



REGULAR MEETING MINUTES

Date: 12/3/2018
Time: 7:00 p.m.
City Council Chambers
701 Laurel St., Menlo Park, CA 94025

A. Call To Order

Chair Susan Goodhue called the meeting to order at 7:01 p.m.

B. Roll Call

Present: Andrew Barnes (Vice Chair), Drew Combs, Susan Goodhue (Chair), John Onken, Henry Riggs, Katherine Strehl, and Camille Kennedy

Staff: Kaitie Meador, Senior Planner; Kyle Perata, Acting Principal Planner; Tom Smith, Senior Planner

C. Reports and Announcements

Acting Principal Planner Kyle Perata said the City Council at its December 4, 2018 meeting would consider an Environmental Impact Report (EIR) contract scope and budget authorization for the 1105 and the 1105 to 1165 O'Brien Drive project. He announced upcoming committee and task force meetings.

Commissioner Katherine Strehl asked when the 1704 El Camino Real hotel project would return for Planning Commission consideration. Acting Principal Planner Perata said staff had not yet received a response from the applicant since the last study session and no date had been identified to have the project on the Commission's agenda.

Commissioner Henry Riggs said that the City Council at its December 4 meeting would consider the scoping for an alternate grade separation study noting the Commission's position that alternate grade separation study was needed beyond the grade separation proposal that was presented six months prior to the Commission for its consideration.

D. Public Comment

- Gail Wilkerson-Dixon said she was trying to lease space in a building in a C4 zoning district for a business that was allowed under that zoning. She said her business was supported by the property manager of the building, and it was not clear to her why her proposal was not allowed to move forward by the Planning Division.

E. Consent Calendar

- E1. Approval of minutes from the November 5, 2018, Planning Commission meeting. ([Attachment](#))

ACTION: Motion and second (Riggs/Drew Combs) to approve the November 5, 2018 minutes as presented; passes 7-0.

F. Public Hearing

- F1. Architectural Control/Barulch Bennaim/154 Buckthorn Way:
Request for architectural control to modify the exterior of an existing townhouse in the R-3 (Apartment) zoning district. The request includes modifications to second and third story windows, and modifications to the balcony, and front/garage doors. The proposal also includes repainting the exterior of the residence white. ([Staff Report #18-096-PC](#))

Chair Goodhue said that typically architectural control projects like this were scheduled on the consent calendar. She said in this instance neither staff or the applicant needed to do a presentation, but she would open up the public hearing for public comment. She closed the public hearing as there were no speakers.

ACTION: Motion and second (Strehl/Camille Kennedy) to approve the item as recommended in the staff report; passes 7-0.

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. 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.
3. Approve the architectural control subject to the following **standard** conditions:
 - a. Development of the project shall be substantially in conformance with the plans provided by JF Consulting, consisting of seven plan sheets, dated received November 20, 2018, and approved by the Planning Commission on December 3, 2018 except as modified by the conditions contained herein, subject to review and approval of the Planning Division.

- b. Prior to building permit issuance, the applicant shall comply with all Sanitary District, Menlo Park Fire Protection District, Recology, and utility companies' regulations that are directly applicable to the project.
- c. Prior to building permit issuance, the applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
- d. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval by the Planning, Engineering and Building Divisions. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
- e. Simultaneous with the submittal of a complete building permit application, the applicant shall submit plans indicating that the applicant shall remove and replace any damaged and significantly worn sections of frontage improvements. The plans shall be submitted for review and approval of the Engineering Division.
- f. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance.

F2. Architectural Control and Use Permit/G + S Architecture/409 Glenwood Avenue, 417 Glenwood Avenue, and 1357 Laurel Street:

Request for architectural control to demolish one, two-story residence and one, one-story residence addressed 409 Glenwood and 1357 Laurel Street, relocate an existing two-story residence addressed 417 Glenwood on site, and construct two new two-story multifamily buildings with an underground parking garage. One building would include three dwelling units and one would include four dwelling units. The project site currently contains three dwelling units, and the project would result in an increase of five units, for a total of eight units at the project site. As part of the project, a use permit would be requested for excavation within the required front setback for egress stairs. One heritage tree is proposed for removal as part of the project. The project site is located within the R-3 (Residential Apartment) zoning district. The proposed project includes consideration of a Mitigated Negative Declaration regarding potential environmental impacts. ([Staff Report #18-097-PC](#))

Staff Comment: Senior Planner Kaitie Meador said a materials board would be distributed to the Commission. She said a letter from the Town of Atherton was received after the publication of the staff report commenting on hydrology, water, air quality and construction impacts. She said the project had recommended conditions of approval to require grading and drainage and additional construction documents to insure the project met those relevant requirements at the building permit stage. She said the letter also highlighted potential upgrades to the intersection of Glenwood and Laurel Avenues and traffic impacts to bicyclists and pedestrians during construction. She said a condition of approval required a construction plan to look at how people walked and bicycled around the site during construction. She said Menlo Park's Transportation Division have indicated that no construction improvement projects for that intersection were planned at this time.

Questions of Staff: Commissioner Riggs asked if staff had had time to review the letter from the Town of Atherton and if a response to the Town was needed or had been made. Senior Planner Meador said numerous conditions of approval for the project insured compliance with the items commented upon by the Town, and staff did not think additional review was required at this time. Commissioner Riggs asked if a letter acknowledging receipt of the Town's comments had been sent. Senior Planner Meador said that they responded to the letter by email and also forwarded the letter by email to the Commission.

Applicant Presentation: Mark Sutherland, G + S Architecture, said he was the principal architect for the project. He said the project purpose was to create new modern and functional housing for multiple families on the site while preserving a heritage home and all heritage trees, except for one. He said the project would create eight living units arranged within two townhouse-style apartment buildings and the relocated historic house. He said the relocated historic house would maintain its four-bedroom layout and the seven apartments would be one- to two-bedroom apartments ranging from 800 square feet to 1,030 square feet that included one below market rate (BMR) unit. He said the two new buildings were contemporary Craftsman-style complementary to the historic home style and coloring. He said the new buildings would be clad in lap siding and board and batten siding with some stucco. He said the new buildings would be gray with white trim and the historic building would maintain its current palette of pastel yellow with white trim. He said the new buildings would have composite shingle roofs in dark gray complementary to the shingle roofing of the historic house. He said the small enclosure for the required elevator and stair from the parking level had been designed to minimize its impact and appearance and to blend in with the other landscape elements. He said the subterranean parking would require a concrete pad at grade to support the buildings and the immediate landscaping. He said that would require the use of stitch piers around the garage perimeter to allow for minimal impact to the existing heritage redwood trees and other trees on the site.

Replying to Commissioner John Onken, Mr. Sutherland confirmed the historic home would be relocated on stitch piers and then secured and braced to allow construction of a slab foundation underneath it.

Chair Goodhue opened the public hearing.

Public Comment:

- Mary Widmer, Glenwood Avenue, said the property had a street drain at the corner that was always overwhelmed and clogged. She said it was a big problem as a person could neither walk or ride a bicycle through that intersection due to the depth of the runoff. She said the plans did not indicate anything to address drainage on the site. She said the project had additional hardscape including a basement and underground parking and would make the water problem worse. She said the City needed to act to keep the situation from being made worse. She said also having underground spaces would cause problems for children who go to Encinal, Nativity, Hillview and Menlo Atherton schools, who go by that corner from 7:45 a.m. to 8:30 a.m. on foot and bicycle. She said the contractor must understand that heavy equipment was not to be operated in the right of way during school traffic times in the morning and afternoon. She said increasing the density from three residential units to eight on the site was excessive for the property. She said the project had 16 parking spaces and the traffic analysis only allowed for two additional trips at peak times.

Chair Goodhue closed the public hearing.

Commission Comment: Commissioner Onken asked about the housing density range. Senior Planner Meador said it was based on the City's Housing Element and initiatives to promote higher density in the areas around the downtown, but the site was not within the area of the Specific Plan. She said the zoning change occurred around 2014.

Commissioner Riggs asked how the speaker would get the response needed from the City regarding the flooding in the intersection of Glenwood and Laurel Avenues. Senior Planner Meador said during the building permit stage that Engineering would require additional documents including the hydrology report and information on stormwater treatment onsite. She said with that there should not be any drainage from this site to neighboring properties or the right of way as much as the current situation indicated. Commissioner Riggs confirmed with staff that it would be appropriate for the speaker to write to Public Works Director Justin Murphy to request a solution to the recurring problem of deep pooling in the referenced intersection.

Commissioner Riggs noted the proximity of the site to Encinal Avenue and the school bicycle and pedestrian traffic. He suggested that conditions of approval to place restrictions on construction hours, so it was not impacting or interfering with the school traffic seemed appropriate.

Acting Principal Planner Perata asked if they wanted limited construction hours or limited encroachment into the right of way. He said that construction staging sometimes required an encroachment permit through Public Works particularly for projects that need construction staging. He said this project probably would be able to do its staging onsite. He said a bicyclist and pedestrian access plan would be required if there was to be any temporary blocking of those lanes. He said typically a construction phasing plan was done during the building permit phase through Public Works with coordination with Building and Planning. He said if it was not implicit in the conditions a condition could be added to require a construction phasing plan that would be reviewed by Building, Planning, Engineering and Public Works to allow for pedestrian and bicyclist access around any potential enclosures.

Chair Goodhue said the speaker had suggested limiting heavy equipment in the right of way to hours outside of school traffic hours. She confirmed that would be captured by what Acting Principal Planner Perata had just described. Mr. Perata said any equipment or closures of access in terms of sidewalks or bicycle lanes would be covered.

Commissioner Strehl asked if the historic residence would be rented or owner-occupied. Mr. Sutherland said the historic residence was occupied under a rental agreement and would be similarly in the future. Commissioner Strehl noted there was a second story with a master bath and bedroom and another two bedrooms that would need to use the master bath. Mr. Sutherland said that was the historic residence and they were not allowed to change the interior of it very much. He said there was not a lot of space on the second story with how the house was shaped. He said to add a bathroom up there that they would have to reduce the size of one of the bedrooms.

Replying to Commissioner Drew Combs, Michael Smulski, Palo Alto, said his family purchased the property in 2011. He said the property was advertised to have zoning to allow to build two more townhomes on it. He said he hired an architect in 2012 and applied for a permit with plans

submitted in 2013. He said the parcel was rezoned in 2014 and his application was rejected as it would have had four units. He said after some more iterations, he had to hire a new architect. He said they went through the permit application process again.

Replying to Commissioner Combs, Senior Planner Meador said the one residence was a historic and protected structure and had to meet certain requirements of the Secretary of Interior Standards to not require additional CEQA review as part of the project.

Commissioner Onken referred to the traffic analysis and its concluding finding that the project would not make much difference to traffic loads. He said he appreciated that a significant amount of housing was proposed. He said immediately across the corner on Oak Grove Avenue and Laurel Avenue was the typical above and below ground apartment building that probably had similar density to this project. He said he thought this project achieved the density with a collection of manageably-sized buildings that he welcomed. He said this was at the expense of the property owner who was putting the parking underground and retaining the trees for a very wooded site. He moved to approve as recommended in the staff report. Chair Goodhue seconded the motion. She said the project handled the site well and would provide some housing density including a BMR unit.

Commissioner Riggs said they did not discuss the elevator and stair element as prompted by staff. He said he appreciated the logic that it would not compete as it looked like a small version of the residences. He said that it really was about coordination and compatibility rather than not competing. He said historically it was consistent that outbuildings were similar architecture. He thought this would look like a very well finished trash enclosure. He said he thought it was a missed opportunity noting gate houses that were jewels of architecture and the pleasure of the neighborhood as they were more readily visible.

Chair Goodhue asked if the architect would like to respond to Commissioner Riggs' observation about the elevator and stair element. Mr. Sutherland said the philosophy for the design of that structure was for it to not be very visible on the site. He said they were trying to give the historic house and the two residential buildings enough of their own character and separation from one another, so they did not have to connect.

Commissioner Riggs suggested the streetscape would benefit from the stair and elevator piece being made more consistent with the overall architecture and that could be reviewed by staff. He said he would like to propose more specifically as a condition that a construction access and traffic coordination plan be developed in coordination with staff.

Commissioner Onken said he would like the stair and elevator enclosure reconsidered and brought back as a conformance review item to the Commission. Chair Goodhue agreed as the maker of the second. Senior Planner Meador asked if they wanted to add the condition for a construction access and traffic coordination plan. She said condition 5.q talked some about that but it could be expanded if they liked. Commissioner Riggs said condition 5.q would suffice.

Commissioner Strehl asked if the conformance review process would slow the project down and assuming the Commission agreed with the conformance memo. Senior Planner Meador said it might have some impact, but she thought it would be minimal as it related only to the one structure

and based on it not being pulled for a Planning Commission meeting. Commissioner Strehl said she hoped it would not be pulled.

ACTION: Motion and second (Onken/Goodhue) to approve the item with the following modification; passes 7-0.

1. Make the following findings relative to the environmental review of the proposal and adopt the Mitigated Negative Declaration:
 - a. A Mitigated Negative Declaration has been prepared and circulated for public review in accordance with current State California Environmental Quality Act Guidelines; and
 - b. The Planning Commission has considered the Mitigated Negative Declaration prepared for the proposal and any comments received during the public review period; and
 - c. Relevant mitigation measures have been incorporated into the project through the Mitigation Monitoring and Reporting Program (Attachment O), which is approved as part of this finding; and
 - d. Based on the Initial Study prepared for the Mitigated Negative Declaration, relevant mitigation measures, and any comments received on the document, there is no substantial evidence that the proposed project will have a significant effect on the environment.
2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed excavation into the required yard 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 Below Market Rate (BMR) Housing Term Sheet (Attachment K) in accordance with the City's Below Market Rate Housing Program, subject to final review and approval by the City Attorney as outlined in the project specific conditions 6c and 6d.
5. Approve the architectural control, use permit, BMR Term Sheet, and Mitigated Negative Declaration subject to the following **standard** conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by G + S Architecture consisting of 38 plan sheets, dated received November 26, 2018, and approved by the Planning Commission on December 3, 2018, except as modified by the conditions contained herein, subject to review and approval of the Planning Division.
 - b. Concurrent with the submittal of a complete building permit application, the applicant shall submit a Hydrology Report in conjunction with the grading and drainage plan substantiating that on-site flows will not exceed existing conditions as a result of the proposed improvements. Additionally, the grading and drainage design shall demonstrate that on-site runoff will be contained within the property up to the 10-year storm with the use of retention structures as applicable. Otherwise, the applicant hereby agrees that under no circumstances shall runoff directly flow across a neighboring property line. The Hydrology Report shall be subject to review and approval of the Engineering Division.
 - c. Concurrent with the submittal of a complete building permit application, the applicant shall submit a C.3/C.6 checklist demonstrating conformance with the County's mandate for stormwater treatment. A stormwater control plan and report, pursuant to the latest iteration of the San Mateo County C.3 Technical Guidance Manual, shall be furnished should the project exceed 10,000 square feet of replaced or created impervious area. The stormwater report must designate all existing and proposed project conditions, applicable source controls, and sizing of stormwater treatment devices (i.e. bioretention areas, flow through planters, etc.) to the satisfaction of the City's Engineering Division.
 - d. Prior to final occupancy, the applicant shall complete, notarize, and submit a Stormwater Treatment Measures Operations and Maintenance (O&M) Agreement with the City. This Agreement shall outline all O&M procedures for on-site stormwater treatment facilities and is subject to City review and approval and must be recorded with the County of San Mateo. All Agreements shall run with the land in perpetuity and shall be recorded with the San Mateo County Recorder's Office.
 - e. Concurrent with the submittal of a complete building permit application, the applicant shall furnish landscaping and irrigation plans in addition to any supplemental Water Efficient Landscape Ordinance (WELO) documentation as detailed on the City webpage (<http://menlopark.org/361/Water-efficient-landscaping-ordinance>), subject to review and approval of the Engineering Division.
 - f. Prior to final occupancy, the applicant shall submit a landscape audit report to the Public Works Department for review and approval demonstrating conformance with the City's WELO mandate.
 - g. The applicant shall obtain an encroachment permit from the appropriate reviewing jurisdiction prior to commencing any work within the right of way or public easement

(including the proposed curb cut). An additional curb ramp connecting the crosswalk across Glenwood Avenue for ADA access must also be included in the design.

- h. Prior to final sign off of the building permits, all public right of way improvements, including frontage improvements and the dedication of public access or utility easements (if applicable), shall be completed to the satisfaction of the Engineering Division and recorded with the County of San Mateo.
- i. 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. Any existing frontage that is damaged in its existing condition, or as a result of construction, must be replaced in kind per the latest City standard details. The plans shall be submitted for review and approval of the Engineering Division.
- j. Concurrent with the submittal of a complete building permit application, the Applicant shall submit all applicable engineering plans for review and approval by the Engineering Division. The plans shall include, but are not limited to:
 - i. Existing Topography (NAVD 88')
 - ii. Demolition Plan
 - iii. Site Plan
 - iv. Construction Parking Plan
 - v. Grading and Drainage Plan
 - vi. Utility Plan
 - vii. Erosion Control Plan
 - viii. Planting and Irrigation Plan (if WELO is triggered)
 - ix. Off-site Improvement Plan
 - x. Construction Details
 - xi. Stormwater Control Plan / Report (if C.3 is triggered)
 - xii. Hydrology Report
- k. Prior to building permit issuance, the applicant shall comply with all regulations set forth by West Bay Sanitary District, California Water Company, Menlo Park Fire Protection District, and any other utility agency applicable to the project.
- l. 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.
- m. Concurrent with the submittal of a complete building permit application, 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, which cannot be placed underground, shall be property 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.

- n. Prior to building permit issuance, during the design phase of the construction drawings, all potential utility conflicts shall be potholed with actual depths and recorded on the improvement plans, submitted for Engineering Division review and approval.
 - o. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance and the arborist report prepared by Advanced Tree Care, dated April 20, 2018. Applicant shall submit a tree preservation plan, detailing the location of and methods for all tree protection measures as part of a complete building permit application and is subject to review and approval by the City prior to building permit issuance. Any heritage tree that is removed shall be replaced pursuant to the City's Heritage Tree removal guidelines, subject to approval by the City Arborist.
 - p. Prior to final occupancy, the Applicant shall retain a civil engineer to prepare "as-built" or "record" drawings of public improvements, and the drawings shall be submitted in both AutoCAD and PDF formats to the Engineering Division.
 - q. Prior to building permit issuance, the Applicant shall submit plans for construction parking management, construction staging, material storage, and Traffic Control Plans to be reviewed and approved by the City.
 - r. If construction is not complete by the start of the wet season (October 1st through April 30th), 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 mulch 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 of construction.
6. Approve the architectural control 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 O). Failure to meet these requirements may result in delays to the building permit issuance, stop work orders during construction, and/or fines.
 - i. A qualified historian shall document the house for archival purposes and submit the documentation to the Planning Division for its records. Photographs should be taken of all exterior façades, interior rooms, and close-ups of any unusual or significant architectural details. In the event the historic structure is damaged during project construction or moving, the archival report would provide documentation to be used to correct any damage.
 - ii. Consult "Moving Historic Building" by John Obed. Addresses the siting, foundation construction, building reassembly, and restoration work when the move has taken place. The applicant shall submit documentation with the submittal of a complete

- building permit application that demonstrates that all construction forepersons and field supervisors have received proper training on procedures on moving an historic home. Additionally, the building permit plans shall itemize the ways that the project incorporates the relevant requirements.
- b. Simultaneous with the submittal of a complete building permit application, the applicant shall submit plans indicating compliance with the electric vehicle (EV) charging spaces for new construction per section Chapter 12.24 to the Municipal Code. The plans shall be submitted for review and approval of the Building and Planning Divisions.
 - c. Simultaneous with the submittal of a complete building permit application, the BMR agreement shall be prepared in accordance with the approved BMR Term Sheet and the City's Blow Market Rate Housing Program, subject to final review and approval by the City Attorney. The BMR agreement shall include one one-bedroom, low-income level BMR rental unit on-site.
 - d. Prior to building permit issuance, the applicant shall record the approved BMR agreement with the San Mateo County Recorder's Office.
 - e. Prior to issuance of building permit, the applicant shall pay 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 \$7,581.78. The fee was calculated as follows: (\$2,026.34/unit x 7 multi-family units and \$3,301.30/unit x 1 single-family unit). 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.
 - f. *Simultaneous with the submittal of a complete building permit application, the applicant shall submit revised plans of the stair and elevator building, which shall have the objective of providing enhanced elevations that are consistent with the architectural style of the proposed or existing buildings. The revised plans shall be subject to review and approval of the Planning Division. Consistent with the City's substantial conformance memo process, the Planning Division shall provide notice of its approval of the revised materials to the Planning Commission by email, and any Commissioner may request that the Planning Division's approval of the revised plans may be considered at the next Planning Commission meeting.*

Chair Goodhue said she had an emergency and Vice Chair Andrew Barnes would chair the rest of the meeting.

Commissioner Combs said he would recuse from consideration of the next agenda item on advice of the City Attorney as there was a possibility that the project might be appealed to the City Council.

- F3. Use Permit & Architectural Control/NMSBPCSLDHB/40 Middlefield Road:
Request for a use permit and architectural control to construct a new single-story office building, 3,681 square feet in size, on a vacant lot in the C-4 (general commercial) zoning district. In addition, the applicant is requesting a parking reduction to provide 16 spaces where 22 spaces are required. The project was previously continued following a Planning Commission public hearing on

May 14, 2018. Since then, the applicant has revised the project to increase parking on the site from 12 spaces to 16 spaces by locating a parking puzzler at the rear of the proposed building with access from the adjacent service road. The gross floor area of the proposed building has also increased by 97 square feet to better integrate the parking puzzler into the building. In addition, a parking landscape island at the rear of the site has been reduced in size to accommodate deliveries to the adjacent market. The project includes a dedication of approximately 1,700 square feet of right-of-way along Middlefield Road associated with a plan line. ([Staff Report #18-098-PC](#))

Staff Comment: Senior Planner Tom Smith said staff received three pieces of correspondence earlier today. He said one expressed concern about the project and gateway entrance to Menlo Park, the width of the service road, water drainage from the proposed project, construction impacts, heights and impacts to views from 111 Baywood. He said another one expressed concern with how family investment would be categorized as business use in the City. He said the last one was a request to place an easement at the rear of the property to insure access for delivery trucks to the Willows Market. He said copies were distributed to the Commission.

Questions of Staff: Commissioner Onken asked if the request for an easement was an actionable item for the Commission, noting typically easements were agreements between landowners. Senior Planner Smith said placing an access easement over the property would have to be agreed upon by both the property owners. He said he was unsure if the property owners had had a chance to discuss that. He said if the Commission had concerns about the width of the access road that could be addressed through location of walls, planters, landscaping and things like that.

Applicant Presentation: Bryan Granum, Granum Partners, said immediately after the last time they were before the Planning Commission with their project that they met with Nick of the Willows Market. He said from May through August they worked with him to alleviate any of the concerns he had, which they did. He said they sent out emails and physical letters to the neighbors to make themselves available by email or phone. He said they held four different community meetings on Tuesdays and Thursdays at two different times to try to accommodate schedules.

Ken Hayes, Hayes Group Architects, said at the end of his presentation, he would introduce Elizabeth Hughes, President of TDM Specialists, an expert in sustainable transportation and parking reduction mitigation strategies. He said the project parcel was zoned C-4 and allowed for a variety of commercial uses, including retail, medical office, and professional office. He said their proposal was a professional office with low impact and might be called a family foundation, venture capital and private equity firm. He noted the Willows Market to the west was 22-feet in height in response to a comment received today about the height of their proposed 19-foot high building blocking views.

Mr. Hayes said when the project was reviewed by the Commission in May 2018 it received favorable comments for its architecture but concerned comments about the requested parking reductions and logistics for truck deliveries to the Willows Market. He said as mentioned they met with the operator of the Willows Market, did survey work with the 60-foot delivery trucks, and community outreach on four occasions to keep them informed on the project.

Mr. Hayes described the changes made since the Commission saw the project proposal last. He said previously they had 12 parking spaces all on grade. He said in the back and off the service road they created an area for a parking puzzler. He said they now had 16 parking spaces and were

parked at 4.35 spaces per 1,000 square feet. He said in surveying the space needed for the delivery trucks to the Willows Market they realized they would need to redesign to keep the needed area clear. He said they had to shift the parking toward their building and reduce the parking island to create a wider area for the turn needed by the delivery trucks. He said this impacted their landscaping some, but they arrived at a reasonable plan configuration. He showed the interior of the building, which would have about 12 work spaces. He said on one side was amenity space with a kitchen, showers, bathrooms and utility rooms.

Mr. Hayes showed the changes made to the elevations. He said after receiving the comment today from the 111 Baywood property owner that they had changed their thinking about the gates for the parking puzzler. He said originally they planned to use a woven wire mesh. He said it seemed the neighbors might prefer it obscured. He said they thought they would use a solid panel so there was no view of the cars. He said they had not changed anything with the materials and how the building looked except that the parking puzzler would have a crepe myrtle in front of it to provide some screening. He said the neighbor at 111 Baywood had expressed concern today about the service road width. He said the service road was 18-feet wide property line to property line. He said their survey indicated no encroachment of the home at 111 Baywood with its corner on the property line but a corner of the garage to the left slightly encroached into the service road. He said the curb of their planting island reduced the width. He said the curb could be made flush so if a delivery truck or fire truck needed to that they could traverse without hitting a curb. He said today the fence around the subject property limited the alley width to 16.7 feet from the building at 111 Baywood to the chain link fence. He said delivery trucks and fire trucks were able to traverse the service road at that point with no problem now and the project would give another four-foot 10-inches of width to the service road between 111 Baywood and the project parking puzzler building. He said the vehicles in the puzzler would have a minimum 23-foot backup space and in some cases a bit more. He said the alley was one-way headed toward Woodland Avenue. He said a question was raised about the impact the puzzler and landscaping might have on sight lines for vehicle drivers on the service road turning onto Woodland Avenue. He said the landscaping island was curb height at six-inches. He said coming around the corner the planters would rise to two-feet. He said there would be shrubs in the planters and those would be around two-feet in height. He said there was a crepe myrtle and a power pole. He provided a video of the parking puzzler in action and noted that the noise rating was lower than the decibel range of human conversation.

Elizabeth Hughes, TDM Specialists, said she did mitigation for parking, mitigation for traffic reduction, and commuter program management. She said they enhanced the TDM project plan after the May Commission meeting and then updated the plan after talking with the City/County Association of Governments (C/CAG) to make sure all of the peak trip hour elements they used as strategies to reduce trips would meet compliance. She said C/CAG provided them with a letter of compliance and approval on the TDM plan itself. She said they also looked at other commuter programs that were performing well. She gave staff some handouts for the Commission that were samples of how small offices not right on a Caltrain line could perform at 30 or more percent in ridership of alternative transportation. She said the project would provide transit subsidies for the site per the lease agreement. She said there would be twice the bicycle facilities for Class 1 parking added into the project and a free guaranteed ride home program. She said the core programs were basically still the same and they had enhanced some of the monitoring survey performance with an annual report to the City.

Vice Chair Barnes opened the public hearing.

Public Comment:

- Joe Zott, 111 Baywood, said the building was too big for the site. He said his home was built over 90 years ago and had an overhang of two-feet-plus encroaching into the service road. He said the gas connection for the home was located at the same location just at the edge of the building, theoretically sticking out into the public space, and had been there since the late 1920s. He said from the two-foot overhang and gas connection to the protected space of the project was a 16-foot width and that was not recommended for fire truck access. He said the Middlefield Road side of the project was not in a flood zone and the service road side was. He questioned where grade was being measured and said it seemed that it was measured from the Middlefield Road side. He questioned how tall the building would be in reality. He said he had taken photographs and marked 14-feet on a nearby utility pole for reference near the project site that indicated views would be blocked by the project. He said with the slope of the parcel that drainage was a concern. He said with the puzzler and parking spaces that visibility would be an issue.
- Jennifer Michel, Willow Road, said her son attended Applebee preschool. She said also she was a commercial property manager and she questioned the argument that a venture capital or professional office tenant was actually a low intensity use and would require fewer parking stalls than a medical office or retail tenant. She questioned where service vehicles for HVAC preventative maintenance and exterior landscape maintenance would park. She asked where service providers for the tenants such as UPS or DoorDash would park. She said she worked with the firm TDM Specialists on a building in Palo Alto and they achieved 33% alternative transportation use but that was with heavy employer incentives for the onsite staff. She suggested lease language that would heavily encourage tenants to provide those alternative services to employees such as a GoPass for Caltrain. She said there would be onsite events and asked if they would require those attendees to use Lyft. She said the mechanical system of the puzzler seemed prone to mechanical failure and she did not see any contingencies for that. She said she had reached out to the developer about those issues, but they did not address her specific concerns. She suggested that the building should just be designed smaller and without any parking reduction needed. She requested that the Commission deny the project.
- Andrew Young, Willows resident, said the parking reduction variance was not supported by any Menlo Park resident. He said Commissioner Riggs had indicated at the May hearing that enforcement of TDM traffic counts and no parking outside the subject property lot would be required, but it was not clear how it would be enforced. He said staff recommended a requirement for the applicant to record a deed restriction memorializing the conditions of approval to insure future owners and lessees were aware of the restrictions related to use and parking on the site. He said Commissioner Combs had indicated in May that more parking would not solve the problems of the project and a speaker's honest question about whether Menlo Park needed more office. He said he supported property rights, but the application should build within regulations. He suggested that the City might look into how the citizens of Menlo Park might like to use the site and explore options.
- Melody Pagee said she had previously been a Menlo Park Planning Commissioner. She said the Willows Market was a neighborhood market accessed by people who live in the Willows and people driving down Middlefield Road on their way home. She said it was accessed

through the sidewalk that crossed up Woodland Avenue and across Middlefield Road through the parking lot to the Market. She said in the new design the walk across Middlefield Road was decreasing from 10 feet to five feet, and per the plans there was a fire hydrant located in the sidewalk. She said there were people in the community who used electric wheelchairs to get to the Market. She said decreasing the sidewalk to five feet and putting a fire hydrant there decreased accessibility for those people and the many mothers or fathers pushing strollers to go to the Market. She said if the Commission was considering approving the project that they put a restriction on the landscaping in that location or the placement of the fire hydrant or stop sign to allow for the minimum three-foot for a wheelchair per ADA requirements. She said regarding compatibility with the surrounding neighborhood that while it was compared to an adjacent commercial building it had not been compared to the surrounding residential buildings. She said that should be looked at. She said they heard the noise rating on the puzzler but that was on its lift and questioned the noise of the metal doors. She said if the project was to be approved that the puzzler be relocated further up where there were other parking spaces rather than across the service road from the residence next door. She said she agreed with the previous comments from the other residents.

- Lauri Hart, 119 Middlefield, said the Menlo Park Fire Protection District (MPFPD) website said that the minimum width for emergency vehicles was 20 feet and as indicated by the developer that was not the case currently. She said the chain link fence on the subject property was movable and had been moved a number of times during the time the property was vacant but that did not make the service road 20 feet wide. She said the service road should be 20 feet in width to comply. She said the developer had not reached out to them to clarify what their issues were and the communication between she and her husband with the developer had not been good. She said she was concerned about where the entrance to the puzzler was in relationship to her home's deck and garage.

Vice Chair Barnes closed the public hearing.

Commission Comment: Commissioner Strehl asked the applicant to indicate where the entry to the puzzler was. Mr. Hayes showed a slide of the puzzler location. He said there were five spaces to enter the puzzler from the service road. Commissioner Strehl confirmed with Mr. Hayes that people would drive down the subject property side and not through Willow Market to get to those spaces. Mr. Hayes said the entrance was a 15-foot wide driveway. He said that they thought employees would park in the puzzler and not guests. He said if for some reason the alley was blocked or if a car was coming in or out of the puzzler, they would need to queue in that area on the site. Commissioner Strehl said that they could not really see the puzzler from there. She confirmed there was enough turning radius to pull into the puzzler. She asked what could be done to prevent someone from coming off Woodland Avenue and turning left onto the alley to park in the puzzler. Mr. Hayes said internally it would have to be protocol as the service road was already marked as one-way.

Commissioner Onken said that ventilation requirements for garages might apply to the puzzler. He said if they did not use mesh doors that they might need to run a 24-hour ventilation system. Mr. Hayes said he was not sure they would have to do mechanical ventilation as the puzzler was not habitable. He said they would need to do vents in the side wall. Commissioner Onken said it would be the same vent to solid wall ratio as that for a garage. He said potentially having solid doors might cause a problem requiring the running of a fan and its associated noise generation. He

asked about the emergency vehicle access review. Mr. Hayes said the MPFPD had signed off on the project. Commissioner Onken asked if they signed off understanding the width of the service road and the obstructions within it. Mr. Hayes said that was presumed. Commissioner Onken asked if the service road was a fire access road. Mr. Hayes said that it was not for their building as they had considerable frontage along Middlefield Road. Commissioner Onken noted that the service road might not even be a fire access road. Mr. Hayes said the home at 111 Baywood had frontage on Baywood and a single-family residence only required fire access frontage on one side.

Commissioner Strehl asked when the public notice for this item went out as the childcare service provider in the area was not one of the speakers this evening, although at the May meeting, they had spoken and had considerable vested interest in the project proposal. Senior Planner Smith said the notice went out the week before Thanksgiving. He said someone recently purchased the preschool property.

Commissioner Strehl asked the number of employees anticipated for this building. Mr. Hayes said he did an interior plan with six offices and four workstations. He said they could probably fit in two more work stations. He said that was 12 people. Commissioner Strehl said there were only 16 parking spaces and asked where service providers, deliverers and visitors to the building would park. Mr. Hayes said they could park in the four spaces at grade or in the long 100-foot driveway. He said UPS might pull up in front on Middlefield Road. He said maintenance for air conditioning he thought would park onsite. He said the mechanical units were right above where the kitchen was and as far away as possible from the residential neighbors. He said they would have visitors, but they would also have a robust TDM plan. He said not everyone coming to this building would be driving a car.

Commissioner Strehl said someone driving south on Middlefield Road that wanted to turn left into the Market would be challenged as there was nothing to prevent people from blocking traffic trying to enter the site. She asked if they had talked to the City about signage to not block. Senior Planner Smith said Transportation Division staff indicated concern that with two lanes of traffic coming from Palo Alto on Middlefield Road that accidents would occur if a driver could not see whether cars in both travel lanes were stopped. Commissioner Strehl said that was unfortunate. She said cars traveling from Palo Alto up Middlefield Road to Willow Road went from one lane to two lanes. She said if there was a green light at Willow Road drivers tended to speed up. She said it was a hazard noting bicyclists and pedestrians there. She said the City had to address that situation outside of this project.

Commissioner Riggs noted that people turned left on Woodland Avenue and he thought the City should revisit a way to create an opening for that traffic. He asked regarding condition 5.d.viii that the applicant would provide trees and streetlights on Middlefield Road whether that was more than boilerplate as it was under project-specific conditions. Senior Planner Smith said he discussed that with Engineering Division staff. He said they indicated that would be dealt with at the building permit stage to determine if it was possible or not to have street trees. He said there was a landscape area about four feet in depth and potentially street trees could be planted there. He said they wanted to be able to work with the location of electroliers upon a closer study of the road.

Commissioner Riggs asked if there was an interest in planting a tree in the island. Mr. Hayes said they had trees there when the planter was larger in the May proposal. He said all of their utilities come there now. He said their landscape architect also found it was not viable and potentially in

the way of truck deliveries. Commissioner Riggs said if there was not a utilities conflict and the island was five feet wide that he would encourage them to plant a tree.

Commissioner Riggs said he thought the mesh doors for the puzzler structure were more interesting looking than solid panels. He said if the puzzler was facing a residential entry that they might want to create something more door-looking. He said the solid panels shown tonight would look very blank. He suggested that if the project was approved this evening that they could provide some flexibility for the applicant to have something other than the blank panels. He said regarding the puzzler that a range of 50 to 60 DB was not quiet. He said however it would be operating during business hours and if someone came after hours that they would just use one of the at grade parking spaces onsite. He said Ms. Pagee brought up a good point about the fire hydrant in the sidewalk. He said as they wanted to encourage people to use that sidewalk that possibly the fire hydrant could be moved into the landscaping. Mr. Hayes said the landscaping would be in the public right of way as it was part of the land dedication associated with the project. Commissioner Riggs said it would work well to relocate that fire hydrant.

Commissioner Riggs said there had been much conversation about the proposed building that was burdened with being very visible to the community. He said that the proposed building design was one of the more compatible designs he could imagine for this location. He said it was under 4,000 square feet and a single-story. He moved to approve the request for the use permit and architectural control with modification to allow some flexibility for something other than the blank panels for the five puzzler doors to be reviewed and approved through staff and subject to a request that the fire hydrant be located off the sidewalk. He asked if the applicant could plant a tree in the island without being a condition. Senior Planner Smith said if it was a condition it would be required. Commissioner Riggs said he would not make it a condition.

Commissioner Onken said he would like some things added to the motion if that was acceptable to the maker of the motion. He said the planning and the TDM were predicated on a less-intense office use. He said he would like to condition that the Commission have the opportunity to review any request for a tenant improvement permit (TI) for substantial conformance with what was being proposed for the interior now. He said he thought it acceptable that the Commission condition for an accessible route throughout the entirety of the sidewalk. He said regarding traffic and the left turn onto the site that it was very dangerous as noted by Commissioner Strehl. He said he thought a bulb out at the end of Willow Road could help keep vehicles coming off Woodland Avenue to properly turn into traffic.

Replying to Commissioner Onken, Acting Principal Planner Perata said an encroachment permit was required from the Engineering Division for the plan line dedication and the new frontage improvements for the sidewalk, landscaping and fire hydrant. Commissioner Onken said through that process it would be great to get something that mitigated the traffic challenges in that area. He said he did not know how they could condition that except to encourage through the motion.

Commissioner Onken said he appreciated the changes made to accommodate the delivery trucks for the Willows Market. He encouraged the establishment of an easement. He said he would like a condition that they could see any future tenant improvements permits and that when there was an encroachment permit done with engineering that an accessible lane was maintained across the entire sidewalk. He said with those he could second the motion to approve.

Commissioner Strehl asked why the Commission could not require the provision of an easement under the project-specific conditions. Mr. Hayes said his client supported the idea, but it was a land lease, so they would have to clear that with the owner of the land and that lease would need to co-terminate with the Market lease.

Commissioner Strehl said she had a problem with a tree being planted in the island. She said the turning radius for large delivery trucks at that location was pretty narrow and she thought a tree would get hit by the trucks. Commissioner Strehl asked about the wall and if it would impact delivery trucks. Mr. Hayes said it was 20 feet back and was completely out of the space needed for delivery truck clearance.

Commissioner Strehl said the proposal was a really nice building and done well. She said it was located within the context of the Willows Market, which had been there a long time, was under parked and very successful serving the community. She said she needed assurance that this project would not impact the Willows Market. She said she had been involved in TDM programs and transportation for a long time and she did not see how a firm this size or one of 20 people even could really have substantial trip reduction. She said she was concerned with overflow parking and the incompatibility of the mix of uses in the area, noting additionally the preschool. She said she would have trouble supporting the project.

Vice Chair Barnes asked what would prohibit them from moving the puzzler along the back wall closer to the trash enclosure. Mr. Hayes said that was where they had it when they first did the study. He said they needed to have an EV parking space and the requirement was the very first one had to be made available as a van unloading space, 17-foot wide with an accessible path from that space to the front door. He said the only way to get that EVC space in without losing more parking was to locate it where shown with the accessible path (ramp) going around the trash enclosure. He said the entire front of a puzzler had to be completely flat and level and the only real place for it to go was along the alley as their site sloped 20 inches from the center of the site to the service road.

Vice Chair Barnes said the circulation for this site was very problematic. He said it was one thing to avoid vehicles on the service road, but it was another thing to avoid bicycles on it as there was no safe access to get out of the neighborhood to the southeast corner of Willow and Middlefield Roads. He said he would like more signage about the potential of encountering bicyclists for vehicles pulling out of the service road and onto Woodland as it was a slight elevated grade and a blind curve.

Commissioner Riggs said the project-specific conditions under 5.a.ii through .iv specified what uses the building was limited to. He said the use permit also conditioned there was no parking in the neighborhood for this site and a use permit violation was a big deal. He asked if the plan dedication was for a right-turn lane from Middlefield Road onto Willow Road. Acting Principal Planner Perata said his understanding was most of the plan line area was already in the roadway or sidewalk used by the City for purposes of public access. He said when projects come in with a plan line, the City wanted to dedicate those to reserve the ability and in this case the roadway, which right now was within 40 Middlefield Road property and not within the City's control. He said he did not think the dedicated plan line had any improvement projects associated with it at this time.

Commissioner Riggs referred to Commissioner Onken's second and said he had no problem with relocating the fire hydrant to add and maintain ADA minimum width throughout the sidewalk. He said regarding the request for any TI permit to be reviewed by the Commission he was concerned

once outlets were installed that the applicant could do any arrangement they wanted. Mr. Hayes said he was concerned about timing. Commissioner Riggs said it could be done as a conformance review and added it to the motion. Commissioner Onken seconded the motion.

Senior Planner Smith said regarding the request for an easement at the rear of the property that if that caused modifications to the wall or landscape island that would be considered a revision to the use permit and architectural control, which would require Planning Commission approval. He said the easement might not be needed to get the enforcement desired.

Commissioner Strehl confirmed with staff that Mr. Sharma's request for an easement for delivery truck access was not necessary as that access was provided with the conditions of approval associated with the use permit and architectural control request. She said she was concerned about construction staging and vehicles. She said someone suggested the vacant Sunset parcel might be used for that. Mr. Hayes said there was some staging area onsite. He said once they hired a contractor that they would have to do a staging plan in coordination with Public Works.

Senior Planner Smith said the motion and modifications were to approve the use permit and architectural control with modifications to relocate the fire hydrant and maintain ADA width for the sidewalk, submittal of the TI permit to the Commission through an email to confirm the layout, and flexibility to allow the design team to resubmit garage doors through staff for its review and approval. .

ACTION: Motion and second (Riggs/Onken) to approve the item with the following modifications; passes 4-1-1-1 with Commissioner Strehl opposed, Commissioner Combs recused and Commissioner Goodhue 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. The requested parking ratio of 1 space per 230 square feet of gross floor area exceeds the recommended minimum parking ratio set by the City's parking reduction request policy for general office, approved by City Council in 2005, and the applicant has prepared a transportation demand management (TDM) plan to reduce trips to the site. The proposed office use should generate less traffic and parking demand than other uses allowed within the C-4 zoning district. Project-specific conditions would further limit the types of office uses permitted on the site to lower density and lower client/customer volume office uses.
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. The building design would fit with the mix of office and commercial building styles in the vicinity along Middlefield Road and Willow Road. The size and height of the

building, as well as its placement at the front of the lot, is respectful of nearby single-family residential development located across the service road.

- b. The development will not be detrimental to the harmonious and orderly growth of the City. The applicant has prepared a TDM plan to reduce trips to the site, and the 3,584-square foot size of the building is small enough that parking and trips to the site should be less than other potential uses in the C-4 zoning district, such as service stations and retail stores.
 - c. The development will not impair the desirability of investment or occupation in the neighborhood. The project would replace a vacant gravel parcel surrounded by chain link fencing with a new office building, site improvements, and landscaping.
 - d. The development provides adequate parking as required in all applicable City Ordinances and has made adequate provisions for access to such parking. The requested parking ratio of 1 space per 230 square feet of gross floor area, for a total of 16 parking spaces, is consistent with the City's parking reduction request policy for general office, approved by City Council in 2005.
 - 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 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 Hayes Group Architects, C2G/Civil Consultants Group, Inc., and Van Dorn Abed Landscape Architects, Inc., consisting of 26 plan sheets, dated November 27, 2018, as well as the Project Description Letter, dated November 26, 2018; the Parking Reduction Request Letter, dated November 26, 2018; and the transportation demand management (TDM) plan, dated April 30, 2018, and approved by the Planning Commission on December 3, 2018, except as modified by the conditions contained herein, subject to review and approval of the Planning Division.
 - b. 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 the agreement shall be recorded with the San Mateo County Recorder's Office prior to building permit final inspection.
 - c. 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.
 - d. Simultaneous with the submittal of a complete building permit application, the Applicant shall comply with all requirements of the Building Division, Engineering Division, Transportation Division, and Utilities Division that are directly applicable to the project.

- e. Simultaneous with the submittal of a complete building permit application, applicant shall coordinate with Menlo Park Municipal Water (MPMW) to confirm the existing water mains and service laterals meet the domestic and fire flow requirements of the project. If the existing water main and service laterals are not sufficient as determined by MPMW, applicant may, as part of the project, be required to construct and install new water mains and service laterals sufficient to meet such requirements.
- f. Simultaneous with the submittal of a complete building permit application, applicant shall coordinate with West Bay Sanitary District to confirm the existing sanitary sewer mains and service laterals have sufficient capacity for the project. If the existing sanitary sewer mains and service laterals are 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 and service laterals sufficient to meet such requirements.
- g. Simultaneous with the submittal of a complete building permit application, the Applicant shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.
- h. Simultaneous with the submittal of a complete building permit application, the Applicant shall submit plans for: 1) construction safety fences around the periphery of the construction area, 2) dust control, 3) air pollution control, 4) erosion and sedimentation control, and 5) construction vehicle parking. The plans shall be subject to review and approval by the Building, Engineering, and Planning Divisions. The fences and erosion and sedimentation control measures shall be installed according to the approved plan prior to commencing construction.
- i. Simultaneous with the submittal of a complete building permit application, the Applicant shall submit an Off-Site Improvements Plan for review and approval of the Engineering Division. The Off-Site Improvements Plan shall include all improvements within public right-of-way including but not limited to stormwater, concrete, asphalt, landscaping, striping, electrical, water and sanitary sewer.
- j. Simultaneous with the submittal of a complete building permit application, 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.
- k. Prior to building permit issuance, the Applicant shall pay all Public Works fees. Refer to City of Menlo Park Master Fee Schedule.
- l. Stormwater Pollution Prevention Program Best Management Practices (BMPs) for construction shall be implemented to protect water quality, in accordance with the approved Stormwater Pollution Prevention Plan (SWPPP). BMP plan sheets are available electronically for inserting into Project plans.

- m. 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.
5. Approve the architectural control and use permit subject to the following **project-specific** conditions:
- a. Planning-specific conditions:
 - i. Parking for employees, clients/customers, and all other visitors to the building must be managed on-site with the 16 parking spaces provided. No off-site parking shall be permitted on adjacent parcels or within residential neighborhoods at any time. Parking for the nine spaces within the puzzler shall be reserved for building employees only.
 - ii. No medical, dental, physical therapy, psychiatry, psychology, counseling, or other healthcare-related office uses shall be permitted occupancy within the building.
 - iii. No computer or mobile device software and/or hardware development uses shall be permitted occupancy within the building.
 - iv. Permitted uses on this site shall be limited to professional office uses with low customer/client volumes, such as accounting, architecture, engineering, investment (including private equity, venture capital, and family asset management, but excluding banks and savings and loan associations), and legal offices.
 - v. Prior to building permit issuance, the Applicant shall record a deed restriction on the property memorializing conditions 5.a.i. – iv. of these use permit and architectural control actions. In the event that the property owner will not sign a deed restriction, the deed restriction shall be recorded against the leaseholder's interest and the building and improvements shall be demolished at the end of the lease term. The deed restriction shall be subject to review and approval by the Community Development Director and City Attorney.
 - vi. *Simultaneous with the submittal of a complete building permit application for the initial tenant improvements, staff shall review the floor plan for consistency with the anticipated occupancy plan reviewed by the Planning Commission on December 3, 2018 and provide a copy of the proposed office floor plan to the Planning Commission for review via email through the Planning Division's Substantial Conformance Memo process. Should one or more Commissioners have questions or concerns about the proposed floor plan, the Commissioner(s) may request that the item be scheduled for a discussion at a future Planning Commission meeting.*
 - vii. *Simultaneous with the submittal of a complete building permit application, the Applicant shall demonstrate that the required minimum width for an accessible pathway will be provided within the public rights of way on Middlefield Road and Woodland Avenue.*
 - viii. *Simultaneous with the submittal of a complete building permit application, the Applicant shall provide detailed information on the design and materials of the gates for the parking puzzler. The applicant may incorporate a woven mesh material, a solid material*

for the parking puzzler gates, or comparable materials, subject to review and approval by the Planning Division.

- b. Building-specific conditions:
 - i. Prior to building permit issuance, the Applicant shall submit a case closure letter from the County of San Mateo Health Department indicating that applicable corrective actions were taken to remediate potential threats to health and safety from underground storage tanks previously removed from the site. In the event that a case closure letter was not issued, the Applicant shall submit a Phase I Environmental Site Assessment (ESA) to the satisfaction of the Building Division.

- c. Transportation-specific conditions:
 - i. Prior to building permit issuance, the Applicant shall pay a Transportation Impact Fee (TIF) at an office rate of \$4.80 per square foot of gross floor area (GFA) for a total estimated TIF of \$17,668.80, subject to the Municipal Code Section 13.26. The fee rate is subject to change annually on July 1 and the final calculation will be based upon the rate at the time of fee payment. The TIF rate is adjusted each year based on the ENR Construction Cost Index percentage change for San Francisco.
 - ii. Prior to building permit issuance, the Applicant shall coordinate with the Transportation Division to determine the final locations of the pedestrian ramp and street light pole that will be installed at the southeast corner of Middlefield Road and Woodland Avenue related to the installation of a future crosswalk on Woodland Avenue. The final locations shall be established to the satisfaction of the Transportation Division.

- d. Engineering-specific conditions:
 - i. Simultaneous with the submittal of a complete building permit application, the Applicant shall submit all applicable engineering plans for Engineering review and approval. The plans shall include, but are not limited to:
 - 1. Existing Topography (NAVD 88')
 - 2. Demolition Plan
 - 3. Site Plan
 - 4. Construction Parking Plan
 - 5. Grading and Drainage Plan
 - 6. Stormwater Control Plan
 - 7. Utility Plan
 - 8. Erosion Control Plan
 - 9. Planting and Irrigation Plan
 - 10. Off-site Improvement Plan
 - 11. Construction Details
 - 12. Joint Trench Plan
 - ii. Simultaneous with the submittal of a complete building permit application, this project will be required to implement at least one of the Site Design Measures identified on the

Stormwater Requirements Checklist since it is replacing more than 2,500 square feet of impervious area: <http://www.menlopark.org/DocumentCenter/Home/View/1006>

- iii. Simultaneous with the submittal of a complete building permit application, the Applicant shall submit plans for construction related parking management, construction staging, material storage and Traffic Control Plan (TCP) to be reviewed and approved by the City. The applicant shall secure adequate parking for any and all construction trades. The plan shall include construction phasing and anticipated method of traffic handling for each phase.
- iv. Prior to building permit issuance, the proposed right-of-way dedication shall be accepted by the City Council or designee. The right-of-way dedication shall match the future plan line, and shall encompass all proposed frontage improvements.
- v. Prior to issuance of each building permit, the Applicant shall pay the applicable Building Construction Street Impact Fee in effect at the time of payment to the satisfaction of the Public Works Director. The current fee is calculated by multiplying the valuation of the construction by 0.0058.
- vi. Prior to building permit issuance, the Applicant shall coordinate with the West Bay Sanitary Sewer District (650-321-0384) to meet any applicable requirements for the project.
- vii. Prior to final occupancy of the building, all public improvements shall be designed and constructed to the satisfaction of the City Engineer.
- viii. Prior to final occupancy of the building, frontage improvements are required on the site as follows, to the satisfaction of the City Engineer:
 1. Remove and replace all curb, gutter and sidewalk along the entire project frontage on Middlefield Road and Woodland Avenue.
 2. Street trees and electroliers will be required along Middlefield and Woodland.
 3. Utility connections to the site may have to be upgraded due to the site intensification. Coordinate with utility companies.
 4. The City will evaluate the condition of asphalt paving on Middlefield Road and Woodland Avenue, following construction and prior to final occupancy of buildings. If necessary, the City will require a grind and overlay of damaged pavement along the project frontage. All existing striping, markings, and legends shall be replaced in kind, or as approved by the City.
- ix. Prior to final occupancy of the building, any frontage improvements which are damaged as a result of construction will be required to be replaced.
- x. Prior to final occupancy of the building, 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.

e. Utilities-specific conditions:

- i. Simultaneous with the submittal of a complete building permit application, Applicant shall submit utility plans for the extension of the existing water distribution main from the intersection of Woodland Avenue at Service Road and along Woodland Avenue to the proposed fire hydrant on Middlefield Road, subject to the review and approval by the Engineering Division.
- ii. Prior to building permit issuance, Applicant shall confirm the location of the existing 8-inch AC water main along the Service Road. If the location of the water main is found to be within the limits of the property boundary, the City will require either of the following:
 1. Record a dedicated 10' water utility easement along the existing water main alignment within the property boundary, subject to review and approval by the City Attorney and Public Works Director.
 2. Submit utility plans for the relocation of the water main within the existing Service Road right-of-way, subject to review and approval by the Engineering Division.

G. Informational Items

G1. Future Planning Commission Meeting Schedule

- Regular Meeting: December 10, 2018

Acting Principal Planner Perata said that on the next agenda was a multi-family project with architectural control on Sharon Park Drive, the resubmittal and revision of the continuance for 1346 Hoover Street, a use permit revision for 1360 Delfino Way for some architectural changes to the exterior of a single-family residence, and Phillip Brooks School use permit request for modifications to their summer school program.

Commissioner Strehl asked how staff would respond to the comments made by the speaker who had concerns with getting her business approved. Acting Principal Planner Perata said they would take the comment card and look into the comments she raised and respond to her.

Commissioner Onken said he had been approached by the administrators of the Phillip Brooks school to visit and discuss what they were requesting. He asked if there was anything actually to look at. Acting Principal Planner Perata said broadly that if a Planning Commissioner was approached by an applicant it was up to the Commissioner to decide whether to do that. He said if the Commissioner did it was protocol to disclose that when the item was opened for consideration. He said in this instance the request was for a change to the underlying use permit to expand the services the school offers in the summer and to increase staff by 10 with 58 staff members currently.

- Regular Meeting: January 14, 2019

H. Adjournment

Vice Chair Barnes adjourned the meeting at 9:47 p.m.

Staff Liaison: Acting Principal Planner Perata

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on January 14, 2019