



## REGULAR MEETING MINUTES

**Date:** 12/11/2017  
**Time:** 7:00 p.m.  
**City Council Chambers**  
**701 Laurel St., Menlo Park, CA 94025**

### A. Call To Order

Chair Drew Combs called the meeting to order at 7:00 p.m.

### B. Roll Call

Present: Andrew Barnes, Drew Combs (Chair), Susan Goodhue, Larry Kahle (Vice Chair), John Onken, Henry Riggs, Katherine Strehl

Staff: Deanna Chow, Principal Planner, Michele Morris, Assistant Planner, Kaitie Meador, Associate Planner; Arnold Mammarella, Consulting Architect

### C. Reports and Announcements

Principal Planner Deanna Chow said the City Council at its December 12, 2017 meeting would select a Mayor and Mayor Pro Tem for 2018.

Commissioner Katherine Strehl said the New York Times in its November 24, 2017 edition had an article in the business section on Facebook and its settlement with residents in regard to gentrification and on December 3, 2017 in the business section an article called *Getting to Yes on NIMBY Street*, both of which might be of interest to Commissioners.

### D. Public Comment

There was none.

### E. Consent Calendar

- E1. Approval of minutes from the December 4, 2017 Planning Commission meeting. ([Attachment](#))

**ACTION:** Motion and second (Susan Goodhue/Henry Riggs) to approve the minutes of December 4, 2017 as presented; passes 6-0-1 with Commissioner Katherine Strehl abstaining.

### F. Public Hearing

- F1. Use Permit/JiaPei Sun/752 Gilbert Avenue:  
Request for a use permit to demolish an existing single-story, single-family residence and detached garage and construct a new two-story, single-family residence on a substandard lot with regard to lot area and lot width in the R-1-U (Single-Family Urban Residential) zoning district. One

heritage size Douglas fir tree is proposed for removal as part of this project. ([Staff Report #17-070-PC](#))

Staff Comment: Assistant Planner Michele Morris said two emails on the project were forwarded to the Commissioners and copies were available to the public on the table in the rear of the Chambers.

Applicant Presentation: Chris Spaulding, project architect, said the project would demolish an existing small residence and build a new two-story, single-family residence. He said they would like to address the neighbor's concerns about the windows on the second story referring to an email from the neighbor to the east. He said the windows of concern were in bedroom #2 at the front of the house, in the stairwell in the middle, and in the master bath to the rear. He said the windows in the stair could be made inoperable and have frosted glass. He said in the bedroom and the bath they could either make the window sill high or use frosted glass but they would want the windows operable for ventilation. He suggested a high window sill at five and a half feet. He noted this house would be .4 feet lower than the existing house, and they would replace the fence with a seven-foot high fence.

Commissioner Larry Kahle said although the house would be .4 feet lower than the existing house, it would still be two feet higher than the adjacent grade. Mr. Spaulding said the civil engineer wanted the increased grade to accommodate the drainage required by new codes. Commissioner Kahle asked about the window trim and materials for the arch bands over the porches. Mr. Spaulding said the arch bands would be stucco and a raised stucco band. He said the windows would be recessed with factory installed casings. Commissioner Kahle commented on the amount of stucco and asked if the applicants would be willing to add louvered vents on the gables as that would reduce the amount of stucco visible from the street. Mr. Spaulding said they were amenable to doing that.

Commissioner John Onken said neighbors had concerns about the height and size of the proposed house. He asked about the 10-foot ceilings on the first floor and nine-foot ceilings on the second floor. Mr. Spaulding said the ceiling heights were requested by his clients.

Chair Combs opened the public hearing.

Public Comment:

- Kristl Wong said she was the neighbor to the east and had a number of questions about the project. She said the existing house was very tall and even its first floor looked down on her property. She said a seven-foot fence would help. She said she thought the windows had been addressed. She said the staff report indicated that the arborist found the heritage tree in the back to have poor structure and be in poor condition. She said the tree was not in poor structure until workers were hired to hack away at limbs prior to this project application.
- Erick Selvik said his home was across the street and slightly east of the subject property. He said his concern was with how well the proposed structure would fit within the neighborhood context. He said the staff report noted a mix of single-family one- and two-story homes and multi-family residences in the area. He said there were not any multi-family residences on this block and the majority of homes on the block were single-story homes. He said the ratio of the height to the width of the proposed house on its substandard lot was off and the home would

stand out awkwardly. He said 10-foot and nine-foot ceilings were very high. He said the existing house was already one of the tallest buildings on the block and the new home would be 50% taller than the existing one.

Chair Combs closed the public hearing.

Commission Comment: Commissioner Onken asked whether the suggested ill intent of harming the Douglas fir before the arborist inspection raised by one of the speakers was to be ignored by the Commission or whether there was specific proof the City Arborist could seek. Assistant Planner Morris said the City Arborist evaluated the tree in question and supported removal. She said it was hard for City staff to know of any actions that might have occurred on a tree prior to the time of tree inspection for its removal permit application if no information had been brought to City staff's attention previously.

Commissioner Kahle said he was concerned with the project height as it was in a predominately one-story neighborhood. He said the first floor had 10-foot ceilings and the second-floor had nine-foot ceilings but the plans indicated vaulted ceilings on the second floor which he expected would create 10- to 12-foot ceilings. He said he would like one to two feet of height removed which could occur a number of ways. He said the two-foot above grade was high and could be brought down to a standard curb detail. He said with vaulted ceilings it would be easy to take one foot off one of the floors. He suggested adding louvers in the gable ends, which he thought would help with the stucco massing. He said there would be a view of much of the long second-story roof and suggested breaking that up in some way. He said the windows appeared to be recessed two-inches with some trim but it was not clear from the elevations what the windows would look like.

Commissioner Onken said he would echo Commissioner Kahle's comments. He said along Gilbert Avenue there was another home similar to this proposal, but which stepped back from the street quite a bit. He said the lots on Gilbert Avenue were very tight and the existing homes were low ranch houses. He said a two-story was possible for this lot but it was a matter of getting the scale right. He thanked the architect for suggesting obscure glass for the stair well window. He said he was concerned with the very large window above the bathtub on the second story and suggested that have obscure glass or raised window sills.

Commissioner Andrew Barnes confirmed with the applicant that there was no FEMA grade requirement for the area, and asked why they wanted to build the home above grade. Mr. Spaulding said the crawl space for the existing home was not excavated very far. He said if they lowered the grade that the drainage code would require subsurface drainage requiring a percolation pit. He said his client was willing to drop the height by 18-inches with six-inches out of each floor and six-inches out of the grade.

Commissioner Barnes asked when the property was purchased and whether work was done on the Douglas fir prior to the use permit application. JiaPei Sun said she acquired the property the previous year and had a tenant occupying the house. She said the tenant had issues with the bathroom clogging, and they had contractors in to fix the plumbing problem but it continued to be problematic. She said one of the contractors recommended that getting rid of the trees as they were creating the problem.

Replying to Chair Combs, Assistant Planner Morris said a project arborist submits a report to the City Arborist, who then does an assessment of the property. She said the City Arborist looked at

what the project arborist was recommending and then directed whatever tree protection measures were needed. Replying further to Chair Combs, Principal Planner Chow said when incidences of heritage tree violations were brought to the City's attention those were reviewed on a case by case basis. She said if a violation occurred usually a fine was levied that was the value of the tree harmed or a flat fee, whichever was greater. She said the City Arborist reported on the condition of the heritage tree in question within the context of the proposed development. She said she did not know if he looked at the tree from the standpoint of a recent heritage tree violation noting those were generally brought up at the time of incident.

Commissioner Riggs moved to approve the use permit subject to modifications to include repair of the fence on the east side and using obscured glass or raising sills for windows with view to the eastside backyard. He said given the low roof that the privacy mitigation for the stair wells windows would need to be obscured glass. He said that gable vents as suggested should be added given the large expanse of stucco. He said regarding the height of the project that it was measured from existing grade and was a 27-foot high home where 28-feet was the maximum, and that the rise in the first floor height was taken from the overall height. He said it appeared from the street and the plans that there was sufficient screening particularly to the rear and left so the building height was not as challenging.

Commissioner Kahle said he would second the motion if the maker was amenable to accepting the applicant's offer to drop the height 18-inches and for the gable louvers to be painted wood rather metal louvers. Commissioner Riggs as the maker of the motion accepted requiring painted wood louvers for the gable ends.

In reply to Chair Combs, Principal Planner Chow said the motion by Commissioner Riggs and seconded by Commissioner Kahle with modifications was to approve the use permit with conditions for a seven-foot wood fence replacement, for the eastside windows of the bedroom, bathroom and stair well to include obscure glass or to raise window sills with the note that the stair well window most likely would be obscured as it already was close to the roof, for gabled end vents to be painted wood louvers and to drop the overall height by 18-inches either by lowering the ceiling heights or the overall grade subject to review and approval of the Planning Division (this last item proves later to not have been included in Commissioner Riggs' acceptance of Commissioner Kahle's second and requested modifications).

Commissioner Barnes said he saw a willful destruction of a heritage tree conveniently within the last year leading to its needed removal so it would not be an obstacle to development on the parcel. He asked if Commissioners had ideas on how to address this.

Commissioner Katherine Strehl said it was unknown where, when and how exactly the tree in question was trimmed, and did not think that the Commission was in a position to be the arbiter. She suggested that be left to the discretion of the City Arborist working with staff. She said she would prefer a reduction of 12-inches of the overall height and not 18 inches.

Commissioner Goodhue agreed with Commissioner Strehl that they did not necessarily know the facts about the treatment of the heritage tree. She said the arborist report noted the tree in question was a young tree. She said she did not know if the applicant would be able to build on the lot without that tree's removal as it was located within the building footprint.

Commissioner Riggs said technically as the maker of the motion that he had not accepted the roof

height reduction as requested by Commissioner Kahle in his second. He asked for confirmation from the applicant of their willingness to reduce the height of the building.

Recognized by the Chair, Mr. Spaulding said they were willing to reduce the overall height of the house by 18 inches. Commissioner Riggs asked if 12 inches was preferable. Mr. Spaulding agreed.

Commissioner Riggs said on principle he did not want to require a height change for a proposal that was within the building height maximum and met daylight plane requirements but in deference to other Commissioners he would support a reduction of 12 inches in the overall height.

Commissioner Kahle said as the maker of the second that he really wanted a 24-inch reduction in height and 18 inches was reasonable but he thought 12 inches was not enough. He retracted his second of Commissioner Riggs' motion.

Commissioner Riggs said he would be most comfortable with no reduction in height but he would include a condition for a 12-inch reduction in overall building height. He said regarding the tree he did not know if they were in a position to urge staff to ask the City Arborist to inspect the tree and make a determination on whether trimming of the tree had needed a permit and was not permitted. He said his motion would include reducing the overall building height 12 inches. Chair Combs confirmed with Commissioner Riggs that investigating the treatment of the heritage tree proposed for removal was not part of his motion but he would like staff to urge the City Arborist to look at the proposed tree removal more closely.

Chair Combs asked if there was any incongruity with the Commission approving the project with a concern that there might have been a violation in regards to the City's Heritage Tree Ordinance. Commissioner Riggs noted that approving the use permit would include the heritage tree removal approval. He asked if the latter could be deferred or given to the City Arborist for administrative decision outside this project approval.

Principal Planner Chow asked if the Commission intended for the tree in question to be kept or supported for removal regardless of the development. Chair Combs referred back to Commissioner Goodhue's observation that any development of this lot would require removal of the tree in question. Principal Planner Chow said staff could certainly pass on to the City Arborist the concerns expressed by a member of the public tonight about the treatment of the tree and the Commission's desire for this potential violation to be looked at more closely. She said the issue of potential Heritage Tree Ordinance violation was separate from the action the Planning Commission was taking tonight and that the Heritage Tree Removal permit was ultimately the City Arborist's authority to approve or deny. She said at this time the City Arborist was supportive of the tree removal and asked if the Commission was supportive of the project proposal.

Commissioner Riggs said at this point the heritage tree had been significantly and permanently damaged so the project should move ahead but assuming the tree work was done illegally that this should not relieve the parties of a fine if a violation was determined.

Commissioner Strehl said she would second the motion to include a height reduction of 12 inches. She said separate from the project approval the Commission was urging the City Arborist to make a determination as to whether the tree work had been done with or without a permit, and if the latter to issue appropriate fines.

Chair Combs said regarding the height reduction of 12 inches that he preferred Commissioner Kahle's request for a height reduction of 18 inches. He said this proposal was not the only two-story home on the block, but it was on a fairly confined lot. He said that although the maximum height allowed was 28 feet, that was not an absolute right but was contextual. He said for this proposal bringing the height down 18 inches was preferable but he could support the 12-inch height reduction if that was the direction of the Commission's consensus.

Commissioner Barnes said that if votes were lacking for the 12-inch reduction he would like to see the motion include 18-inch height reduction.

Principal Planner Chow said that Commissioner Kahle's now retracted second to the motion had included painted wood louvers on the gable ends and asked if that was part of the current motion and second. Commissioners Riggs and Strehl as the makers of the motion and second responded in the affirmative.

**ACTION:** Motion and second (Riggs/Strehl) to approve the use permit with the following modifications; passes 5-2 with Commissioners Kahle and Barnes voting in opposition.

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 Chris Spaulding Architect consisting of seven plan sheets, dated received December 6, 2017, and approved by the Planning Commission on December 11, 2017, 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 Arborlogic Consulting Arborists dated June 26, 2017 (dated received July 26, 2017)
4. **Approve the use permit subject to the following project specific conditions:**
- a. **Prior to the submittal of a complete building permit application, the applicant shall submit revised plans addressing the topics listed below, subject to the review and approval of the Planning Division. The Planning Commission shall be notified of these changes by email, and any Commissioner may request that the Planning Division's approval of the revised plans may be considered at the next available Planning Commission meeting. The revised plans shall be fully approved prior to issuance of the overall building permit. The specific topics to be addressed include:**
    - 1) **Install a new seven-foot fence on the east side of the property**
    - 2) **Change the glass of the stairway windows on the east to obscured glass or raise the window sill height**
    - 3) **Revise the gables and roofs to include wood louvers or gable vents; and**
    - 4) **Reduce the overall height by 12 inches through a reduction in ceiling heights or the foundation.**

F2. Use Permit Revision/Ann Crady Weiss/2108 Clayton Drive:  
Request for a use permit revision for excavation in the required left side and rear yard setbacks associated with landscape improvements on a standard lot in the R-1-S (Single Family Suburban) zoning district. One heritage tree located in the left corner of the rear yard is proposed for removal as part of the proposed project. *Defer to a later meeting date.*

Chair Combs noted that item F2 was deferred to a later meeting date.

F3. Use Permit/Dan Rhoads/1008 Greenwood Drive:  
Request for a use permit for a second story addition and exterior and interior modifications to an existing single-story, single-family nonconforming residence on a substandard lot with respect to lot area and depth in the R-1-U (Single Family Urban) zoning district. The proposed addition would exceed 50 percent of the existing floor area and the value of the proposed work would exceed 50-percent of the existing value within a 12-month period and is considered equivalent to a new structure. ([Staff Report #17-071-PC](#))

Staff Comment: Associate Planner Kaitie Meador said there were no additions to the written report.

Applicant Presentation: Dan Rhoads, Young and Borlik Architects, said the property owners were also present. He said the proposed second story would include style change. He said they would use the existing footprint of the first story and noted the property was a corner lot so the rear was the side yard. He said the nonconformity there was the garage and it would remain in place. He said all of the additions were on the second story. He said they kept the height well below the allowable maximum height. He said the neighborhood was a mix of one- and two-story homes in a variety of styles.

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

Commission Comment: Commissioner Onken said that part of the use permit request approval was to allow for the continuation of a nonconforming garage location in the rear. He said that for a corner lot the back of the longer side was defined as the rear which created the nonconforming location for the garage. He said he could accept the garage location nonconformity. He said he was concerned with the number of windows untrimmed on the second story and asked if the architect could address the thinking behind that choice.

Mr. Rhoads referred to a transitional design style in keeping some of the traditional forms such as rooflines and massing and then stripping down some of the detail level for a more modern, contemporary look. He said that was the thinking for the window pattern. He said they used mostly hip rooflines for the first and second story with a few gables to break up massing so as not to have the appearance of a box on top of the existing first floor box.

Commissioner Kahle said his home was outside of the 500-foot radius that would have required his recusal. He said the staff report indicated the style was Mediterranean yet the only details of that style he saw were the stucco and some arches. He said the roof could be interesting as it was noted as a Tesla solar roof, and those were available with a Mission-style shape. He said a gable over the entry shown on the Greenwood Avenue elevation was somewhat misleading as the floor plan showed the gable extruding only an inch or two from the adjacent wall. He said it would not read as well as a gable as it could. He said the front elevation suffered from the staircase being placed there as the front lower roof could be something more unique if the second floor mass did not come out so far over the entry. He suggested that either a hip or gable could be there to highlight the entry. He said he appreciated the eight-foot second floor ceiling heights. He said he was concerned about the height of the second story windows as all the sills were three feet above the second floor. He said they appeared rather tall and encouraged the architect to raise the sills and think about their proportion. He said his concerns were minor and the project approvable, but he hoped they would take his comments under consideration.

Commissioner Onken moved to approve the project as recommended in the staff report.  
Commissioner Barnes seconded the motion.

Commissioner Riggs said the stone at the base of the first floor was suspended above the ground on a pair of bay windows. He said he would vote against the project on that basis alone. He said regarding the entry that it could be made to read as an entry without stone pillars and a slender arch.



Recognized by the Chair, Mr. Rhoads said they could look at those details. He said with many of the lower details that the landscaping would fill that area in and those would tend to be a little more obscured. He said they could consider removing the stone from the bay windows. He said the left one was an existing bay window at a set height. He said the right one was a new one that could not count as floor area. Commissioner Riggs asked about the intent of putting stone along the chin of the bay window. Mr. Rhoads said it was to keep a consistent look across the bottom of the residence as it wrapped around and not have too many finishing conditions. Commissioner Riggs asked if the stone could be removed. Mr. Rhoads said he would confer with the property owner. Upon his return to the lectern, he said his clients wanted to keep the stone.

Commissioner Onken said the hovering stone veneer on the bay windows was not shown on the side elevations and only on the columns of the front elevation. He said he thought that was just a mistake. He said as the maker of the motion he could add that through the substantial conformance review process the applicant could offer an alternative treatment of the bay windows.

Commissioner Barnes asked why. Commissioner Onken said the stone veneer on the bay windows was problematic and he was conditioning that the floating stone veneer on the windows was not appropriate for use permit approval. Commissioner Barnes said he could accept that condition as the maker of the second to Commissioner Onken's motion.

Chair Combs said that he thought the stone veneer on the windows was purely aesthetic and he was not willing to deny the applicants their bay windows half-wrapped in stone if that was what they wanted.

Recognized by the Chair, Mr. Rhoads said the balance points in this second floor addition were in working with the existing structure, maintaining the clients' aesthetic, working within their budget, and making the project comply with the City's requirements. He said he felt good about their ability to do all those things equally. He said regarding the stone that this was a fenestration stone and he thought it a misconception that people would see the bottom of the home as built from stone. He said it was a fenestration decision and he was not trying to make any structural statement. He said the proposed stone was low at the level of landscaping below the windows and had not risen to his flag of feeling that it was an odd condition. He said it was the property owners' home and preference. He said he thought it worth proposing and still felt fine with supporting their proposal.

Commissioner Kahle said it was not appropriate to have the stone as proposed. He said there were other solutions such as having a tapered base in another material. He said landscaping was not an appropriate way to solve an issue like that. He said he would not approve the amended proposal.

Commissioner Barnes retracted his second to the motion. Commissioner Kahle seconded Commissioner Onken's motion (to approve the use permit with the added condition that through the substantial conformance review process the applicant provide an alternative treatment of the bay windows).

Mr. Rhoads asked if the base of the windows could be tapered and the stone applied to it. Commissioner Onken said that through the substantial conformance review process that they might propose dropping the stone, propose another material if desired, or taper the base of the windows to the ground.

Commissioner Kahle asked if the cantilevered bay window could have a tapered base that went to the ground without incurring additional square footage.

Principal Planner Chow said page A0.7 was the floor area diagram and included the left side bay but not the right side bay. She said she thought if they dropped the bay on the right it would count toward square footage and they would have to confirm if there was available square footage to use. She was given information that the applicants did not have additional square footage to use.

Commissioner Onken said his motion would be to approve the project per the recommendation in the staff report with a modification that the treatment of the bay window bottoms be something other than the proposed stone and for this to be approved through the substantial conformance review process. Principal Planner Chow asked whether a substantial conformance review memo would return to the Commission before the applicants proceeded with the building permit or if the intent was for staff to work with the applicant on an alternative material and proceed with the building permit. Commissioner Onken said he would like the Commission to receive the memo from staff.

Commissioner Strehl asked if the applicant understood what the Commission would be requesting. Mr. Rhoads said the left bay window counted toward floor area at the finished floor level already, and that if it were to extend down to the earth and not float that would not change the floor area and would solve the floating appearance that seemed to be what was being spoken against. He said the right bay window was located somewhat higher and if they removed the stone and made it look like a cantilevered bay window he thought that would address the concerns.

Chair Combs said he could not support the motion as he did not want to take away the applicant's desire to have floating stone and also because it would require a substantial conformance review process rather than having the applicant work with staff to resolve.

Commissioner Goodhue said that the stone was an aesthetic decision by the property owners and the proposal met all of the City's requirements so she could not support the motion either.

Commissioner Riggs said it was an aesthetic decision but there was a level of responsibility and expectation from the public. He asked if the makers of the motion and second would be willing to let the right side bay window simply have the stone removed from its chin and let staff proceed from there with the applicant.

Commissioner Barnes said he thought it was the applicants' right to style their house the way they wanted to and he did not think this was an issue worthy of Commission interjection. He said he would not support the motion as made but would support project approval without the additional condition.

Commissioner Strehl said she concurred with Commissioners Barnes, Combs and Goodhue and could not support the motion as made. She said she could support the project as proposed noting it was not her preferred style.

Commissioner Onken said he would be willing to let staff review changes and not require the substantial conformance review. He said he was happy for the motion to be voted upon but questioned the concept of applicants' rights to do whatever they liked on a house noting windows, mullions and trim.

Commissioner Kahle said as the maker of the second he was happy to support Commissioner Onken's amended motion to have staff review alternative treatment to the bay windows without the substantial conformance process review.

**ACTION:** Motion and second (Onken/Kahle) to approve the use permit with a modification for an alternative treatment of the bay windows subject to Planning Division review and approval; failed 3-4 with Commissioners Kahle, Onken and Riggs voting in support and Commissioners Barnes, Combs, Goodhue, and Strehl voting in opposition.

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

**ACTION:** Motion and second (Barnes/Strehl) to approve the use permit; passes 4-3 with Commissioners Barnes, Combs, Goodhue and Strehl voting in support and Commissioners Kahle, Onken and Riggs voting in opposition.

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. 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 Young and Borlik Architects Inc., consisting of 19 plan sheets, dated received on November 20, 2017, and approved by the Planning Commission on December 11, 2017, except as modified by the conditions contained herein, subject to review and approval by the Planning Division.
  - b. Prior to building permit issuance, the applicants shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.
  - c. Prior to building permit issuance, the applicants shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
  - d. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval by the Planning, Engineering and Building Divisions. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.

- e. Simultaneous with the submittal of a complete building permit application, the applicant shall submit plans indicating that the applicant shall remove and replace any damaged and significantly worn sections of frontage improvements. The plans shall be submitted for review and approval of the Engineering Division.
- f. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a Grading and Drainage Plan for review and approval of the Engineering Division. The Grading and Drainage Plan shall be approved prior to the issuance of grading, demolition or building permits.
- g. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance.

F4. Architectural Control and Major Subdivision/Vasile Oros/706-716 Santa Cruz Avenue: Request for architectural control for the demolition of an existing commercial building and the construction of a new three-story mixed use building with a below ground parking lot, retail and parking on the first floor, office on the second floor, and four residential units on the third floor in the SP-ECR/D (El Camino Real Downtown/Specific Plan) zoning district. Major subdivision to create six condominiums, including four residential units, one commercial/retail unit, and one office unit, with rights reserved to allow up to ten commercial condominium units. Below Market Rate (BMR) housing agreement for compliance with the City's below market rate housing program. Removal of one on-street parking space on Chestnut Street to meet fire access requirements. As part of the proposed project, two heritage trees will be removed; one on-site tree located in the parking lot at the rear of the property and one street tree on Chestnut Street. ([Staff Report #17-072-PC](#))

Staff Comment: Associate Planner Meador said the project was a subdivision that would allow up to 10 commercial condominiums. She said the original public notice indicated there would be four residential units and two commercial units only. She said under the subdivision they were allowed up to 10 commercial units and that had been updated for the agenda and the staff report. She said conditions of approval, 6.n. and 7.a.a currently referenced improvements to Oak Grove Avenue and that should be corrected to Santa Cruz Avenue, Chestnut Street and Chestnut Lane. She said staff had received two emails since publication of the staff report and those were printed for the Commission's review. She said the City's consulting architect was also available to answer questions.

Questions of Staff: Commissioner Strehl asked staff to restate the information related to the subdivision. Associate Planner Meador said the project would create four residential units and two commercial units. She said the two commercial units could be divided into up to 10 commercial condominiums. Commissioner Strehl confirmed with staff that the latter could occur without coming back to the Planning Commission for review.

Commissioner Barnes clarified with staff that there could potentially be 14 condominium units, four residential and 10 commercial.

Commissioner Strehl asked why the City would allow up to 10 future subdivisions for the project, and whether the purpose was to sell those units. Associate Planner Meador suggested asking the applicant about their intention.

Chair Combs asked why the project was not brought to the Commission as a study session as this proposal was the most complex project for the downtown Santa Cruz Avenue area that he had seen during his Commission tenure. Principal Planner Chow said that study sessions were discussed as appropriate when submitted projects raised questions about use or architecture, and/or based on public feedback after a project application notice was released. She said this was not a bonus level project. She said although the first project under the Downtown Specific Plan on Santa Cruz Avenue it met the guidelines and staff thought it appropriate to bring to the Commission as an action item.

Commissioner Strehl said she thought it would have been better for the project to come to the Commission as a study session first so guidance might be provided prior to being an action item.

Applicant Presentation: Ken Hayes, Hayes Group Architects, said he would make a project presentation on behalf of his client, Mr. Oros. He said present tonight were Mr. Oros, their landscape architect, utility consultant, and legal counsel.

Mr. Hayes said the project site was about .50-acres located on the corner of Chestnut Avenue and Santa Cruz Avenue. He said a private, paved surface parking lot was located at the rear of the site between Chestnut Lane and the existing building. He said the surrounding buildings were all one- or two-story commercial buildings with personal service, office and retail uses. He said the parcel was located in the downtown sub-district of the Downtown Specific Plan and allowed for 2.0 Floor Area Ratio (FAR), a façade wall height of 30-feet, building height of 38-feet, with a zero setback requirement, and in a zone permitting a variety of uses. He said they were proposing residential, retail and office use with retail on the first floor, office on the second floor, and residential on the third floor with outdoor common space and a private yard with balconies for both office and residential uses. He said the project would be fully parked in concealed, at grade, and underground parking areas, would respond to the neighborhood context and promote the pedestrian-oriented goals of the Downtown Specific Plan.

Mr. Hayes said the parcel was in a zero setback zone so the property lines basically defined the building envelope. He said they wanted to create lots of opportunities for windows, visual access inside and outside to promote pedestrian activity and friendliness on the sidewalk. He said the sidewalks would be completely improved using brick to match existing and wrapped frontages on Chestnut Avenue and Santa Cruz Avenue. He said they would provide a sidewalk on the Chestnut Lane side of the property for community connectivity that would extend to the properties further to the east. He said the building would have two entry points along Santa Cruz Avenue into the first floor retail space and another entry point on Chestnut Avenue for first floor retail. He said there was a kind of plaza area at the intersection of Chestnut Lane and Chestnut Street to create a pause in the streetscape. He said that would also be the main entrance for the upper floor users and would include elevator and stair access. He said access to the at-grade and underground parking garage was located on Chestnut Lane. He noted the second and third stories were set back from the first floor.

John Hanna, project attorney, said regarding the 10 condominium units question, that whereas they used to do condominium plans as part of the tentative map that had changed a few years ago so that a condominium map was done as a one-lot map. He said with this project they were doing a three lot map. He said one of the lots was being divided into the residential condominiums. He said the owner had no intention at the moment of doing anything other than leasing the first two floors. He said land developers in these cases want to have flexibility five or 10 years on to sell

either the retail on the ground floor or the office on the second floor. He said if no one purchaser was available for those properties the owner would have the ability to sell individual condominiums and divide into multiple units at that time. He said the subdivision map act said that once a map was approved for a condominium project that the further division of a lot on that map into condominium units did not constitute a subdivision requiring another map, provided that the number of units divided into that condominium plan did not exceed the maximum number approved by the City in the final map.

Mr. Hanna said regarding undergrounding utilities that they had gone back and forth with staff a number of times on the issue. He said a guideline for the Downtown Specific Plan stated that utilities should be underground for new projects. He said conditions 6.e and 7.q recommended by staff had to do with the architectural plan and the map. He said it was also posited there that staff would work with a developer with the undergrounding of the utilities as the plans were finalized. He said they understood that to mean that utilities necessary to serve this project would be undergrounded on Chestnut Lane where there were utility wires. He said on Chestnut Street the only undergrounding that would occur would be from the corner of Chestnut Lane partway down the block towards Santa Cruz Avenue, which would be the undergrounding for the utilities for this project, including the transformers. He said they would not take down the poles and underground all of the utilities that served other properties down Chestnut Street.

Commissioner Onken asked about the number seven vault adequacy for the utilities. Tim Fowle, RGA Design, said his firm was an applicant design consulting group. He said the number seven vault would have a single service transformer to feed the new development at 706 Santa Cruz Avenue. He said they intended to install two subsurface vaults to house PG&E junction boxes. He said they received recent criteria design from PG&E and would develop accordingly once the scope of the undergrounding was completed.

Commissioner Onken asked if there was any differentiation in the map act between residential and commercial condominium uses. Mr. Hanna said the residential owners would be required to have a Homeowners Association (HOA) composed of just them. He said the owner(s) of the commercial parcels would not be a member of that HOA but would be responsible for the overall exterior maintenance of the project.

Commissioner Barnes said the applicant's representatives seemed to indicate there was a consensus in terms of staff's understanding and the applicant's understanding as to what utilities needed to be undergrounded. He said the correspondence in the staff report indicated a difference of opinion about it. Associate Planner Meador said Mr. Hanna's reference and understanding was they would underground Chestnut Lane as required for fire access and then would only underground Chestnut Street if there was additional support from the City. She said staff's preference was for them to underground utilities on both Chestnut Lane and Chestnut Street depending on the feasibility. She said it might transpire that only Chestnut Lane was undergrounded but that would require additional staff review for that conclusion to be reached. Commissioner Barnes asked about the reasons behind staff's preference for what should be done. Associate Planner Meador said staff would prefer the undergrounding of Chestnut Street as it was more visible and would be an aesthetic improvement which was part of the Specific Plan guidelines.

Commissioner Barnes said that the term "feasibility" appeared with some frequency in the staff report and asked if that referred to what was feasible for this project to bear. Principal Planner

Chow said they would continue to work with the applicant and feasibility would look at the financial aspect, site constraints, and the needed coordination with a number of outside agencies such as the Fire District and PG&E. She said the Fire District might designate Chestnut Street as the fire access in which case undergrounding utilities there would be required to meet the Fire District's requirements. Commissioner Barnes asked if there was basic agreement that if the utility did not service this particular site that it should not be the responsibility of the applicant. Principal Planner Chow said staff's preference was to have the pole on Chestnut Street removed and utilities undergrounded along the frontage of this property to create a clean line. She said the discussion they wanted to continue with this applicant was what could be done now for undergrounding utilities as part of this project and what could be done with more partners in the future.

Commissioner Barnes asked about the sequence of approval for the project noting that such a discussion had monetary impacts. Principal Planner Chow said tonight the Planning Commission was asked to take action on the architectural control and the Below Market Rate Housing Agreement (BMR) and make a recommendation on the final map subdivision to the City Council. She said in the time before the building permit, they would resolve utility undergrounding and offsite improvements.

Commissioner Strehl said she did not understand the commercial condominium division and what entity would be responsible for the garage. She asked if each office condominium would be responsible toward some portion of the maintenance facilities. Mr. Hanna said the CC&R's that would be recorded for the project would address that issue. He said a percentage of the overall cost of insurance, maintenance and whatever overall was needed would be assigned to each one of the units and parcels in the project. He said hypothetically if the office parcel was assigned 33% of the cost that if then subdivided into three equal units each would have an 11% shared cost responsibility. Mr. Hanna said whatever the long-term undergrounding project was for the downtown area they were not dodging their responsibility towards but wanted to deter it until such a plan became effective with the undergrounding of an entire block, street or area and not have undergrounding done piecemeal.

Commissioner Riggs said he understood the applicant's perspective on undergrounding and the City's preference to have utilities on Chestnut Street undergrounded. He asked what the City's justification was in asking this developer, not asking for bonus level, to do more than what the Specific Plan stated in E.3.07, under Utilities Guidelines. He read: *All utilities in conjunction with new residential and commercial development should be placed underground.* He said the applicant seemed to be saying that the utilities used in conjunction with the site development would be undergrounded. Principal Planner Chow said she thought the City would look at utilities located across the frontage, and if some of those served others along the frontage they would look to see if that could be accommodated with the project. She said this was a conversation that needed to be continued as not all the answers were available tonight from all the different parties involved. She said they were trying to develop a solution that recognized the spirit of the Specific Plan, was feasible for the applicant, and allowed the project to move forward while being resolved.

Chair Combs opened the public hearing.

Public Comment:

- Evelyn McMillan said she was a 40 year Menlo Park resident. She said her family owned the building on Chestnut Lane directly across from the project and that would be the most impacted by it. She said their two-story building was mostly glass and the opening from the project's

garage would have vehicles driving directly toward their building. She said they were required to provide a five-foot easement when the building was developed in the 1950s and that ran the length of their property. She said one of their first floor retail tenants had been with them 45 years and another for 20 years. She said the upstairs office space had abundant natural light and had attracted architects, designers and artists over the years. She thought the construction impacts would force her tenants to leave either because of loss of business or noise. She said these spaces were small with reasonable rents that were hard to come by in Menlo Park. She said Mr. Hayes seemed to indicate the opening of the garage was midway down Chestnut Lane but on the drawings the garage was offset toward their building off Chestnut Lane and more at a two-thirds configuration rather than the exact center. She said she appreciated the property owner's right to develop but her family and her tenants for decades would lose revenue during the construction process. She said it was the long-term impact on Chestnut Lane that really concerned them.

- Wouter Suverkropp, Mountain View, said he was a member of the family who owned the building on Chestnut Lane directly opposite the proposed project. He said they acknowledged the rights of the applicant to develop their parcel but they would like to achieve a good outcome. He said they were very concerned about the long-term impacts of this project on their building and their tenants who have served residents for decades as well as for future development on Chestnut Lane. He said Chestnut Lane was currently 25 feet wide and with the proposed project sidewalk would be reduced to 20 feet wide. He said their concerns centered mostly on the entrance to the parking garage which at 30 feet in width would line up exactly with their building's storefront. He said their ground floor tenants and customers would look directly into the parking garage opening and all of the traffic going in and out, the increased noise, vehicle emissions, headlights, taillights, and increased safety hazards would be a constant source of distraction. He said their building had been hit twice already by cars exiting the existing surface parking of this property, and in the one incident, fortunately the building was unoccupied when a car drove through their glass storefront. He said trucks loading and unloading for the project's retail business would block Chestnut Lane including the fire access lane. He said the lane was two-way and cars would be driving closer to the curb making pedestrian access on Chestnut Lane less desirable. He said the plan had confusing and inconsistent information about trash pickup in that the conformance check list stated that trash containers would be accessed by Chestnut Lane but condition 16 seemed to prohibit that. He said the applicant was requesting a subdivision into six condominiums with the right in the future to expand into 14 condominiums. He said the effects of those future subdivisions were unstudied and might have unintended consequences. He said their attorney Camas Steinmetz would talk about a solution that would eliminate their concerns and the danger to their building while enhancing the village like pedestrian shopping area and retail experience on Chestnut Lane in compliance with the El Camino Real/Downtown Specific Plan.
- Ann McMillan said she was the daughter of the family who owned the building across Chestnut Lane from the project site and that she was ceding her three minutes of speaking time to Camas Steinmetz.
- Camas Steinmetz said she was an attorney representing the property owners of 1142 to 1150 Chestnut Lane directly across from the project site. She said a letter she submitted about this project was included in the staff report on pages 142 to 144. She said her clients had spoken tonight about how this proposed project would significantly impact their building and tenants. She said the proposed project also would threaten the overall consistency of the El Camino



Real/Downtown Specific Plan. She said one of the five guiding principles in the Specific Plan was to sustain Menlo Park's village character as described on page C4: *The Specific Plan recognizes and builds upon the unique qualities of downtown Menlo Park, in particular its small town character of lower scale buildings and diverse and local neighborhood serving businesses. The Specific Plan accommodates future development in ways that complement the area's existing character.* She said there were two changes to the proposed project that would both further this vision and alleviate impacts on her clients' building. She said first they suggested that the garage entrance be relocated to Chestnut Street. She said this was raised in her letter as their primary request but was not addressed in the staff report. She said in a conversation her clients had with the applicant last January she understood that the developer expressed interest in locating the project's first floor retail components directly across from her clients' building storefront. She said moving the parking garage entrance would permit that configuration and complement the existing character of the area, building upon the character of lower scale buildings and diverse and local neighborhood serving businesses. She said the existing surface parking for the proposed project was accessed from Chestnut Street so their suggested change would preserve an existing condition and align the garage entrance directly across from where Ryan Lane intersected Chestnut Street. She said they requested that the sidewalk along her clients' building be widened to provide a buffer from the project and its impacts. She said this would further all five guiding principles of the Specific Plan by improving the overall pedestrian experience. She said it would also help resolve the inequity of the fact that the City was treating similarly situated properties differently. She said her clients' property and their neighboring' properties were burdened with the five-foot sidewalk easement yet the City was not requiring a similar sidewalk easement dedication of the project applicant. She said the resulting 15-foot width after subtracting the widening sidewalks and the sidewalk on the project site side would meet City standards if Chestnut Lane were restricted to one-way traffic. She said that was not addressed in the staff report. She said they realized this was the first redevelopment in the downtown and evaluated under the Specific Plan and would serve as a test case for upholding the Specific Plan vision. She said they urged the Commission to continue the hearing and direct staff to carefully study the two project changes they were requesting to insure that the project both mitigated its impacts on existing development and furthered Specific Plan goals and policies to the maximum extent possible.

- Richard Poe, Menlo Park resident, said he was a local real estate broker. He said he supported the project and understood there were many things for the Commissioners to consider but he thought it was time for the City to catch up with communities like Palo Alto and others who have had this type of development occur. He said in disclosure he was representing an owner who would be coming before the Commission for a project at 840 Menlo Avenue that was within the downtown corridor. He thanked Commissioners Barnes and Riggs for raising the question of whether the Specific Plan, the code and the staff's analysis of it has only to do with the undergrounding of the utilities that served a project or whether they were expecting developers to pay for undergrounding of utilities for other people in the neighborhood. He said he did not think staff's comments on that were complete and deserved the Commission's more careful attention. He said with his project that it was clear staff was requesting that the developer do offsite undergrounding. He said the position of most developers he dealt with was they liked undergrounding as it looked much better and increased property values but it was simply impossible and unrealistic to do on a project by project basis, and there had to be a comprehensive approach. He said he would encourage a common solution for owners to agree to long-term for the undergrounding. He asked about a red zone on Chestnut Street that was not a loading zone. He said there were four parking spaces there now. He asked if all four

spaces disappeared, how they would prevent trucks loading and unloading from parking on Chestnut Street.

- Kevin Cunningham said he was a resident of Orinda and a property owner in Menlo Park. He said he echoed the comments of the last speaker. He said the project proposal was a well-thought out project long overdue in the downtown Menlo Park. He said he thought a neighborhood could be revitalized and enhanced through development and still maintain the integrity of what made that area special. He said he understood this project fulfilled all of the obligations and was within the envelope of what was allowable under the Specific Plan. He said he thought the goal of the Specific Plan to enhance Menlo Park's character was met by this proposal. He said while no project was perfect that the benefits of this project to Menlo Park and its visitors was a large positive, and he enthusiastically supported it.
- Daniel Minkoff, Oakland resident, said he was a property owner in Menlo Park, and was currently working on a redevelopment of 650 and 660 Live Oak Avenue, which was a mixed-use project approved about one year prior by the Planning Commission. He said he commended the architectural and development team on this project. He said mixed-use projects were challenging and to have all three uses in one project work well and look good was something that all mixed-use projects should strive for. He said projects often had a front that looked good and a back that tended to get cheaper materials and less attention. He said it appeared that all of the three main elevations for this project had received attention noting the use of deep inset windows in a way that dealt with the particular environmental conditions of the different directions involved. He said he supported project approval.
- Fran Dehn, Chamber of Commerce, said since the Specific Plan approval the City had seen projects along El Camino Real that were reviewed and approved to date. She said 706 to 716 Santa Cruz Avenue was the first project to come forward in the traditional retail area. She gave the applicant kudos for moving ahead with a development project along Santa Cruz Avenue under the Specific Plan. She said regarding utility undergrounding in the staff report on page 7, paragraph 2, that there seemed to be an incorrect reference to C2-1 and referred to a different drawing, noting she did not have all the drawings. She said the ultimate desire to streamline the line of vision and underground all utilities was a good goal but perhaps conceptually flawed if it was to be achieved project by project as suggested in the initial paragraph of the staff report. She said the applicant has agreed to all of the solutions desired along Chestnut Lane but in terms of Chestnut Street the alternative option was more realistic, which she thought also met the requirements of the Menlo Park Fire Protection District without furthering burdening the applicant with a piecemeal solution to a downtown. She said there were other ways to accomplish the long-term goal such as the step process referred to by Planning staff and Mr. Hanna this evening in ongoing conversations with the City. She suggested establishing an effective process to accomplish the undergrounding goal of the Specific Plan. She said the utility pole in this situation actually serviced another property and she asked whether that was the applicant's responsibility to take care of something that serviced a completely different set of properties. She said she looked forward to the project moving ahead.
- Vasile Oros, project applicant, said Ms. McMillan and he were property owners, and he did not want to do anything that would take away value from her property. He said although she had a five-foot easement required on her property, he had 18 surface parking spaces he was required to preserve. He said he would like to have only a five-foot easement, build a two-story building

and not have to provide any parking spaces. He said the parking spaces were a grandfathered requirement and his understanding was whatever was grandfathered had to continue.

Chair Combs closed the public hearing.

Commission Comment: Commissioner Onken said that page 4 of the staff report described parking and how the count was made. He said currently the site had 22 spaces. He asked what was required for the new project and how was that accomplished. Associate Planner Meador said the project was part of the P parking zone which meant the first 1.0 FAR had to be covered by the existing parking. She said for the existing parking that credit was given if the property owner had to make ADA compliant parking, and that was how they came to 18 existing spaces for this site. She said parking for the remaining office FAR used the standard Specific Plan ratio and one parking space was required for each residential unit. She said the parking was private to the site.

Commissioner Barnes asked about likely tenants for the 13,000 square foot retail space. Mr. Oros said he thought viable tenants would be restaurants noting that retail was challenging. Replying to Commissioner Barnes about potential tenants for the office space, Mr. Oros said he had no prospective tenants at this time. Commissioner Barnes asked if the four residential units on the third floor would be for sale upon completion. Mr. Oros said he hoped to lease the units. Commissioner Barnes asked why four units and not more. Mr. Oros said his thinking was that with fewer residential units there was less impact on the office and retail spaces as the main users would be commercial. Commissioner Barnes asked about bicycle parking for the project. Mr. Hayes said there would be long and short term spaces. He said short term spaces were near the residential entrance in the plaza-type area down by the corner of Chestnut Lane and Chestnut Street and there would be 12 short term bicycle parking racks, each holding two bicycles. He said there was an existing three bicycle parking rack that would be replaced as well. He said there were nine long-term bicycle parking spaces in the parking garage and they expected residents to take their bicycles by elevator to their units. Commissioner Barnes asked about the construction time length. Mr. Hayes said they had submitted a logistics plan to staff and the construction period was estimated at 14 months. He said a construction fence would be constructed along Chestnut Lane so that traffic was not stopped.

Commissioner Barnes said although he thought the garage location was appropriate for the site he was sensitive to the impact of cars traveling in and out of the garage on the neighbor's building across Chestnut Lane. He asked if they had thought about mitigations not just for construction impacts but for the cars traveling in and out of the parking garage. Mr. Hayes said they spoke with Ms. McMillan about a year ago and looked at some alternatives that did not work out. He said from that exercise they came up with planters to create some space on the building side so it did not feel it was right on top of Chestnut Lane. He said that having the garage entrance a bit wider than the minimum of 24-feet would create more room where the cars would be coming in and out. He said the existing building generated 47 peak hour trips with the current retail use. He said the proposed project would increase peak hour trips by 31 new net trips. He said striping both sides of Chestnut Lane would help mitigate traffic so people did not park on Chestnut Lane and deliveries would be prohibited there. He said deliveries did take place occasionally in that location now. Commissioner Barnes asked where deliveries would take place. Mr. Hayes showed a slide that deliveries were made early in the morning. He said staff did not want unloading to happen at Chestnut Lane but deliveries were made in that area now and no complaints were made. He said the property owner indicated that the trucks come early in the morning and left before the downtown woke up. He said mitigation for the neighbor included no deliveries on Chestnut Lane.

He said trash would be moved to a particular site with other trash facilities on garbage pickup day. Commissioner Barnes asked if there were food and beverage uses on the new site if the existing area shown in the blue level could be used by delivery trucks. Mr. Hayes said having a loading zone on these small parcels downtown impeded pedestrian friendliness and walkability. He said having a place the community could support for deliveries in certain hours of the day made a lot of sense. He said the particular noted location was one that had been working and it would be great if that could continue there.

Commissioner Barnes said it seemed reasonable to use a public lot to serve businesses there. He asked staff if thought had been given to where deliveries would be made and whether the space indicated with a blue oval was representative of a future loading zone area to service the new development. Associate Planner Meador said when staff reviewed potential loading zones for the project one option was double parking on Chestnut Street, which would be allowed. She said they did not explore the parking plaza as a loading zone. She said based on the use loading would be limited for the site or have a short, minimal loading time. Commissioner Barnes asked if they would allow loading in the public plaza and what the decision process was for that. Principal Planner Chow said they would need to talk further with the Transportation Division about that; she noted that Chestnut Street was the public right of way. She said if loading and unloading happened now in the parking plaza before and after hours that was an informal arrangement. She said parking plazas were intended to be used for parking and the parking plaza was not striped for loading.

Commissioner Strehl asked where retail customers would park. Mr. Hayes said there were nine covered spaces at grade that included an EV charging space and an accessible parking space. He said those spots were available for people doing business in the project building. Commissioner Strehl asked about the vehicle access plan for the garage whether the entrance was one way and the exit the other way. Mr. Hayes said the diagram showed that if there were two cars with one entering and one exiting the garage simultaneously that the one exiting the garage would not be able to turn left easily based on engineering radii.

Commissioner Strehl confirmed with staff that the sidewalk widening on Chestnut Lane would narrow the Lane. She asked why the sidewalk was not part of the project property as opposed to using public right of way. She said narrowing that Lane concerned her. She said it was a convenient way in and out of the public parking plaza. She understood why they would not want their garage entrance on Chestnut Street but it seemed to be a significant imposition to the property owners directly across the Lane. She asked if the proposed sidewalk to the parking plaza would have a zigzag alignment as buildings did not line up on the Lane. Associate Planner Meador said that currently the sidewalk would not be a straight line but would be connected and in the future when other properties redeveloped those would make the sidewalk a continuous line. Commissioner Strehl asked about garbage pickup. Mr. Hayes said it would not be on Chestnut Lane. He said they would need to pull dumpsters out and have them picked up on Chestnut Street or to an alternative location and then return them to the garage area.

Commissioner Onken said that the applicant had tried to address Chestnut Lane and the neighbors had very justifiable concerns. He said he thought the new sidewalk on the applicant's side of Chestnut Lane was pointless. He suggested if a do-over was possible that widening the sidewalk on the other side of Chestnut Lane to 10-12 feet with safety features would create a unique walkway in Menlo Park. He said additionally installing minimal safety features on the applicant's side and making the Lane one way so that people exiting the garage would turn right and exit through the public parking plaza seemed preferable. He asked how to make changes on the west

side of Chestnut Lane such as widening the sidewalk there. Principal Planner Chow said that they would want to involve Engineering and Transportation staff if this was something the Commission wanted pursued. She said increasing the pedestrian accessibility and connectivity was why they had added the sidewalk so there would be a sidewalk on each side of the lane. She said to change the direction of the Chestnut Lane public right of way would involve discussion with Transportation Division staff. She said if the Commission wanted that explored staff could return with feedback on that. Commissioner Onken said those measures would help to resolve the neighbors' concerns and he would like to see those in place before he approved the use permit. He said he was familiar with the building design proposed and he thought it would be an asset to the community. He said the façade could be varied more and that materials might be mixed more. He said he liked the terraces up Chestnut Street. He said knowing of these buildings in other cities there was a variety of retail that could be offered within a strong frame.

Commissioner Strehl said she did not understand why a sidewalk would be wanted on the project side as it would cross the garage driveway and would not be a very safe place for crossing. She said widening the sidewalk on the other side and tuning that up would make more sense.

Chair Combs said the space behind Ace Hardware was used by Menlo Presbyterian, and a person parking on Chestnut Street to reach that space would have an accessible advantage with the proposed new sidewalk on Chestnut Lane. He said he wanted to point out some value for locating the sidewalk there but he was not saying it outweighed the value of the solution being offered by Commissioners Onken and Strehl.

Commissioner Goodhue said the proposed rear elevation was not ugly but it was not as nice as the Santa Cruz Avenue and Chestnut Avenue elevations. She said weekly she drove on Chestnut Lane for an appointment along there. She said leaving the public parking plaza she then takes a left on Chestnut Avenue to get to Santa Cruz Avenue, noting that left turn was challenging. She said the whole area needed rethinking. She said if they wanted to make something unique on Chestnut Lane there was a tremendous opportunity to make the sidewalk on the opposite side more attractive rather than making a current situation worse with a rolled curb sidewalk for fire truck access. She said walking down Chestnut Lane that she tended to walk in the middle to be visible as the sidewalk was narrow. She said she was not sure the garage entrance was in the right place, and if Chestnut Lane was not made one-way, the garage entrance would cause problems at that intersection.

Mr. Hayes said having the sidewalk on the other side expanded was a good idea but noted the subject project imposed some constraints on that idea. He said the project building had a stairway coming down the back of it and a public way was needed to get people out of that area and away from the building as needed. He said if there was no sidewalk on the project side of the street that a crosswalk would be needed to get across to the widened sidewalk in front of the neighbor's building. He said this area was intended as the project's fire access lane and a 25-foot width was required for that which was why the Fire District wanted the curb rolled on the project side of the Lane. He said if there was no sidewalk on the project side that perhaps they could extend the base of the building two feet allowing for more space for ivy plantings. He said the sidewalk on the opposite side could not be widened to 10 feet as the project would still need to keep a 25-foot wide zone. He said if Chestnut Lane was one-way it could be narrower except they would have the same issue with the fire trucks needing 25-foot width.

Chair Combs said overall he liked the project and the mixed-use elements. He said he had a procedural concern in that the Commission had been presented with a substantial project for action that had impacts without having had an opportunity to get public concerns prior so those might be addressed before bringing the project forward for action. He said he was not a fan of the architectural style. He said although it was a base level development under the Specific Plan that within the Plan benefits were provided to developers. He said he was not sure this project's design elements were what the City or community expected in return. He said he expected something with a bit more character. He said the project spoke to existing architecture such as the Wells Fargo building but he did not think that architecture should be the measure for this project.

Commissioner Barnes said he would like to hear from the consulting architect noting that the Specific Plan was very prescriptive in what was expected for projects in the area. Arnold Mammarella, consulting architect, said there was discussion with the applicant, the architect, staff and him about the development of the building. He said one element was how to make this development a pedestrian-oriented, friendly, intimately scaled streetscape. He said the size of the building with three floors was not debated but the question was how to have it fit within the character of the downtown and how the downtown would develop. He said staff was pushing for more variety in the design and more things to make it pedestrian-oriented in terms of the architecture so that it was not quite as ordered and rigid. He said the project architect was very capable in developing this type of architecture and was able to articulate those forms without a lot of divisions in the fenestrations and the frames to meet the Specific Plan requirements. He said the question was whether the Commission supported this architectural plan or wanted to see something that was more intimate in scale and more diverse in its presentation. He said the Specific Plan provided some images that seemed to speak to such scale and diversity but it was not deliberate in saying that.

Commissioner Barnes said in his view the project conformed to the Downtown Specific Plan guidelines very ably. He said he liked the architecture and that it took the village character theme, which was articulated in the Plan. He said he would not have a basis for modulating the design based on preference as it conformed to everything set forth in the Plan. He said he recognized the difficulty of having three different uses in one building and he thought the proposal went far to accommodate all three uses. He said he liked the idea of expanding the sidewalk on the opposite side of the project on Chestnut Lane as well as providing some type of buffer for where the project's lot line ended and for traffic to turn in and out of the garage. He said the sidewalk width was important but the streetscape aspect from his perspective was less important. He said staff stated a preference for a sidewalk along the back of the project property that continued down Chestnut Lane to the public parking lot. He said continuing the sidewalk would remove all the parking behind the other buildings through the public parking lot. Principal Planner Chow said the sidewalk continuation would be to 700 Santa Cruz Avenue. She referred to sheet B1 of the staff report that showed the jog in the parcel lines. Commissioner Barnes asked the reason for the sidewalk. Principal Planner Chow said it was for safety and to have pedestrian access on both sides of Chestnut Lane. She said the Plan did not describe in detail how there would be connections on Chestnut Lane but page D19 described a connection behind the properties. Commissioner Barnes confirmed with staff that was a connection specifically at the corner of this property from Chestnut Lane to Chestnut Street. Commissioner Barnes asked if the sidewalk was eliminated and two-feet of space taken for the base of the building whether vehicles would be able to make a legitimate turn into the parking garage. Mr. Hayes said that if the radius to turn was tightened up vehicles would need to swing wider into Chestnut Lane to make the turn.

Commissioner Riggs said he did not know how the last car in the nine parking spaces would get out as there was no pocket to back into. He asked how the brick façade was expressed and whether the grout would have contrast to create a pattern or if the façade was muted. He said other questions he had included why five tree replacements had been reduced to three tree replacements and how construction would proceed on a zero lot line on Chestnut Lane. He asked what would happen to Chestnut Lane when the new building was constructed with zero lot line on all four sides and a sidewalk taken out of the 25-foot right of way. He said with the garage entry and Chestnut Lane connecting to the public parking lot that he did not think Chestnut Lane could afford to give up five feet of drive space, and that there would be impacts from vehicles trying to get in and out. He said a great deal of experience and skill had gone into the project plans and great problem solving. He said the height of the building was correct but looked oversized because of the brick frames and modulation. He said the building length was 200 feet when storefronts in Menlo Park were 25-foot wide or 50 to 60 foot wide which was why modulations were required. Mr. Hayes said the modulations were at 28 feet. Commissioner Riggs said if the streetscape had been illustrated with the adjacent buildings in their detail the pedestrian scale would be more visible. He said the formality and rhythm to the architecture could be read as rigid. He said the design would be fantastic on Page Mill Road and Sand Hill Road but it needed to be more intimate in this area. He said they might need another approach in façade and materials and that he could not support the project design.

Commissioner Kahle asked the applicant to pull up the slide of the rendering of the corner of Chestnut and Santa Cruz Avenues. He said he appreciated the design and the careful thought that went into it. He said he would have appreciated a study session to have an earlier look at this and have the opportunity to provide feedback as it was a much needed improvement to the downtown and was the first major project in the downtown Specific Plan area. He said he was not convinced the design was as best fitted to the site as it could be. He said at the corner of Chestnut and Santa Cruz Avenues would be a two-story brick clad cube and third story mass for residential unit 3. He said he was more drawn to the glass fins and the building's nice and unique character on the opposite corner noting the rendering of the corner of Chestnut Lane. He said more glass was apparent on the third floor with a thin roof line that drew him in more. He said he was not sure the Roman brick was the best direction for the project. He said the colors were a bit muted and he would like something as an accent or highlight that would draw a viewer in more. He said some of the more successful Hayes Group projects in downtown Palo Alto had great character at the street level façade and read more commercial than this proposal did. He said he appreciated the discussion on the wider sidewalk on Chestnut Lane and thought that would be a great solution. He said someone had mentioned earlier about potentially having the garage entrance elsewhere, and if they considered having it from the Chestnut Street side. Mr. Hayes said he never considered interrupting the sidewalk on Chestnut Street for that as under the Specific Plan the City was trying to create connectivity and continuity of retail storefronts that were pedestrian-friendly and walkable. He said if the garage driveway was put there it would interrupt the sidewalk and just 25-feet past the entrance the sidewalk would be interrupted again by Chestnut Lane. He said the place for the garage access was on Chestnut Lane. Commissioner Kahle said he liked the design but it needed a bit more finesse to fit the site better.

Commissioner Onken said the whole issue about Chestnut Lane which he saw as an important mitigation for this project was somewhat out of the Commission's hands. He said they could direct staff to look at changing Chestnut Lane and find out a month later that nothing would be done to it to change it or that the Fire District was stipulating the sidewalks were absolutely necessary, He moved to continue the project directing staff to specifically get input and response from Public

Works in terms of the commitment to improvements along Chestnut Lane before the Commission recommend the project to Council. Principal Planner Chow said they also needed the Fire District's requirements. Chair Combs said the motion as stated had no action items for the applicant and only for staff to resolve issues around Chestnut Lane. He suggested that was unnecessarily burdening the applicant for matters outside his control.

Principal Planner Chow clarified that the Commission had the authority to approve the architectural control and Below Market Rate (BMR) agreement and the only item continued on to the City Council with Planning Commission recommendation was the tentative map.

Commissioner Goodhue said she loved the multitude of uses in the project which was exactly what was needed downtown. She said she was struggling to want the building as presented, and thought the project should be continued. Mr. Hayes asked if it was the style. Commissioner Goodhue said she appreciated the thought given to the project but intimacy was the thing that was missing. Mr. Hayes noted that the Specific Plan dictated the floor heights of 15-foot and 12-foot ceilings and scale. Commissioner Riggs said the 30-foot height was fine but the sense of scale had to do with materials, arrangements and rhythms. Commissioner Goodhue said volumes. She said she agreed on the procedural level that this was a perfect candidate for a study session when the project was in the earlier stages.

Commissioner Strehl said she thought the project needed to be continued and more time spent on the design to improve it as well as get resolution of the issues on Chestnut Lane.

Commissioner Onken said he appreciated the aesthetic concerns but he thought those concerns were well resolved in the project.

Chair Combs asked staff about Commissioner Onken's motion noting it was to continue the project to investigate what could be done on Chestnut Lane. He said as is if seconded and approved, there was no direction for the applicant about the project itself. Principal Planner Chow said Commissioners had expressed concerns with the architecture, the massing, the materials, and the rhythms so potentially they would move in two steps. She said first staff could come back with more clarity about Chestnut Lane to the Commission, and at that time the Commission might provide additional direction to the applicant. She said if they wanted the applicant to change the design that potentially that could come back as a study session after information about Chestnut Lane was received. She said Commissioner Onken's motion as stated would not require the applicant to do anything at this time.

Commissioner Onken said the Commission could approve the BMR agreement and make the subdivision recommendation to City Council this evening. He said if there were aesthetic concerns that he did not think anything could be done for a project of this size until Chestnut Lane was resolved.

Commissioner Barnes said he thought they could vote on various parts of the actions required. He said regarding Chestnut Lane that there needed to be information upon which to make decisions. He said if it proved the aesthetics was the stickler then they could have a discussion on that.

Commissioner Riggs said he did not see this project process different from what the Commission has been asked to handle in the past. He said he would like to second the motion for continuation and request that it also include direction to the applicant to look at the design scale and how the facades worked particularly with the pedestrian scale in terms of the character and the difference



between facades that were rigid or were intimate. Commissioner Onken said to clarify that the applicant would look at aesthetics and character but staff and Public Works would be charged to look at Chestnut Lane as the answer to that would not come from the applicant.

Principal Planner Chow asked if the Commission's intent was to see a revised design when they brought this back with information clarifying what could be done on Chestnut Lane. She said staff once a determination was made on what was feasible with Chestnut Lane would then have the applicant work on a revised design based on that information. Chair Combs said the design revision should address all the concerns raised about the design and not just specifically in regards to what could be done on Chestnut Lane. He asked Commissioner Onken if he saw this coming back as an item for approval or in some other form. Commissioner Onken said he would like the project to return to the Commission as it came for this meeting with all actions to be taken.

Chair Combs said the motion was to continue this item to a future meeting to have staff address issues regarding Chestnut Lane and have the applicant and architect look at the issues raised about the façade to make the architecture a more intimate pedestrian scale and create a building with more character as suggested by Commissioner Riggs.

**ACTION:** Motion and second (Onken/Riggs) to continue the project to a future meeting date with the following direction; passes 7-0.

- Planning staff to confer with Public Works (Transportation/Engineering) and the Menlo Park Fire Protection District as to what could be committed to on Chestnut Lane to resolve concerns with pedestrian safety and vehicular impacts such as not requiring a sidewalk on the project side, expanding the sidewalk on the side opposite the project and installing safety barriers, and making traffic one-way.
- Applicant based on information provided on Chestnut Lane design feasibility to revise design accordingly and also look at revising design by using different materials, changing building rhythms, or some combination of efforts to create a building with more character and an intimate, pedestrian scale.

## **G. Informational Items**

### **G1. Future Planning Commission Meeting Schedule**

- Regular Meeting: January 8, 2018

Principal Planner Chow said the notice for the January 8 meeting would go out the following week and would potentially include some single-family residential developments and commercial projects. She said they planned to bring the Electric Vehicle Charger Ordinance back to the Planning Commission for recommendation sometime in January.

- Regular Meeting: January 22, 2018

Commissioner Barnes asked about fence requirements noting that houses were being required to be built above grade to accommodate drainage code requirements. Principal Planner Chow said that the measurement for an allowed seven-foot fence would be measured from grade if both

homes were at the same grade and if there was disparity in grade measured from the lower grade.

**H. Adjournment**

Chair Combs adjourned the meeting at 11:05 p.m.

Staff Liaison: Principal Planner Deanna Chow

Recording Secretary: Brenda Bennett