



REGULAR MEETING MINUTES

Date: 4/18/2016
Time: 7:00 p.m.
City Council Chambers
701 Laurel St., Menlo Park, CA 94025

A. Call To Order

Chair John Onken called the meeting to order at 7:00 p.m.

B. Roll Call

Present: Andrew Combs, Susan Goodhue, John Kadvany, Larry Kahle, John Onken (Chair), Katherine Strehl (Vice Chair)

Absent: Katie Ferrick

Staff: Thomas Rogers, Principal Planner; Sunny Chao, Assistant Planner; Jean Lin, Senior Planner; Michele Morris, Assistant Planner; Tom Smith, Associate Planner

C. Reports and Announcements

Principal Planner Rogers said he had been advised there was static on the meeting's audio streaming. He asked speakers to speak directly into the microphone and said staff would take extra-detailed notes for minutes preparation in case the audio failed. He introduced Assistant Planner Sunny Chao, who started with the City of Menlo Park in January. He said the General Plan Advisory Committee at its 6:30 p.m., Thursday, April 21, 2016 meeting would consider a number of items including proposals related to zoning districts, standards for green building, affordable housing and design guidelines. He said the Transportation Division was looking at potential grade crossings for the railroad in the City and was particularly focusing on the Ravenswood Avenue crossing and these would be discussed at a 6:30 p.m. May 2, 2016 public meeting. He said the April 26 City Council meeting was cancelled and all items on that agenda moved to a special meeting agenda for Tuesday, May 3.

Chair Onken asked for information about a liquor license pending for 68 Willow Road, noting an email sent to the Commission. Principal Planner Rogers said it was a pending use permit application not yet ready to bring to the Planning Commission. He said when it was ready to bring to the Commission all correspondence related to it would be included with the staff report and another public hearing notification would be sent. He said 68 Willow Road was an office building occupied by a tech innovation type company with a networking social club aspect associated with it. He said the applicants were interested in getting an ABC license to allow for certain activities, which would include alcohol sales.

Commissioner John Kadvany asked about appointments for the Planning Commission. Principal Planner Rogers said appointments would be made at the May 3rd Special City Council meeting.

Commissioner Kadwany said he had an informational handout that summarized 90% of the topics the Commission discussed on residential development use permit applications, which he was proposing for use by the Planning Division.

D. Public Comment

- Scott Marshall, a member of the Environmental Quality Commission and the Heritage Tree Subcommittee, said he was speaking as a Menlo Park resident. He asked that care be taken to preserve two Coast live oak trees that were very well established and that they be incorporated into the project design for the 1022 Alma Street development project. He suggested when the former Sunset Publications site at 80 and 81 Willow Road was developed that it include a public path along the creek which the property backs to. He expressed support for Café Zoe's application for beer and wine use permit.

Chair Onken noted that the oak trees were an integral part of the design for 1022 Alma Street, which had already been reviewed by the Planning Commission.

E. Public Hearing

- E1. Use Permit/Jasper and Connie Chan/620 College Avenue:
Request for a use permit to demolish a one-story single-family residence with a detached garage and accessory building, and build a new two-story single-family residence with attached garage on a substandard lot as to lot width in the R-1-U (Single-Family Urban Residential) zoning district. As part of the project, one heritage magnolia tree in the right of way is proposed for removal. ([Staff Report #16-026-PC](#))

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

Applicant Presentation: Ms. Cynthia Munoz, Stoecker and Northway Architects, said she was representing the property owners, Jasper Chan and Connie Wang. She said they worked to create a design that complemented the one and two-story homes in the neighborhood. She said the magnolia tree proposed for removal would allow for driveway widening noting the driveway currently was one car width and pushed against the property line. She said also the arborist had found the magnolia tree to be in poor condition and advised its removal for that reason. She said the replacement tree they were proposing as a 24-inch box Chinese pistache. She said the property owners had communicated with their neighbors consistently about the design plans. She said townhome property owners behind this property on Middle Avenue had recently expressed concerns with privacy impacts. She said the rear of the second floor was stepped in considerably putting the two bedroom walls 80 and 90 feet away from the rear property line and there were only two windows on the rear wall. She said the property owners also planned to heavily plant the perimeter of the property to provide landscape screening.

Commissioner Larry Kahle said he was glad to hear they had spoken with the neighbor at 628 College Avenue as he was concerned with the amount of glass on that side. He asked if they had considered raising the sills. Ms. Munoz said they actually had had more glass there originally and had reduced the amount. She said they also considered patterned glass to further mitigate but the neighbor expressed comfort in the measures they had taken already as the windows on that side

would not look into the neighbor's living space.

Chair Onken opened and closed the public hearing as there were no speakers.

Commission Comment: Chair Onken said it was an interesting design. He said he liked the stairwell in the front. He was concerned that illumination of it at night might dominate the neighbor to the west. He said that double-wide garage doors at the front of the house were a concern generally for the Commission on projects, and would prefer to see the expanse divided or visually broken up somehow.

Commissioner Goodhue said she thought the design did a good job of bridging the one-story residence on one side and the three-story residence on the other side. She said her own home had a one double-wide garage door that was approved by the Planning Commission 10 years ago. She said there were ways to make the garage door attractive. She said she supported the project.

Commissioner Kahle said the windows on the one side were too much still for and agreed it could be overpowering in the evening when lit. He said the garage doors were prominent but he thought it worked with this style. He noted a half-wall at the front with a post that seemed somewhat out of place having the same cladding as the stair tower. He noted a louvered vent at the second story stucco gable and suggested some treatment to reduce the amount of stucco above it.

Chair Onken asked the applicants to be thoughtful in what lighting used to illuminate their stairway.

Commissioner Combs said it was a thoughtful, modern aesthetic design. He said he shared Chair Onken's concerns about the double garage door expanse and the potential illumination issue of the glass stairwell.

Chair Onken said that the area would still be well screened if the magnolia tree was removed. He said the elm tree to the east was substantial enough with a replacement tree to offset the magnolia removal.

Commissioner Strehl said she had some concern with the double garage door but noted that having seen Commissioner Goodhue's double garage door was of the opinion that such a door could be quite handsome. She moved approval of the project. Commissioner Goodhue seconded the motion.

ACTION: Motion and second (Strehl/Goodhue) to approve the item as recommended in the staff report; passes 6-0 with Commissioner Ferrick absent.

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 California Environmental Quality Act (CEQA) Guidelines.
2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such

proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.

3. Approve the use permit subject to the following **standard** conditions:

- a. Development of the project shall be substantially in conformance with the plans prepared by Stoecker and Northway Architects Incorporated consisting of thirteen plan sheets, dated received March 30, 2016, and approved by the Planning Commission on April 18, 2016, 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 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 and the recommendations in the arborist report by Kielty Arborist Services revised on February 17, 2016.

- E2. Use Permit/KZ Marketing Group LLC dba Café Zoe/1929 Menalto Ave:
Request for a use permit to allow an existing café with outside seating and live entertainment to add an on-sale beer and wine (ABC Class 41) license in the C-2 (Neighborhood Shopping) zoning district. ([Staff Report #16-027-PC](#))

Staff Comment: Assistant Planner Morris said she had distributed a recently received email in support of the project to the Commission at the dais and copies were available for the public at the table in the back of the room.

Questions of Staff: Commissioner John Kadvany asked what the language “for the sale of beer and wine for consumption on and off the premises” meant. Principal Planner Rogers said it meant that a customer could buy a closed bottle of wine or beer at the restaurant or bar and take it home to consume there, and that this was a standard part of this particular ABC license.

Commissioner Combs asked if there needed to be any distinction between bottled beer and tap beer. Principal Planner Rogers said there was no ABC mandate about that and the beer could be on tap or bottled.

Applicant Presentation: Ms. Kathleen Daly, Café Zoe proprietor, said the Café would not be a bar and there were strict regulations that they would have to follow to serve beer and wine. She said she felt situated in the neighborhood enough that should there be a problem someone would tell her. She said she would set up an account with “Safe Rides Home” if needed. She said they needed to expand the business to make it work noting that the coffee industry had changed dramatically in the eight years since she opened the Café.

Public Comment:

- Patrick Farris said his building was on the corner of Menalto and Gilbert Avenues and he been there for 19 years. He said that the Café Zoe proprietor was a true gem and a very valuable addition to the community. He said he supported the use permit request.
- Mary Hofstedt said she supported the use permit request for Café Zoe. She said the Café was a huge asset to the community and the non-profit sector.
- Ellen Hafner, a long time resident, said that a beer and wine license was not appropriate for a family centered neighborhood. She said her concern was with young children old enough to walk to the Hacienda Market to buy ice cream or gum and passing beer and wine drinkers at the two front outside tables. She said a new junior high school was going into Oak Court and those children would be able to ride their bicycles through that area as well. She suggested that wine and beer consumption not be allowed at the two front outdoor tables.

Chair Onken closed the public hearing.

Commission Comment: Commissioner Kadvany said it appeared that beer and wine were available for sale during the Café’s hours. Assistant Planner Morris said that was correct and the proposed hours were shown under condition 4.c.v.

Commissioner Kahle asked the applicant if she had considered not serving beer and wine on the street side of the Café and what the hours were for selling beer and wine.

Ms. Daly said her plan was to close at 5 p.m. on Sunday, Monday and Tuesdays, 10 p.m. on Wednesday and Thursdays, and 11 p.m. on Friday and Saturdays. She said if needed she was willing to work within parameters to not serve beer and wine outside until 6 p.m. on the street side and have the customers partaking of beer and wine served inside or outside at the back of the Café. She said the Café was very family friendly. Commissioner Kahle asked if beer and wine would be served until 11 p.m. on Friday and Saturdays. Ms. Daly said beer and wine would be served until 10:30 p.m. on those two nights.

Chair Onken asked if the alcohol license was transferrable if another dining business replaced Café Zoe. Assistant Planner Morris said the use permit was transferable if another similar use was to replace Café Zoe but not to a different use without a use permit application process.

Commissioner Strehl asked the applicant if she would serve wine and beer at 8 a.m. Ms. Daly said beer and wine sales would start during the lunch hour. Commissioner Strehl said there were many letters of support for the use permit request. She said having lived in the Willows many years she knew that Ms Daly was a very responsible community asset and had brought the community together in many ways. She said the request was absolutely supportable. She said also there was another beer and wine license establishment at the corner of Willow and Gilbert very similar to this request and that children travel by that site on bicycle.

Commissioner Combs said the project was supportable. He said he understood Ms. Hafner's concerns yet he did not see how they would apply those standards noting that restaurants on Santa Cruz Avenue have outdoor dining and serve alcohol. He said if it was to be applied because of the Café being in a neighborhood setting that did not acknowledge similar other establishments in neighborhoods.

Commissioner Kadvany said it was a positive thing to have the business open later as it would lend to increased vibrancy, neighborliness and fun in the area.

Chair Onken said he was generally supportive of the use permit because he knew the proprietor and their clientele.

Commissioner Kahle moved to approve as recommended in the staff report. Commissioner Strehl seconded the motion.

ACTION: Motion and second (Kahle/Strehl) to approve the use permit request as recommended in the staff reports; passes 6-0 with Commissioner Ferrick absent.

1. The project is categorically exempt under Class 1 (Section 15301, "Existing Facilities") of the current California Environmental Quality Act (CEQA) Guidelines.
2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
3. Approve the use permit subject to the following **standard** conditions:
 - a. Development of the project shall be substantially in conformance with the sketches prepared by Kathleen Daly, consisting of four sheets, dated received April 13, 2016, and approved by the Planning Commission on April 18, 2016, 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 requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
4. Approve the use permit subject to the following **project-specific** conditions:
 - a. All tenants of the subject property are responsible for daily pick up of trash and refuse in the immediate vicinity of the subject property, including the portion of the alley directly behind the property.

- b. All tenants on the subject property that are defined as a recreational facility that is privately operated as per Section 16.78.030 (13) of the Zoning Ordinance shall have a maximum class size of 18 students, and classes shall be separated by a minimum interval of 15 minutes in order to allow departing patrons to free up car and bicycle parking spaces for arriving patrons.
- c. The café use shall have the following unique conditions:
 - i. Service at the café shall be allowed to serve non-alcoholic beverages, beer, wine and food items including but not limited to baked goods and sandwiches, but excluding cooked meals.
 - ii. The café shall primarily operate as a sit down establishment as opposed to a fast food outlet that focuses on take-out business.
 - iii. The café shall be limited to a maximum of 28 seats for customers, including eight outdoor seats (four in front, four in rear).
 - iv. Service of beer and wine shall be allowed at the outdoor seating of the café.
 - v. The hours of operation for the café shall be limited to between 8:00 A.M. and 5:00 P.M. on Sunday, between 7:00 A.M. and 5:00 P.M. on Monday and Tuesday, between 7:00 A.M. and 10:00 P.M. on Wednesday and Thursday, and between 7:00 A.M. and 11:00 P.M. on Friday and Saturday.
 - vi. Live music or entertainment is permitted on Friday evenings and Sunday afternoons. Performances shall take place indoors.
- d. Any citation or notification of violation by the California Department of Alcoholic Beverage Control or other agency having responsibility to assure public health and safety for the sale of alcoholic beverages will be grounds for considering revocation of the use permit

E3. Use Permit and Architectural Control/Lauren Van Sickle/1110 Marsh Road:
Request for a use permit and architectural control to convert one service bay into additional convenience store area and install a new double front door and windows to the existing convenience store at an existing gas and auto service station. This project is located in the C-4 (General Commercial) zoning district. ([Staff Report #16-028-PC](#))

Staff Comment: Associate Planner Smith said there were no additions to the staff report.

Applicant Presentation: Muthana Ibrahi, Bohannon Development Inc. said the proposal was to convert one storage bay and increase the convenience store area by 1,380 square feet. He said a new store front would replace the roll up doors and a new centered gabled entrance to the store with two cylindrical pilasters and symmetrical store fronts would be added.

Chair Onken opened and closed the public hearing as there was no public comment.

Commission Comment: Chair Onken said this project had no negative impact that he could see. He moved to approve as recommended in the staff report. Commissioner Goodhue seconded the motion.

ACTION: Motion and second (Onken/Goodhue) to approve the project as recommended in the staff report; passed 6-0 with Commissioner Ferrick absent.

1. Make a finding that the project is categorically exempt under Class 1 (Section 15301, "Existing Facilities") of the current California Environmental Quality Act (CEQA) Guidelines.
2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
3. 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 property is not within any Specific Plan area, and as such no finding regarding consistency is required to be made.
4. Approve the use permit and architectural control subject to the following **standard** conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by MI Architects Incorporated consisting of seven plan sheets, dated received April 8, 2016, and approved by the Planning Commission on April 18, 2016, 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 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

E4. Architectural Control, Use Permit, and Below Market Rate (BMR) In Lieu Fee Agreement/Pollock Realty Corporation/1400 El Camino Real: Request for architectural control and a use permit to construct a 61-room hotel consisting of four stories and an underground parking level in the SP-ECR/D (El Camino Real/Downtown Specific Plan) zoning district. The proposed development would be at the Public Benefit Bonus level, which would exceed the Base level floor area ratio (FAR), in recognition of the hotel use's Transient Occupancy Tax (TOT) revenue. The proposal includes the application of the Transportation Manager's discretion to approve a parking rate for the proposed use type which does not have an established parking rate under the Specific Plan, specifically, a hotel use with a restaurant which does not include conference facilities. The proposal also includes a request for a use permit for live entertainment, on-sale of alcohol, and outdoor seating as part of the hotel and restaurant uses. In addition, the applicant is requesting approval of a Below Market Rate (BMR) In Lieu Fee Agreement for this project. ([Staff Report #16-029-PC](#))

Staff Comment: Senior Planner Lin said there was one minor typographical error on page 6 of the staff report, under heading "Public Benefit Bonus," third paragraph down: "...the November 16, 2016 Planning Commission Study Session," should be replaced with "...the November 16, 2015 Planning Commission Study Session." She said the colors and materials board was located at the end of the dais. She said this project was within the El Camino Real/Downtown Specific Plan zoning district and needed to meet the standards as shown on the checklist sheet in the staff report and comply with the Specific Plan's EIR. She said Mr. Arnold Mammarella, the City's design consultant, and the project applicant were also present.

Applicant Presentation: Mr. Jeff Pollock, Pollock Financial Group, said the project was on the corner of Glenwood Avenue and El Camino Real, and its L-shape design would anchor that corner. He said attractive landscaping around the building and in the courtyard would provide a pleasant pedestrian experience. He said they put a pavilion in the front to engage people passing by with the active courtyard. He said they would have a minimum 75-parking spaces in two tiers with mechanical stackers. He said one project benefit was the Transient Occupancy Tax (TOT) revenue to the City which the fiscal analysis estimated at \$600,000 per year. He said the hotel would connect the community, downtown businesses and Caltrain and add to vibrancy. He said it was a direct economic stimulus as it was within walking distance of Santa Cruz Avenue and businesses there, as well as for others along El Camino Real. He said they would provide a dedicated right turn onto El Camino Real from Glenwood Avenue. He said they would provide wider sidewalks and deeper setbacks for landscape screening and outdoor seating along Glenwood Avenue. He said the project would be a LEED Silver building. He said their business had been in the City for 50 years and they would continue their charitable and civic relationships, and participate with the Chamber, local schools and businesses to give back to the community.

Mr. Mark Hornberger, project architect, Hornberger + Worstell, said the site and building were compact and they were trying to give variety and life to the materials, the colors, the massing and

building articulation. He said they continued to evolve the design by adding detail, articulating the parapet, the proportionality of the pavilion, and opening the glazing at the ground level. He said the project has a courtyard that opens around the Coast live oak, a green wall separating the ramp, outdoor dining spaces in the courtyard and along Glenwood Avenue. He said they were adding street trees and keeping the pedestrian environment along El Camino Real active, adequate and safe. He said there was off street drop off and loading for the underground parking. He said the ground level included reception and a restaurant and bar which opened both to the Glenwood Avenue and courtyard sides. He said noted the use of fins, two vertical light features that would softly illuminate the building exterior.

Mr. Jaime Rodriguez, Traffic Patterns, said they were the transportation and traffic consultants for the developer. He said the dedicated right turn lane from Glenwood Avenue onto El Camino Real was one of the mitigation measures identified in the Specific Plan. He said it would allow for improvements in bicycle facilities so that bicyclists going straight through the intersection to Valparaiso Avenue could be positioned to the left of right turn traffic rather than to the right as it was currently. He said the pedestrian space would be widened along El Camino Real and Glenwood Avenue. He said the project was one parking space short of the Plan's requirement of 76 spaces. He said 75 spaces were provided onsite and the developer was proposing a very aggressive transportation demand management plan and would use fulltime parking valet service. He said with valet parking and the use of aisles parking was increased another 15 to 20 spaces. He said there were also discussions with Language Pacifica located across the street for additional parking if needed of 19 spaces. He said there were three valet drop off spaces along El Camino Real. He said employees and visitors would be provided with Caltrain Go Passes and would also be able to check out electric bicycles for local travel. He said they would have changing rooms and showers for employees riding bicycles to work.

Mr. Pollock said the project would be LEED Silver. He said sustainable elements included native, drought resistant plantings, hot water panels to preheat water heaters, guest room technology to keep unused rooms temperatures neutral. He said they were working with three neighbors on a tieback arrangement regarding their construction shoring. He said they had agreement with one and were nearly in final agreement with the other two. He said they did an extensive noise study. He said having an L-shaped building mitigated much of the noise to the east. He said they would meet noise ordinance standards and time restrictions on noise. He said for events at the hotel the manager would reach out to the community and provide contact information.

Commissioner Strehl asked if neighbors' concern about noise from the HVAC system had been addressed and resolved. Mr. John Spanier, Hornberger + Worstell, said they were working with the acoustic engineer to identify the best method of mitigating that noise such as providing duct liner and fans. He said they would continue to provide information about that through the building permit process.

Commissioner Goodhue asked about the capacity of the event space. Mr. Pollock said the space was 1200 square feet and they estimated an 80 person capacity. He said the restaurant was 2700 square feet and was expected to hold 60 to 70 people.

Chair Onken said the use permit indicated this was a hotel use with restaurant that did not include

conference facilities and asked about the event space as it seemed to support a conference function. Senior Planner Lin said it was not independent conference facilities including meeting rooms. She said this space was a function room and could serve for the function of a meeting but not in the sense of a conference held for out of town conference goers and multiple meeting sessions. Chair Onken asked how parking for that event space was counted. Senior Planner Lin said the 1.25 space per room rate for hotels encompassed quite a few facilities including full conference facilities, restaurant and bar, and fitness facilities with public access. She said the project has proposed 75 spaces total that equated to 1.23 spaces per room. She said they were more limited in their facilities and were not providing conference rooms or fitness facilities..

Public Hearing:

- Unidentified woman asked for clarification as to why the event function room was not a conference room

Chair Onken closed the public hearing.

Commission Comment: Chair Onken asked the Commission to first focus on architectural control and then public benefit. He said the project had moved ahead since the Commission last saw it. He said it was a good project and supportable. He said it was testament to the Specific Plan that the City has gained quality development out of it. He asked staff if a through lane for bicyclists would be created next to the dedicated right turn lane on Glenwood Avenue. Senior Planner Lin said that was her understanding.

Chair Onken said the impact of the function room on parking was very minimal as the public use space was much more limited than with larger hotel facilities.

Commissioner Strehl asked about water conservation efforts related to guest use. Mr. Hornberger said there would be low flow plumbing fixtures, postings in the rooms to encourage use of towels multiple times, and the use of soap and soap products that would be recyclable and eco-sensitive. He said there would be a laundry-bin holding area in the back of the house and laundry would be taken offsite for cleaning.

Commissioner Combs asked about the courtyard and its use. Mr. Hornberger said the restaurant and bar opened to the outdoor space. He said the event room was best described as a large private dining room. He said there would be movable furniture in the courtyard and a fire pit.

Commissioner Kahle asked about the stair tower, which he recalled being more prominent when they last saw it, noting it had been deemphasized. He asked if the stairs were now open to the air. Mr. Hornberger said they were open with a glass rail that faced Glenwood. He described the finishing materials and the architectural detail.

Commissioner Kahle said he liked the entry with the covered exposed beam work. He asked about the corner staircase from the parking underground and whether that was behind the tree. Mr. Hornberger said it was the area of the tree and the stair was hidden with a planter. He said they tried to open the corner, give more pedestrian circulation around the curb cuts and differentiated between the lower stone planter directly in front of the lobby from the planter that encloses the stair way. Commissioner Kahle asked about the darker brown material. Mr.

Hornberger said they were discussing a type of finished metal, something like Cor-Ten steel. Commissioner Kahle asked if it was similar to the stair case at Café Borrone. Mr. Hornberger said it was. Commissioner Kahle confirmed there were planters between the outdoor dining and the sidewalk along Glenwood Avenue. He said the two fins on the El Camino Real side were very prominent. He asked how far they projected and what the lighting source was. Mr. Hornberger said the fins were made of two plates of aluminum on the sides painted in a slightly darker metal gray with perforated metal along the front like the perforations of a colander. He said in back the fin would sit off the wall four to five inches with linear LED light that would illuminate the wood and ceramic tile behind it warmly. He said a bit of light but not bright would come from the front of the fixture. Commissioner Kahle said he was concerned that the fins extended too high. Mr. Hornberger said they designed them that way to offset the parapet.

Commissioner Goodhue noted the Cor-Ten material on the corner of El Camino and Glenwood. She asked if the planter extending back to the horizontal fence was also Cor-Ten. Mr. Hornberger said those were intended to be some form of sandblasted concrete material as they wanted a change up in color and materials there. She said she supported the vertical fin detail with the illumination as she had seen it in other similar hotel projects. She said she would not want it cut off at the top as that would create a horizontal there. She said the project was required to be LEED Silver and asked if there was any chance it would be LEED Gold. Mr. Hornberger said there was a chance. He said when working towards such a rating they always tried for more points than what was required. He said if the contractor was really good about recycling and if they were able to source more of the material locally that would help, but that was yet to be determined. He said his office has a number of LEED Gold projects and they were often determined at the last third of the job by how well things went in the construction phase.

Chair Onken asked about the hotel group. Mr. Pollock said they were talking with the Broughton Group and with two branding firms both of which were very good. He said they would leave it to the experts and then get community input. He said they were a few months away from a name.

Commissioner Strehl asked if the courtyard would be open to the public. Mr. Hornberger said for anyone making use of the restaurant and bar.

Commissioner Kadvany said the architecture was very interesting and would compete well with the Epiphany and other hotels being developed in Palo Alto. He asked if they had considered capacity parking and the driveway capacity. Mr. Pollock said there was three car capacity in the valet area with a 24/7 valet. He said they had 75 spaces and their traffic consultants had identified another 20 spaces available by parking in aisles. He said the community had also asked for overflow parking and they found some across the street if it was needed. He said they could work out further arrangements as needed for bigger events. Commissioner Kadvany said his concern was about timing and phasing noting the potential bottleneck with valets having to take cars offsite. Mr. Pollock said there was always a learning curve in starting an operation and valet operators needed to get a system down. He said they would bring a professional company on board to manage this. He said Epiphany has a valet drop off and the cars needed to be parked a block away. He said El Camino Real and the traffic light would serve as a meter as well. Commissioner Kadvany asked how detailed the agreement with the professional parking operator would be and suggested including a time limit on how long a car could be in the valet area. Mr. Pollock said they could

definitely discuss those type of contract elements.

Chair Onken said the Commission had made comments previously that the project was somewhat bland and boxy and noted that much architectural improvement had been made to the project. He said he thought the project would be a success for Menlo Park. He noted the public benefit package was weighted with the TOT revenue, which he thought the Specific Plan had envisioned in encouraging hotel use, and the one-time payment of a BMR in-lieu fee.

Commissioner Strehl said she read that the City Council would take action to define TOT as public benefit. Senior Planner Lin said Council has directed staff to make changes to the Specific Plan to allow hotel development at the public benefit level in recognition of revenues generated by TOT.

Commissioner Kahle said in November there had been discussion of some type of City use of the facility such as a State of the City event or some other nonprofit use. He asked if that was formalized.

Mr. Pollack said it was not formalized. He said his company was involved with many charities such as the Heart of Silicon Valley but nothing has been formalized regarding use of the hotel facilities. He said they were giving one of the school foundations \$5,000.

Commissioner Kadvany asked about the Specific Plan lock box and TOT. Principal Planner Rogers said the Specific Plan talked about a public amenities fund that would be a locked box accounting method toward public amenities in the Specific Plan area. He said during the review of the Marriott project there was a suggestion by the Commission that TOT for that project be used specifically for public amenities in the Specific Plan area. He said that the City Manager and City Attorney advised the Council that legislatively TOT goes into the general fund. He said the City Council would need to make discrete decisions with each year's Capital Improvement Program (CIP) regarding the use of that revenue.

Commissioner Kadvany suggested making recommendations to move the TOT revenues back into the Specific Plan area. Commissioner Onken said it was an irony that the Specific Plan attracted hotels but the TOT could not be allocated solely to public amenities within the Plan area.

Commissioner Combs said it was problematic to describe TOT as a public benefit as public bonus density should be allowed based on something clearly a public benefit and not something that would be received anyway. He said public benefit was a type of benefit and not an amount.

Chair Onken noted on page J3 that there was the quarter of a million dollar in-lieu BMR fee for the bonus area.

Commissioner Goodhue said she thought this was a great project for Menlo Park and that it would be nicer than the Clement which she understood was charging \$1,000 a night and the public was not allowed to go into the lobby. She said she looked forward to its construction, the vibrancy it would bring to the area, and the TOT revenue. She moved to approve as recommended in the staff report. Commissioner Strehl seconded the motion with a recommendation that some portion of the TOT revenue be apportioned specifically to a Specific Plan public amenity project.

ACTION: Motion and second (Goodhue/Strehl) to approve the item as recommended in the staff

report; passes 6-0 with Commissioner Ferrick absent.

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. A checklist has been prepared detailing that no new effects could occur and no new mitigation measures would be required (Attachment K).
 - b. Relevant mitigation measures have been incorporated into the project through the Mitigation Monitoring and Reporting Program (Attachment L), which is approved as part of this finding.
 - c. Upon completion of project improvements, the Specific Plan Maximum Allowable Development will be adjusted by 31,725 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 F).
3. 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.
4. Approve the Below Market Rate Housing In Lieu Fee Agreement. (Attachment J).
5. Approve the architectural control and use permit subject to the following **standard** conditions:

- a. Development of the project shall be substantially in conformance with the plans prepared by Hornberger + Worstell, consisting of 60 plan sheets, dated received on April 8, 2016, and approved by the Planning Commission on April 18, 2016, 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 requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
- c. 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.
- d. All public right-of-way improvements, including frontage improvements and the dedication of easements and public right-of-way, shall be completed to the satisfaction of the Engineering Division.
- e. Prior to commencing any work within the right-of-way or public easements, the applicant shall obtain an encroachment permit from the appropriate reviewing jurisdiction.
- f. Prior to building permit issuance, applicant shall coordinate with California Water Company to confirm the existing water mains meet the domestic and fire flow requirements of the project. If the existing water main is not sufficient as determined by California Water Company, applicant may, as part of the project, be required to construct and install new water mains sufficient to meet such requirements.
- g. Prior to building permit issuance, applicant shall coordinate with West Bay Sanitary District to confirm the existing sanitary sewer mains have sufficient capacity for the project. If the existing sanitary sewer main is not sufficient as determined by West Bay Sanitary District, applicant may, as part of the project, be required to construct and install new sanitary sewer mains sufficient to meet such requirements.
- h. 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.
- i. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a plan for: 1) construction safety fences around the periphery of the construction area, 2) dust control, 3) air pollution control, 4) erosion and sedimentation control, 5) tree protection fencing, and 6) construction vehicle parking. The plans shall be subject to review and approval by the Building, Engineering, and Planning Divisions prior to issuance of a building permit. The fences and erosion and sedimentation control measures shall be installed according to the approved plan prior to commencing construction.

- j. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a draft "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. The applicant shall enter into and record a Stormwater Treatment Measures Operations and Maintenance Agreement prior to building permit final inspection.
- k. Simultaneous with the submittal of a complete building permit application, the applicant shall submit plans that comply with the C.3 requirements of the Municipal Regional Permit (MRP) NPDES Permit CAS 612008, subject to review and approval of the Engineering Division. The project has been determined by the Engineering Division to qualify for Special Project status in which case the project shall be designed to meet all C.3 requirements applicable to a Special Project. All on-site storm runoff treatment measures shall comply with Section C.10 of the Municipal Regional Permit for Stormwater with regards to trash capture.
- l. 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 building permit.
- m. Simultaneous 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 500 square feet of irrigated landscaping, it is subject to the City's Water Efficient Landscaping Ordinance (Municipal Code Chapter 12.44). Submittal of a detailed landscape plan would be required concurrently with the submittal of a complete building permit application.
- n. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a lighting plan, providing the location, architectural details and specifications for all exterior lighting subject to review and approval by the Planning Division.
- o. Simultaneous with the submittal of a complete building permit application, a design-level geotechnical investigation report shall be submitted to the Building Division for review and confirmation that the proposed development fully complies with the California Building Code. The report shall determine the project site's surface geotechnical conditions and address potential seismic hazards. The report shall identify building techniques appropriate to minimize seismic damage.
- p. 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.

- q. Prior to issuance of building permit, the applicant shall pay the applicable Building Construction Street Impact Fee in effect at the time of payment. The current fee is calculated by multiplying the valuation of the construction by 0.0058.
 - r. A complete building permit application will be required for any remediation work that requires a building permit. No remediation work that requires approval of a building permit shall be initiated until the applicant has received building permit approvals for that work. All building permit applications are subject to the review and approval of the Building Division.
 - s. If construction is not complete by the start of the wet season (October 1 through April 30), the applicant shall implement a winterization program to minimize the potential for erosion and sedimentation. As appropriate to the site and status of construction, winterization requirements shall include inspecting/maintaining/cleaning all soil erosion and sedimentation controls prior to, during, and immediately after each storm event; stabilizing disturbed soils through temporary or permanent seeding, mulching, matting, tarping or other physical means; rocking unpaved vehicle access to limit dispersion of much onto public right-of-way; and covering/tarping stored construction materials, fuels, and other chemicals. Plans to include proposed measures to prevent erosion and polluted runoff from all site conditions shall be submitted for review and approval of the Engineering Division prior to beginning construction.
 - t. The applicant shall retain a civil engineer to prepare "as-built" or "record" drawings of public improvements, and the drawings shall be submitted in AutoCAD and Adobe PDF formats to the Engineering Division.
 - u. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance.
6. Approve the architectural control and use permit subject to the following ***project-specific*** conditions:
- a. The applicant shall address all Mitigation Monitoring and Reporting Program (MMRP) requirements as specified in the MMRP (Attachment L). Failure to meet these requirements may result in delays to the building permit issuance, stop work orders during construction, and/or fines.
 - 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. The Checklist shall be prepared by a LEED Accredited Professional (LEED AP). The LEED AP should submit a cover letter stating their qualifications, and confirm that they have prepared the Checklist and that the information presented is accurate. 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 or as early as the project can be certified by the United States Green Building Council, the project shall submit verification that the development has achieved final LEED Silver certification.

- c. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a draft Public Access Easement (PAE) along the property frontage to accommodate the full 15-foot wide sidewalk along El Camino Real and the full 5'-6" wide sidewalk along Glenwood Avenue, as measured from the back of street curb. Said PAE dedication shall be subject to review and approval of the Engineering and Transportation Divisions, and shall be accepted by the City Council and recorded with the San Mateo County Recorder's Office prior to building permit final inspection.
- d. Simultaneous with the submittal of a complete building permit applicant, the applicant shall submit a draft dedication of right-of-way to the City of Menlo Park at the southeast corner of the property to accommodate the proposed westbound right-turn lane on Glenwood Avenue, subject to review and approval of the Engineering Division. Said dedication shall be accepted by City Council and recorded prior to building permit final inspection.
- e. Prior to issuance of building permit, the lot merger shall be recorded with the San Mateo County Recorder's Office.
- f. Prior to issuance of the building permit, the owner/applicant shall submit design to demonstrate the proposed shoring tie-back system does not adversely affect any existing or future utilities, to the satisfaction of the City Engineer. Prior to issuance of the building permit, the owner/applicant shall enter into a Tie-Back Agreement with the City for the tie-backs encroaching and remaining into the right of way associated with the project in a form approved by the City Attorney, which agreement shall be recorded and shall be binding on future owners of the property.
- g. Prior to issuance of the building permit, the applicant shall install reference elevation/benchmarks to monitor ground movement in the vicinity of the shoring system at the current centerline of Glenwood Avenue adjacent to the property before, during and after excavations. The benchmarks shall be surveyed by a licensed surveyor and tied to an existing city monument or benchmark. The benchmarks shall be monitored for horizontal and vertical displacement of Glenwood Avenue improvements.
- h. Prior to issuance of building permit, the applicant shall pay the commercial linkage fee of approximately \$268,076.25 in accordance with the Below Market Rate (BMR) In Lieu Fee Agreement. The BMR fee rate is subject to change annually on July 1 and the final fee will be calculated at the time of fee payment.
- i. Prior to issuance of building permit, the applicant shall submit 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 \$35,849.25 (\$1.13 x 31,725 net new square feet).
- j. Prior to issuance of building permit, the applicant shall submit all relevant transportation impact fees (TIF), subject to review and approval of the Transportation Division. Such fees include:

- i. The TIF is estimated to be \$111,857.53. This was calculated by multiplying the fee of \$1,833.73 per hotel room by 61 rooms. The project will receive credit against this TIF amount for the construction of the westbound right-turn lane on Glenwood Avenue. Please note this fee is updated annually on July 1st based on the Engineering News Record Bay Area Construction Cost Index. Fees are due before a building permit is issued.
- ii. The City has adopted a Supplemental Transportation Impact Fee for the infrastructure required as part of the Downtown Specific Plan. The fee is calculated at \$379.40 per PM peak hour vehicle trip. The proposed project is estimated to generate 37 PM peak hour trips, so the supplemental TIF is estimated to be \$14,037.80. Payment is due before a building permit is issued and the supplemental TIF will be updated annually on July 1st along with the TIF.
- k. Simultaneous with the submittal of a complete building permit application, the applicant shall submit landscape plans showing revised tree species for the two new street trees along El Camino Real, subject to review and approval of the City Arborist.
- l. Simultaneous with the submittal of a complete building permit application, the applicant shall prepare detailed construction plans for the construction of a westbound right-turn lane on Glenwood Avenue at the intersection of El Camino Real, subject to review and approval of the Public Works Director. Prior to the issuance of a building permit, the applicant shall obtain approval from the Public Works Director for the improvement construction plans and shall provide a bond for improvements in the amount equal to the estimated construction cost for the intersection improvements plus a 30 percent contingency. Complete plans shall include all necessary requirements to construct the improvements in the public right-of-way, including grading and drainage improvements, utility relocations, traffic signal relocations/modifications, tree protection requirements, and signage and striping modifications. The plans shall be subject to review and approval of the Public Works Director prior to submittal to Caltrans.

The applicant shall complete and submit an application for Caltrans encroachment permit within 30 days of receiving City approval of the plans. The applicant shall commence the construction of the improvements within 90 days of receiving approval from Caltrans and any other applicable agencies, and shall diligently prosecute such construction until it is completed. The improvements must be completed prior to final inspection of the building permit.

If Caltrans does not approve the proposed intersection improvements within 12 months of the effective date of the architectural control and use permit approval, and the applicant demonstrates that it has worked diligently to pursue Caltrans approval to the satisfaction of the Public Works Director, then the applicant 1) shall re-design and construct interim frontage improvements that install landscaping within the proposed westbound right-turn lane area to the satisfaction of the Public Works Director prior to issuance of certificate of occupancy and 2) shall continue to diligently pursue Caltrans approval for the intersection improvements for a period of 4 years from the date of occupancy. If the applicant continues to work diligently to the satisfaction of the Public Works Director, but has not yet obtained approval to construct the improvement, then the applicant shall be relieved of responsibility to construct the improvement and the

bond shall be released by the City after the applicant submits funds equal to the bid construction cost plus 30 percent contingency to the City. The City may use the funds to construct such improvements if and when approved by Caltrans or for other transportation improvements, including, but not limited to, bicycle, pedestrian, and transit improvements and TDM programs throughout the City with priority given to the Specific Plan area. Construction of this improvement, or in the case that Caltrans does not approve the intersection improvement, payment of funds equal to the bid construction cost plus 30 percent contingency to the City, by the applicant shall count as a future credit toward payment of the Transportation Impact Fee (TIF) pursuant to the TIF Ordinance that would otherwise be payable by the applicant.

7. Approve the architectural control and use permit subject to the following ***ongoing, project-specific*** conditions:
 - a. Any citation or notification of violation by the California Department of Alcoholic Beverage Control or other agency having responsibility to assure public health and safety for the sale of alcoholic beverages will be grounds for considering revocation of the use permit.
 - b. Use of the plaza courtyard for outdoor events and live entertainment shall be restricted to no later than 10:00 p.m. daily.
 - c. No outdoor sound amplification shall be directed towards the adjacent residences.
 - d. The proposed exercise room shall remain unenclosed, and no loudspeakers may be used in this area.
 - e. Should the overflow parking arrangement to use the parking spaces at 585 Glenwood Avenue be cancelled, the applicant shall submit a revised plan to provide for overflow parking, for review and approval by the Planning and Transportation Divisions. The City may impose limitations and/or a prohibition on large events should the applicant fail to prepare a revised plan that adequately addresses parking needs.

F. Informational Items

F1. Future Planning Commission Meeting Schedule

- Regular Meeting: May 9, 2016
- Regular Meeting: May 23, 2016
- Regular Meeting: June 6, 2016

Recognized by the Chair, Commissioner Strehl said she thought Commissioner Combs and she wanted to say the same thing, which was to thank Commissioner Kadvany for eight years of service. She said they would miss him and he had made great contributions. Chair Onken said they all agreed with that.

Commissioner Kadvany thanked the staff for all of their work and endurance of the many projects and changes within the City over the past eight years. He said he has watched the Commission evolve in its decision making and thought it might be more aptly named the Planning and Civic

Design Commission. He said the Commission has gotten better at accepting it was not possible to codify every possible issue and at being the forum to think through project proposal challenges. He said he enjoyed his service on the Commission.

H. Adjournment

Chair Onken adjourned the meeting at 9:08 p.m.

Staff Liaison: Thomas Rogers, Principal Planner

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on May 23, 2016