so if the building was demolished the 20-foot setback would need to be established from the plan line.

Commissioner Strehl asked if Willow Road were to be widened what would happen with the proposed structure if it were to be approved as proposed. Planner Perata said the location of the plan line currently and the existing structure would not change how non-conforming the property was. He said the nonconforming setback was measured from the plan line. Commissioner Strehl asked if the restaurant would have to be relocated if Willow Road was widened to the plan line. Planner Perata said the restaurant was over the plan line but the question was too speculative for him to answer. Commissioner Strehl asked how appropriate it was to repurpose three walls of the existing building for a new living structure. Planner Perata said it was his understanding that they would use the front wall along Willow Road and the wall along the parking area as well as the majority of the rear wall. He said no part of the structure in front with the nonconforming setback could be demolished and rebuilt. Commissioner Strehl said this proposal was not something she could support. She said it looked like a warehouse. She said perhaps LEED certification was good but she thought starting over and thinking about the whole property was a better way to go, and perhaps as to how to provide housing later should the restaurant at some point go.

Commissioner Combs asked if the original plan mentioned by Mr. Claydon would also have kept the restaurant structure. Mr. Claydon said it would have. Commissioner Combs suggested that perhaps without the restaurant they could have accomplished the original plan. Mr. Claydon said if there was no restaurant they would create something entirely different but since it was a given they looked at how to design with it. He said they wanted to create something denser but that was not possible.

Commissioner Bressler said he agreed this proposal seemed to indicate SRO. He said they should get each of the bedrooms counted as a residential unit. He said SRO did not really bother him in this particular location. He said the design would need to be improved to look nicer but the site currently was very ugly. He said if it was made to look nicer and there were no illusions about the type of housing it was, he could support it. Mr. Claydon said potentially with the bathrooms it could be suitable for bedsits and asked if that was an appropriate and supportable use in this location near the VA Hospital.

Commissioner Onken said that use might be desirable but it was a different use class and permitting process. He said that needed to be stated clearly and the Fire District needed to know that it was single-room occupancy and not family occupied. He said there was need for this type of housing in the area but it was not clear that was what was being proposed.

Chair Eiref said anything done on the site would be an improvement. He questioned the standard of three sided access for the Fire District for a three-story building noting the three-story just approved by them on College Avenue would only have two-side access. Mr. Claydon said the Fire District made that requirement for this site and the proposed three-story building. Chair Eiref said he had never heard that requirement before and he would like clarification on that. He said LEED was a good thing but he did not understand the desire for LEED on a parcel like this one. He said the building was a concrete block and was built in 1960s, and there were much better building materials now. He said he had real concerns with how utilities and such would be installed. He said there was a need for housing in this area and a need for transitional housing had been defined. He said he liked the restaurant and that they were keeping it but it was a large lot and more housing would have been great.

Commissioner Strehl asked if the units would be rental or purchase. Mr. Claydon said it would be rental.

Commissioner Ferrick said she would prefer five, one to two bedroom units rather than two, five-bedroom units as that would help the Housing Element more. She said regarding fire access that the property appeared to have three sides for access so she would like more detail related to the Fire District requirement. She said if the building was raised and parking was put underneath there could be more circulation space. She said she would like to see quality materials and design. She said the nearby Willows area was a wonderful, thriving neighborhood.

Commissioner Combs said the proposal had an SRO feel to it. He said there was nothing wrong with that type of housing and providing it but the applicant had to be completely transparent that this was what was being proposed. He said the community had talked about blight and eyesores along its thoroughfares and this site was definitely one of those. He said he wanted to see something happen on the site but encouraged the applicant to be completely

clear about what was being proposed and that it followed the regulations of the intended proposal.

Commissioner Bressler asked if this was SRO whether the City would get credit for each of the rooms as housing. Commissioner Ferrick said she had served on the Housing Element Update Committee and that housing was determined by the number of kitchens so this proposal would only get two credits. She said that was one reason she would prefer five, one to two bedroom units each with a kitchen.

Mr. Claydon asked if they provided two stoves and two sinks in one kitchen if that would give credit for four housing units. Commissioner Ferrick said she did not think so but was not certain. Mr. Claydon said he would like to explore that more and do research.

Commissioner Kadvany said they needed clarification on the Fire District's requirements. He said he thought when there were more than three units that the Fire District starting imposing wider driveway requirements and other circulation requirements. He said underground parking would be prohibitively expensive considering the applicant was looking at saving money by using decades old cinder blocks. Mr. Claydon said he looked into underground parking but there was restricted space to do an entry ramp.

Commissioner Kadvany said he liked the goal of keeping the restaurant and suggested it would be beneficial for it to keep the outdoor dining space. He suggested clarifying what they would do with the restaurant as part of a whole program. He said regarding the Housing Element that the City had already done their update and zoning so if someone wanted to provide housing and habitat for people then that was perfectly acceptable. He suggested the applicant look at some of the questions planning staff were asking as the space was large and they could develop something that used the site well. He said the site has access from Coleman Avenue and it has lots of parking. He said there were higher goals that could be achieved. He suggested that LEED not be the foremost consideration noting just meeting California building code would get the project a long way toward LEED. He said they needed a clear program and project. He suggested they also look at the potential need for the restaurant to remodel in the future and what that could mean to the development.

Commissioner Strehl asked what the process would be if the applicants decided they wanted to do SRO housing. Planner Perata said the equivalent in the code may be the "boardinghouse" use which could approved through a use permit process or at the least architectural control.

Commissioner Onken said that carports as covered spaces rather than garages had been approved on other projects. He said what was keeping the design from being several real apartments were a lack of covered parking spaces. He said a canopy could be placed over the whole strip of parking going out to Coleman Avenue and the project could then comply with that parking requirement. He suggested that the cost in keeping a dilapidated concrete structure and trying to build on top of it, particularly when possible problems such as the foundation being too shallow for current earthquake code began to emerge, would become much greater than if they demolished the whole structure and started fresh. He said if they lost the nonconforming wall there was much better architecture that could be created on the site.

Chair Eiref closed the public comment period.

The following represents staff's summary of key topic areas, although the applicant is encouraged to consider all feedback relayed at the study session.

- The redevelopment of the site with new dwelling units, while retaining the existing restaurant building, is generally supportable;
- The applicant should explore site development options that allow for the retention of the outdoor seating and deck adjacent to the restaurant building;
- The desire to obtain LEED status should not be prioritized over the overall site layout and architectural design;
- The project should be redesigned to remove the existing office building to allow for greater flexibility in site planning and architectural design;
- The applicant should work with the Fire District on the site access requirements;
- The project should attempt to bring the development into compliance with the R-3 standards for landscaping and parking and driveway areas (paving);
- The boarding house concept could be acceptable at this location, but smaller units and an increase in density could also be acceptable at the project site;
- The redevelopment of the site should consider the timeframe for the use of the existing restaurant building and be designed to allow possible future redevelopment of that building/portion of the site.

The applicant and staff will consider the Planning Commission comments, with revisions and/or responses included as the project review proceeds.

G. COMMISSION BUSINESS

There was none.

ADJOURNMENT

The meeting adjourned at 10:15 p.m.

Staff Liaison: Thomas Rogers, Senior Planner

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on October 6, 2014