



## REGULAR MEETING MINUTES

**Date:** 6/24/2019  
**Time:** 7:00 p.m.  
**City Council Chambers**  
**701 Laurel St., Menlo Park, CA 94025**

### A. Call To Order

Chair Andrew Barnes called the meeting to order at 7:00 p.m.

### B. Roll Call

Present: Andrew Barnes, Chair; Henry Riggs, Vice Chair, (arrived at 7:05 p.m.); Camille Kennedy; Michele Tate and Katherine Strehl

Absent: Chris DeCardy and Michael Doran

Staff: Kaitie Meador, Senior Planner; Kyle Perata, Principal Planner; Corinna Sandmeier, Senior Planner

### C. Reports and Announcements

Principal Planner Kyle Perata said the City Council would hold a special meeting on July 15. He said the Planning Commission's July 15 meeting was canceled and rescheduled to July 22.

Chair Barnes noted that Commissioner Henry Riggs had joined the Commission at the dais.

### D. Public Comment

None

### E. Consent Calendar

#### E1. Approval of minutes from the June 3, 2019, Planning Commission meeting. ([Attachment](#))

Chair Barnes said he had submitted suggested changes that were at the dais for Commissioners' review.

**ACTION:** Motion and second (Katherine Strehl/Barnes) to approve the June 3, 2019 Planning Commission minutes with the following modifications; passes 5-0 with Commissioners DeCardy and Doran absent.

- Page 2, last paragraph before Action, 2<sup>nd</sup> and 3<sup>rd</sup> sentences: Replace "He said for the record that there was no bias for the proposed modern architecture. He said it was more the siting of the garage and the layout as well as choices about what type of construction that were

problematic.” with “He said for the record that there was no bias against the proposed modern architecture. He said it was more the siting of the garage and the layout as well as the manufacture’s choices about the type of design that were problematic.”

## **F. Regular Business**

### **F1. New Real Property Conflict of Interest Regulation ([Attachment](#))**

Carla Silver, Assistant City Attorney, made a presentation on the new Real Property Conflict of Interest regulation. She said when a commissioner’s property was within 500 feet of a property for which the commission would make a decision that a conflict of interest was assumed; if a commissioner’s property was 1,000 feet or more from a property for which the commission would make a decision no conflict of interest was presumed. She said if a commissioner’s property was between 500 to 1,000 feet from a property upon which the commission would have discretion then five criteria had to be applied for determination regarding conflict of interest. She said this also extended to leasehold property of commissioners. She reviewed the several exceptions to the rule.

Chair Barnes opened the item for public comment and closed it as there were no speakers.

## **G. Public Hearing**

### **G1. Architectural Control, Variance, Sign Review and Below Market Rate (BMR) In-Lieu Fee Agreement/Sagar Patel/1704 El Camino Real:**

Request for architectural control approval to demolish an existing hotel and construct a new 70-room hotel consisting of three stories with below grade parking in the SP-ECR/D (El Camino Real/Downtown Specific Plan) zoning district. The project would incorporate an eight-foot tall fence along the majority of the site perimeter. The project includes a variance request to permit reduced floor-to-floor height on the first floor. In addition, the applicant is requesting sign review, including review of a shared monument sign located on 1706 El Camino Real, and approval of a Below Market Rate (BMR) In-Lieu Fee Agreement. The proposal also includes a request for a Public Benefit Bonus, with the benefit consisting of Transient Occupancy Tax (TOT) revenue. As part of the proposed project, five heritage trees are proposed for removal and 20 heritage tree replacements would be planted, in addition to six replacement trees that have already been planted, to provide a two-to-one replacement ratio for the five heritage trees proposed for removal and the eight heritage trees previously removed. ([Staff Report #19-046-PC](#))

Staff Comment: Corinna Sandmeier, Senior Planner, made a presentation on the project, including a review of the history of the project. She said within the Specific Plan projects requesting a public benefit bonus floor area ratio (FAR) or density must conduct an initial study session with the Planning Commission for initial evaluation and comment from both the commissioners and the public. She said the Specific Plan included a list of elements that could be considered for public benefit, including a hotel facility that generated higher tax revenue. She said there had been two past bonus approvals for hotels within the Specific Plan.

Ms. Sandmeier said that a number of public comments by email and letter had been received since publication of the staff report, many of which requested staff responses. She said a common theme of the comments received was that the transient occupancy tax (TOT) was not sufficient to allow development at the bonus level. She said as noted in the staff report, the BAE report and indicated

by the applicant, development at the base level was not feasible for the proposed project. She said another common theme was concern about the third-floor terrace and guest rooms. She said the applicant had indicated that the terrace access would only be for maintenance. She said the plans showed that the closest third floor guest room would be 57 feet from the east property line with no east-facing third floor rooms or windows. She said another common theme was drainage. She said the Municipal Code and the conditions of approval required the project to be designed to avoid runoff and to use water efficient landscaping. She said another common concern related to garbage pickup. She said that would continue to be accessed via Buckthorn Way and the applicant had indicated that the number of pickups would remain consistent with what they were currently. She said another concern was lighting. She said Specific Plan mitigation measure BIO-3A limited upwards exterior lighting and required cutoff shields or similar mechanisms for exterior lighting, and the project's adherence with that mitigation measure would be reviewed during the building permit phase.

Ms. Sandmeier said staff's findings were attached as Attachment A to the staff report. She said hotels were a permitted use on the subject parcel. She said the proposed hotel design was comprehensively executed and met Specific Plan requirements with the exception of first floor height. She said a variance for reduced first floor height was requested and that would reduce potential impact to surrounding property owners. She said a hotel would meet the criteria for a public benefit bonus described in the Specific Plan. She said as noted previously the project would not be financially feasible without the public benefit bonus.

Questions of Staff: Replying to Commissioner Strehl, Ms. Sandmeier said transient occupancy tax (TOT) from the project would go into the City's General Fund. Commissioner Strehl confirmed with staff that the money in the General Fund might be used for anything citywide and would not specifically provide public benefit to the neighborhood affected by the proposed project.

Applicant Presentation: Jim Rato, RYS Architects, said he was representing the applicant and developer Sagar Patel. He said the proposed project was a three-story, 70-room hotel with a 1.1 FAR with public benefit. He said it had 56 spaces of basement parking but could accommodate up to 77 spaces with valet parking service. He highlighted features that responded to neighbor requests or concerns including moving the transformer and trash to the rear of the property, increasing setbacks and splitting access to the garage to balance and increase the setbacks in the two areas where the garage ramps would be. He said a trellis was added to screen the upper portion of the building and trees were added in front of the existing trees on the east side for additional screening. He said they agreed to a darker color shade muting a portion of the building seen through the landscaping. He said they removed the backup generator despite need, noting that most modern hotels have backup generators. He said the overall height was lessened by asking for a variance for the first-floor height. He said the zoning district required a 15-foot first to second floor, which they asked to reduce to 13-feet.

Chair Barnes opened the public hearing.

Public Comment:

- Deborah Melmon, Buckthorn Way, said her property bordered the northern property line of the subject property and that she and her neighbors were most impacted by the proposed development. She said the proposed hotel would loom over their properties and its windows

would face their windows. She said the white building would create glare and requested a toned wall such as was being given for Park Forest neighbors. She summarized that her concerns were the transformer, the paint color, the alley disturbance and the fencing.

- John David Forter, Forest Lane, requested the Commission reject the staff report recommendation for public benefit bonus development, noting the subject property was bounded on three sides by residential neighborhoods, and the proposal was a very large structure. He said he recalled that the Specific Plan called for this part of El Camino Real to be low density.
- Mike Brady, Forest Lane, Park Forest One Homeowner Association (HOA), said his comments were focused on his property and his neighbor Glenna Patton's property and that they had both written this morning with their specific concerns. He said they were very close to the subject property and one of the five rooms on one end at the back of the building on the second floor would look directly into Ms. Patton's family room and kitchen and the one on the other end would look directly into his private deck and kitchen. He said those two rooms should be eliminated. He said the color of the hotel had to blend with the trees and not be white.
- Susan Neville, Park Forest, said they had 65 signatures on their letter of petition. She said the Commission had to decide whether the project should have public benefit bonus development and on the architectural control. She said staff asked the residents to prepare a detailed summary of concerns, which they did. She said those concerns were not addressed in the staff report. She asked the Commission to pay special attention to those comments that were emailed in May and a follow up on June 21.

Chair Barnes closed the public hearing.

Commission Comment: Commissioner Riggs asked if the applicant could define the times for the trash pickup with Recology. Sagar Patel, applicant, said he had spoken with Recology and it had been difficult to get them to commit to a time. He said he offered neighbors to do a street service pickup in which bins were pulled out to the street for pickup. He said he got conflicting responses, so he left trash pickup as it was. Commissioner Riggs said the City contracted with Recology and had applied rules for trash pickup for building on Bohannon Drive as it was located across the railroad tracks from residential properties. He suggested sometimes the City's involvement was needed. He referred to the comments about the five units in the back and specifically the two end units that concerned neighbors and asked if there was an architectural response to maintain some privacy for those neighbors. Mr. Patel said those were new comments. He said they had already planted the fastest growing 36-inch box trees approved by the City Arborist, and the issue of the comments was temporary as within four to five years the trees would be 25 to 35-foot tall. Commissioner Riggs asked if the applicant was willing to coordinate with staff to ensure the sight lines had a large tree that would intervene as it grew. Mr. Patel said he would work with staff on that.

Commissioner Riggs commented that a FAR of 1.1 for the project resulted in most of the building having a third floor. He asked if the applicant could address the comment made generally by the staff that the roughly 30% boost in FAR was required to make the pro forma work. Mr. Patel said they were criticized for the franchise choice of the Hampton Inn. He said this was not a typical Hampton Inn product but was more like a Hilton full-service hotel. He said the hotel was designed



to look and feel more like a boutique hotel. He said they needed the room count as Hilton did not franchise for smaller properties and they needed a major brand to get financing.

Chair Barnes said in disclosure that he had met with two neighbors, Ms. Melmon and Ms. Sadunas, in December 2018, and had a visual perspective of what the project would look like from their properties. He said also over the last two years that he had perhaps 15 minutes' worth of conversation with Mr. Patel as they were neighbors, but which was not specific to the project. He asked what was different between the original project and this proposal. He referred to a letter dated May 15, 2019 from Ms. Neville with concerns with the current plans. He said that the applicant's project description letter spoke to some of those concerns but for the public record he would like to hear what the applicant had done to address those concerns.

Mr. Rato said the main difference between the original proposal and this one was increasing the setback from the building face to the east rear property line. He said the number of rooms were the same. He said the architecture was slightly different changing from Mediterranean style to Spanish style. He said in that process they were asked to articulate the northwest corner so neighbors had more variation in what they would see. He said both schemes were similar with a change in style and detail and some difference in setbacks.

Chair Barnes asked about the May 15 letter's expressed concern with the second-floor rooftop terrace and how that was addressed. Mr. Patel said they had had a double-loaded room at the corner and were asked to change that to a single-loaded room. He said with that they had to add a room and did so at the back terrace, which decreased the setback from 63 feet to 57 feet on the third floor for that one room. He said they made sure that room's window faced south.

Chair Barnes asked the applicants to look at the issues noted in the staff report. Mr. Rato said when they rearticulated the northwest corner from two rooms to one room with some appropriate historical detail one room was lost. He said it changed the plan as they had to tuck in the stairs in the middle rather than at the end. He said they had eliminated five rooms on the east side third floor. He said they added the room with the re-articulation of the northwest corner on the east side third floor where the deck was and reoriented it, so it faced south. He said instead of a long, straight wall along the deck it now jogged out toward the southeast corner, which was what the neighbors were objecting to. He said they thought this room was very well screened by the trellis and vine planting, two rows of heritage tree replacement, the fence, and the existing hedge trees on Forest Lane.

Chair Barnes noted the question of fencing in the staff report and asked about the eight-foot fence around the property. Mr. Patel said they were offering to replace all of the existing six-foot fence and increase it to eight feet. He said that was responding to neighbors' request for taller screening. Chair Barnes asked about drainage. Mr. Rato said by law or building code any project would need to drain all surface and building drainage to within the property, and it had to be filtered before entering the storm drain system.

Chair Barnes asked about the building color. Mr. Patel said they preferred the proposed white color as that was the direction that they received at the last Planning Commission meeting regarding Spanish style architecture. He said they were fine putting a darker shade on some of the walls that would not be visible to hotel guests. He said he did not want a dark brown color building as requested by neighbors. Mr. Rato said a point was needed where the colors could change but not

suddenly. He said a different color should not be extended all the way to the westerly wing of the building as that would not look right.

Chair Barnes asked about the location of the transformer. Mr. Patel said the electrical service came in from Buckthorn Way. He said PG&E needed a location for the transformer that was as close as possible and would prefer it on Buckthorn Way. He said however that the Menlo Park Fire Protection District required a clear driveway for access. Chair Barnes asked about impact to neighbors from transformers. Mr. Rato said transformers were very quiet now and he was not an expert on EMS.

Chair Barnes asked about alley disturbance and frequency of pickup and keeping service the same as now. Mr. Patel said they would add a trash compactor that the property did not have now. He said he spoke with owners of similar hotels in the area who have compactors. He said this project's trash pickup needs would be the same as they were now in terms of frequency and time, and the size of the trash bins would be similar.

Commissioner Strehl referred to a letter from Mr. Carpenter requesting a 13-foot stucco fence around the non-El Camino Real side of the property. Mr. Patel said he was offering an eight-foot fence and thought additional height was burdensome, and that the trees on the property would screen well. Commissioner Strehl said she thought the stark white of the building would cause glare for the neighbors and should be toned down.

Chair Barnes referred to the north elevation A11 and asked what tree species were in the northwest corner. Mr. Rato said crape myrtle. Chair Barnes asked if they would be open to something that would provide better screening. Mr. Rato said they would, but he believed all of the trees shown on the plans had been vetted by the City Arborist. He said the crape myrtle was to provide some accent trees for color. Replying further to Chair Barnes, Mr. Rato said the crape myrtle trees could grow as wide as 15 feet, even 20 feet depending on how they were trimmed, and at least 15 feet in height.

Commissioner Riggs said in disclosure that late last year he had met with two or three residents of Buckthorn Way and Park Forest. He said he only recalled Peter Carpenter's name. He said he had a chance to look at the project site from that perspective. He said the proposal had an exit corridor on the third floor because of the deletion of the rooms at the east end and asked if they wanted high windows in there. Mr. Rato said they were trying to reduce the number of windows on the northerly and east sides.

Commissioner Strehl said public benefit was an issue noting that the City Council was reexamining public benefit under the Specific Plan. She said TOT did not benefit the community directly next to the project. She suggested building a 13-foot wall as requested by neighbors might be more of a public benefit.

Commissioner Riggs said the project was challenging as it fit under the Specific Plan and neighborhood outreach had been very extensive. He said the east end of the proposed building was essentially two-stories. He said sheet A1 showed large trees remaining just on the other side of the property line. He said the challenge was the change for the area and four very established neighborhoods. He said the project conformed to rules and was sensitive to issues. He said he thought that the City might help influence Recology to require in its contract sensitivity to

commercial trash pickup next to residential areas. He said regarding color he was reticent to suggest to an architect who clearly knew architectural style to use a different color. He said the applicant's willingness to tone down the color on the east end and wrap it around the corner some to the north seemed cooperative. He said that would be great if they could do that without damaging the aesthetic. He said he too questioned TOT as a public benefit, but he would like to see the project move forward and look at how to address TOT as a public benefit as it related to this project.

Chair Barnes said in looking at all the elements for Commission's discretion that he found the project conformed to the established zoning ordinance regulations. He said the project was not necessarily a public benefit project. He said the project had a base FAR and was requesting to go to bonus level from which the public would receive some benefit as TOT. He said TOT was included in the Specific Plan as a listed public benefit. He moved to approve as recommended in Attachment A to the staff report.

Commissioner Riggs said he thought they should debate TOT as a public benefit, but it was not appropriate to do so under the approval process for this project. He seconded the motion to include a friendly amendment to include the applicant's willingness to slightly adjust the proposed color to increase darker color around the corner working with staff, to confirm with staff that landscaping in the coming years would provide privacy for a couple of units that expressed concern with second floor east facing project units, and said to memorialize an encouragement for the applicant to press Public Works to get Recology contractually to commit to defined trash pickup hours for commercial properties next to residential properties.

Chair Barnes asked staff to address what an eight-foot fence accomplished and what a higher fence might accomplish. Principal Planner Perata said typically for residentially zoned properties the maximum fence height was seven feet and for commercially zoned properties the fence could be taller subject to the Planning Commission's discretion and could be part of architectural control approval. He said an eight-foot fence versus a six-foot fence provided additional visual screening for people and yards at grade and potentially some noise attenuation. He said a taller than eight-foot fence was a wall and staff did not tend to encourage that. He said this might be a different case in terms of how the east edge of the subject property interacted with Forest Lane. Chair Barnes referred to the north elevation and the ground level pool. He asked if the fence went from eight to 10 feet there what problems that might create or might solve. Mr. Perata suggested that the applicant might need to weigh in on that as he was not sure staff had enough information to weigh in on the merits of increasing the fence height by two feet.

Chair Barnes asked the applicant to address what a higher fence meant for the three elevations, east, north and south excluding cost impact. Mr. Rato said for any vertical surface they had to consider the amount of force imposed upon it, which in this case would be wind. He said the higher the fence, the stronger it had to be. He said the materials for a taller fence would be steel and concrete, materials that were not attractive. He said that ground floor windows and people on the yard might have a partial view of the second floor across from them so a taller fence might be beneficial for them. He said one of the reasons these fences had lattice on the upper portion was to reduce the force he discussed. He said they had been asked to not put lattice on the upper part of the fence.

Commissioner Strehl said for disclosure that late last year she had met with two residents on the east side and believed on Stone Pine Lane and on Buckthorn Way. She said she was familiar with the project's impacts to the neighborhood. She said she was stuck on public benefit as the TOT benefited the City, but she could not see the benefit for the 80-plus neighbors who had objected to this project.

Commissioner Michele Tate said she was also challenged by the public benefit portion of the project. She said she did not want to hold this project hostage, but public benefit was a topic that needed resolving.

**ACTION:** Motion and second (Barnes/Riggs) to approve the item as recommended in Attachment A with modifications; failed 2-3 with Commissioners Barnes and Riggs supporting, Commissioners Kennedy, Strehl and Tate opposing, and Commissioners DeCardy and Doran absent.

Commissioner Riggs asked whether Commissioners would consider other options for public benefit for the project to move forward.

Commissioner Camille Kennedy said her vote would not change as this was not the venue or the Commission's purview for determining what public benefit alternatives there were for TOT for this project.

Commissioner Strehl said she agreed and that this was something the City Council had to consider. She said she did not want to hold the project back as the applicant and his team had done good work but the issue of TOT as public benefit had to be resolved.

Commissioner Tate moved to disapprove the project; Commissioner Kennedy seconded the motion.

Commissioner Riggs asked if findings needed to be made for the project disapproval. Principal Planner Perata said that findings were needed to disapprove the project. He said if the findings had to do with public benefit that they needed to address why the public benefit provided was not sufficient or did not meet the intent of the public benefit.

Chair Barnes confirmed that another option of action for the Commission was a continuance. Principal Planner Perata said the Commission would need to provide specific direction were the project to be continued.

Assistant City Attorney Silver said two commissioners were absent so the Commission might want to give those commissioners the opportunity to participate in the project decision, which could be grounds for a continuance. She said if they had the votes to deny the project, they might want to give staff some input on what the grounds for denial was, and staff could come back with some more specific findings for denial to be voted on for approval at a subsequent meeting. She said if the item was continued to allow the absent commissioners to participate in the decision, those absent commissioners would have to listen to the record of these proceedings prior to the continued meeting hearing for this item.

Commissioner Kennedy said the base upon which the bonus was allowed had changed over the last few years. She said she did not think the base was adequate to substantiate allowing the

project to have bonus development. She said the bonus development only met the goal of the developer and did nothing to put forth the benefit for the communities surrounding the parcel. She said the question was whether the base was adequate, and she did not think that was an issue the Commission could decide. Chair Barnes asked what she meant by base. Commissioner Kennedy said there was a general allowance for development and for a discrete public benefit there was an allowance of additional FAR. She said she was looking at the robust growth under the Specific Plan as well as ConnectMenlo and how the global face of Menlo Park had changed dramatically. She said currently there was discussion about a potential moratorium on development. She said the bonus development for this project would hurt the community that in theory the bonus was meant to help. She said if the proposed building was moved forward on the property that would help considerably.

City Attorney Silver said the Specific Plan listed TOT as a possible community benefit. She said in addition to Commissioner Kennedy's comments that it might be helpful to articulate why that particular community benefit was not appropriate for this particular project.

Commissioner Strehl said that TOT might have been appropriate in the past as community benefit for other projects, but the world had changed since then. She said this project in particular impacted 80-plus residents in the surrounding community, and the TOT would not benefit those residents and would benefit the City.

Principal Planner Perata said between Commissioner Kennedy and Strehl's comments he thought that staff had enough to craft findings for denial with the link between TOT and the architectural design of the proposed building and its impacts to the adjacent residential neighborhood. He said that they would bring the item back to the next meeting tentatively planned for July 22, 2019.

Replying to Chair Barnes, Assistant City Attorney Silver said there were a couple of procedural issues. She said there were two options for voting action. She said if they wanted, they could vote to continue the item with the direction to staff on making the findings for denial. She said the item would come back to the Commission with findings for denial and the Commissioners present at that time could make a motion to deny the project. She said staff recommended continuing the item to a date certain so staff would not have to notice it again. She said additional public comment would be allowed since the hearing was being continued. She said another option would be to make a motion to deny the project with direction to staff to prepare findings. She said since they did not have the findings on the dais now those would have to be approved at a subsequent meeting. She said the members present would then have the ability to vote on that motion as well, and theoretically the vote could change.

Commissioner Strehl asked about the date certain. Principal Planner Perata said that the July 15 Planning Commission meeting was canceled, and its next meeting would be July 22.

Commissioner Strehl asked if all the commissioners had that on their calendars. Commissioner Kennedy said she had a conflict, but she would make sure to be at the Commission meeting.

Commissioner Strehl moved to continue the item for staff to bring back findings for denial to the next Commission meeting on July 22, 2019.

Chair Barnes said that a motion and a second to disapprove the project had been made. Principal Planner Perata said the makers of the motion and the second could rescind that motion. He said

alternatively they could take Commissioner Strehl's motion as a recommendation and build it into that motion.

Commissioner Tate asked if the item were continued whether the Commissioners not currently present would have to listen to this hearing on the item prior to the continued item meeting date. Assistant City Attorney Silver said if those commissioners wanted to participate in consideration of this item they would need to listen to this hearing. Commissioner Tate rescinded her motion to deny. Commissioner Kennedy agreed with the motion and second rescission.

Commissioner Strehl moved to continue the item to the next date certain Commission meeting of July 22, 2019 for staff to bring back findings for denial. Replying to Commissioner Strehl, Principal Planner Perata said the item was a public hearing, so the applicant could make a presentation but did not have to, and public comment would be accepted. Commissioner Strehl said her motion was to continue this item to the July 22, 2019 Planning Commission meeting for staff to bring back findings for denial with public hearing and public comment. Commissioner Kennedy seconded the motion.

**ACTION:** Motion and second (Strehl/Kennedy) to continue the item to the July 22, 2019 Planning Commission meeting with direction to staff to bring back findings for denial with public hearing and public comment; passes 3-1 with Commissioners Kennedy, Strehl and Tate supporting, Commissioner Barnes opposed, Commissioner Riggs abstaining, and Commissioners DeCardy and Doran absent.

Chair Barnes recessed the meeting at 9:34 p.m.

Chair Barnes reopened the meeting at 9:42 p.m.

G2 and H1 are associated items with a single staff report

- G2. Environmental Impact Report (EIR) Scoping Session/SP Menlo LLC/111 Independence Drive: Request for a use permit, architectural control, environmental review and density bonus to redevelop the site with approximately 105 multi-family dwelling units and an approximately 712 square foot potential commercial space in one building with an above grade multi-story parking garage integrated into the proposed eight-story building, located in the R-MU-B (Residential Mixed Use, Bonus) zoning district. The project site currently contains an approximately 15,000 square foot single-story office building that would be demolished. The proposed residential building would contain approximately 95,056 square feet of gross floor area. The proposal includes a request for a use permit to modify certain R-MU design standards and a request for an increase in height, density, and floor area ratio (FAR) under the bonus level development allowance in exchange for community amenities. The proposal also includes a request to use the City's Below Market Rate (BMR) density bonus, including an increase in units, FAR, and height, in exchange for BMR units. ([Staff Report #19-047-PC](#))

***A court reporter transcribed the presentations for G2 and H1 and the comments for item G2.***

## H. Study Session



H1. Study Session/SP Menlo LLC/111 Independence Drive:

Request for a use permit, architectural control, environmental review and density bonus to redevelop the site with approximately 105 multi-family dwelling units and an approximately 712 square foot potential commercial space in one building with an above grade multi-story parking garage integrated into the proposed eight-story building, located in the R-MU-B (Residential Mixed Use, Bonus) zoning district. The project site currently contains an approximately 15,000 square foot single-story office building that would be demolished. The proposed residential building would contain approximately 95,056 square feet of gross floor area. The proposal includes a request for a use permit to modify certain R-MU design standards and a request for an increase in height, density, and floor area ratio (FAR) under the bonus level development allowance in exchange for community amenities. The proposal also includes a request to use the City's Below Market Rate (BMR) density bonus, including an increase in units, FAR, and height, in exchange for BMR units. ([Staff Report #19-047-PC](#))

Staff Comment: Senior Planner Kaitie Meador said the presentations had been made. She said the Commission could ask clarifying questions and then open for public comment.

Commissioner Strehl asked if the bocce ball court, dog run, and fitness center were considered publicly accessible. Mr. Sateez Kadivar, applicant, said they were not.

Commissioner Riggs said the prominent exposure for the project's rooms was due west and asked how they would handle the heat gain. Mr. Jon Ennis, President of BTE Architecture, said though the windows were large they were a smaller proportion of the overall floor area to wall weighted average. He said they would use Mecho shade systems.

Chair Barnes opened the public comment period and closed it as there were so speakers.

Commission Comment: Commissioner Tate confirmed that the building was in the Redwood City School District.

Commissioner Strehl said she did not see the café as a community benefit. She said it would benefit the building tenants, but she could not see it would benefit anyone else in the community. Mr. Kadivar said a café was on the community amenities list under community serving retail. He said the café was a neighborhood creating use and community gathering place that would better activate the frontage.

Commissioner Kennedy said she liked the café. She said the nonprofit she worked for just put in a café as an amenity for both their membership and the community, and community use happened right away. She said the blue color looked out of place for the Bay Area. She suggested toning it down, noting she was not one to make comments on color choice usually.

Commissioner Tate said regarding the café and public benefit that the list of community amenities that came out of ConnectMenlo was more to benefit Belle Haven and not for building community in that area.

Commissioner Kennedy said the pricing structure in the café was what would sell the café's success in terms of it being an amenity for community. She said a Belle Haven resident could

perhaps get a significant discount or pricing that offered lower price options. She said they could have membership to include local residents.

Chair Barnes said the 1.1 parking per unit included visitor parking and was acceptable to him. He asked about their strategy regarding publicly accessible open space and specifically the question of the pedestrian connection between 111 and 115 Independence Drive. Mr. Lettieri said one idea being looked at was to connect this site's four-foot pathway to the adjacent site's fire lane and pedestrian way.

Chair Barnes referred to the staff report and considerations of publicly accessible open space, and asked staff to clarify. Senior Planner Meador said with this project and the next one on the agenda staff saw the opportunity to create a pedestrian path through the project sites and perhaps combine amenities such as the bocce court and dog runs between the properties. Mr. Lettieri said that they had not proposed the combining of amenities as that raised questions of maintenance management. He said also there was about a 30-inch grade different between the properties.

Chair Barnes said the staff report indicated that affordable housing levels were to be further discussed. He said the first study session for the project had the affordable housing all at moderate income. He said it was proposed now at 50/50 moderate and low income. He asked why they were still holding onto 50% moderate income affordable housing. Mr. Kadivar said for the viability of the project looking at construction costs and running the pro forma. He said when the feasibility study was completed that might assist the topic.

Commissioner Riggs asked about the roof deck and its proposed use. Mr. Ennis said that they had done several high-rise buildings in San Francisco and San Jose. He said the roof deck was meant for occasional short use on nice days noting that there was also an indoor room on that level.

Commissioner Riggs said concavity was a great alternative to the planned modulations in the Specific Plan and ConnectMenlo. He said the balconies appeared aesthetically light, so it did not bother him that they encroached some into the upper level 40-foot setback. He said there was an ongoing problem with project approvals east of Hwy. 101. He said he thought this project was most adjacent to Lorelei Manor and Fair Oaks and the café would serve building residents but no one else. He said it was a nice feature but not really a community amenity. He said the project would generate traffic but having residential units was desirable. He said they would have to look at traffic mitigation.

Chair Barnes referred to 22A and the usable open space and asked how that space would be activated rather than just being a through pathway. Mr. Kadivar said before they had had a fence there, but it was open now. Senior Planner Meador said that the applicant was offering open space at the frontage that was publicly accessible with benches and enhanced landscaping. Mr. Kadivar said they met all of their publicly accessible open space requirement at the frontage.

Commissioner Strehl referred to L3 and a courtyard on the third floor, noting it was shown on the fourth floor on the fourth-floor floor plan. Mr. Ennis said it was on the fourth floor.

Chair Barnes closed item H1 study session.

Chair Barnes said that Commissioner Strehl needed to leave, and they would still have a quorum. He noted there was a consensus of Commissioners to conclude the meeting at 11:30 p.m.

Commissioner Riggs noted there was only 16 minutes for the next item and not all Commissioners were present. Chair Barnes suggested the item be continued to the July 22, 2019 meeting.

Principal Planner Perata said they had the continued 1704 El Camino Real item for that agenda. He suggested opening Item H2 and accepting public comment as there was a public speaker card.

H2. Study Session/Andrew Morcos/110 Constitution Drive, 104 Constitution Drive, and 115 Independence Drive:

Request for a study session review for a future application for use permit, architectural control, environmental review, lot line adjustment, and lot merger to redevelop three sites with approximately 320 multi-family dwelling units, 33,100 square feet of office and 1,608 square feet of neighborhood benefit space split between two buildings with above grade two-story parking garages integrated into the proposed seven-story residential building and three-story commercial building, located in the R-MU-B (Residential Mixed Use, Bonus) zoning district. The project sites currently contain three single-story office buildings that would be demolished. The proposed residential building would contain approximately 311,341 square feet of gross floor area with a floor area ratio of 223 percent. The proposed commercial building would contain approximately 34,708 square feet of gross floor area with a floor area ratio of 25 percent. The proposal includes a request for an increase in height, density, and floor area ratio (FAR) under the bonus level development allowance in exchange for community amenities. ([Staff Report #19-048-PC](#))

Staff Comment: Senior Planner Meador said staff had no comments.

Chair Barnes opened for public comment.

Public Comment:

- Pamela Jones said for the Item H1 it was critical to indicate the project was within the Redwood City Elementary School District as that District was experiencing low enrollment and cutting back on schools. She said regarding amenities for the project that based on their location the onsite amenities were most appropriate. She said the BMR housing agreement needed to be changed and encouraged the applicants for Items H1 and H2 to offer 20% BMR or even higher and at both below market rate and affordable housing. She said she wanted assurances that none of the units were Air B&B or corporate housing units.

Chair Barnes closed the public comment.

Andrew Morcos, applicant, asked if their project could be earlier on the July 22 agenda than they were on tonight's agenda.

Principal Planner Perata said staff would commit to striving to see this project was on the agenda for July 22 but he needed to look at that agenda. He said there was also a regular meeting on July 29. He said staff would work hard to get this item on the next available agenda.

**ACTION:** Motion and second (Barnes/Riggs) to continue the item to the next available Planning Commission meeting; passes 4-0 with Commissioners DeCardy, Doran and Strehl absent.

**I. Informational Items**

I1. Future Planning Commission Meeting Schedule

- Regular Meeting: July 15, 2019
- Regular Meeting: July 29, 2019
- Regular Meeting: August 12, 2019

**J. Adjournment**

Chair Barnes adjourned the meeting at 11:27 p.m.

Staff Liaison: Kyle Perata, Principal Planner

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on July 22, 2019

1 ATTENDEES

2 THE PLANNING COMMISSION:

3 Andrew Barnes - Chairperson  
 4 Henry Riggs - Vice Chairperson  
 5 Katherine Strehl  
 6 Camille Kennedy  
 7 Chris Decardy (Absent)  
 8 Michele Tate  
 9 Michael C. Doran (Absent)

10 THE CITY STAFF:

11 Kyle Perata - Principal Planner  
 12 Kaitie Meador - Project Manager

13 SUPPORT CONSULTANT:

14 Theresa Wallace - Principal Planner, LSA Architects

15 PROJECT PRESENTERS:

16 Sateez Kadivar  
 17 Jon Ennis  
 18 Paul Lettieri

19 ---o0o---

20 BE IT REMEMBERED that, pursuant to Notice  
 21 of the Meeting, and on June 24, 2019, 9:42 PM at the  
 22 Menlo Park City Council Chambers, 701 Laurel Street,  
 23 Menlo Park, California, before me, MARK I. BRICKMAN, CSR  
 24 No. 5527, State of California, there commenced a Planning  
 25 Commission meeting under the provisions of the City of  
 Menlo Park.

---o0o---

1 JUNE 24, 2019 9:42 PM

2 P R O C E E D I N G S

3 ---o0o---

4 CHAIRPERSON BARNES: And we are at G2. So Mr.  
 5 Perata, should I progress to H, the Study Session and  
 6 just work from H1 and H2 and not do G?

7 MR. PERATA: So we do need to do G. There are  
 8 actually two separate components to the same project.  
 9 Item G is the Scoping Session on the Environmental Impact  
 10 Report and then the Study Session component comes after.  
 11 You need to do the Public Hearing first before  
 12 we get to the Study Session.

13 CHAIRPERSON BARNES: Sure. We've got to blend  
 14 it. We're blending the EIR and the Study Session in one.

15 MR. PERATA: One report, two items, similar to  
 16 what we just did on the Corporate Center in the last  
 17 meeting.

18 CHAIRPERSON BARNES: So I'll -- we'll go  
 19 through and address this -- go from G2 and go to H1 and  
 20 do G2 and progress to H1.

21 MR. PERATA: Right. So I'll let the Project  
 22 Manager Kaitie Meador take over, but just quickly, yes,  
 23 you need to do the Public Hearing first, and then once  
 24 the Scoping Session is done and all public speaks, we  
 25 have a court reporter for this portion and we want to

CITY OF MENLO PARK  
PLANNING COMMISSION

In re )  
SP MENLO LLC/ )  
111 INDEPENDENCE DRIVE )  
\_\_\_\_\_ )

ENVIRONMENTAL IMPACT REPORT  
SCOPING SESSION  
REPORTER'S TRANSCRIPT OF PROCEEDINGS  
MONDAY, JUNE 24, 2019  
MENLO PARK CITY COUNCIL CHAMBERS

Reported by: MARK I. BRICKMAN, CSR, RPR  
License No. 5527

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1 density and floor area ratio under the bonus level  
2 development allowance in exchange for community  
3 amenities.

4 The proposal also includes a request to use the  
5 City's Below Market Rate (BMR) density bonus, including  
6 an increase in units, FAR and height, in exchange for BMR  
7 units.

8 Hello, Kaitie.

9 MS. MEADOR: Good evening, Commission. So as  
10 you just mentioned, the project at 111 Independence Drive  
11 for the Study Session and Scoping Session, and just to  
12 recap what Kyle is saying, so we will have two parts for  
13 the public hearing.

14 We will have the Environmental Impact Report  
15 Scoping Session, so that is an opportunity for you and  
16 the public to comment on what topics should be studied in  
17 the EIR.

18 And then after that, we will have a Study  
19 Session to provide feedback on the revised project plan.

20 There was one previous Study Session that was  
21 held last year, and as the Planning Commission knows at  
22 that time, their feedback was generally positive with  
23 comments focusing on parking and open space.

24 So for this meeting, there will be no action  
25 taken on the item.

1 I participated in the last business over the last fifteen  
2 years there, so I spent a lot of time at this location.

3 Also with me tonight is Jon Ennis, president of  
4 BTE Architecture and Nathan Simpson of BTE. He's done a  
5 lot of the heavy lifting since changes last time, and  
6 Paul Lettieri, principal of Lasardo Landscape Architects.

7 So just a little additional background. We've  
8 got a lot of experience as a family in the construction  
9 industry across a variety of industries as well as  
10 technology for construction.

11 We're a local family. I attended Oak Knoll,  
12 Hillview and M-A. My four kids go to La Entrada and Las  
13 Lomitas with the oldest a year away from M-A.

14 Kind of broadly speaking, I've been to a lot of  
15 Planning Commission meetings, a lot of City Council  
16 meetings, and at almost every other one, the topic of the  
17 housing crisis and housing balance comes up. That's what  
18 this project is -- is all about.

19 In particular, I've noticed on the tenant  
20 relocation ordinance that Menlo Park worked on for a long  
21 time and heard passionate, passionate debate on both  
22 sides.

23 But what everybody agreed on was the real  
24 long-term solution is increasing the supply of housing.  
25 So that's kind of the overarching goal of -- of what

1 record all those comments in the court reporter format  
2 for the EIR position, and then we'll close that and move  
3 into the Study Session.

4 I may have just overstepped in terms of  
5 Kaitie's presentation, so I'll turn it over to her.

6 CHAIRPERSON BARNES: So let me announce it so  
7 I can get through that and read it, and Kaitie, you can  
8 tell us exactly how you want us to progress on that.

9 So we're going to progress to G2, and that's  
10 the Environmental Impact Report Scoping Session for 111  
11 Independence Drive: Request for use permit,  
12 architectural control, environmental review and density  
13 bonus to redevelop the site with approximately 150 multi-  
14 family dwelling units and an approximately 712 square  
15 foot potential commercial space in one building with an  
16 above grade multi-story parking garage integrated into  
17 the proposed eight-story building, located in the R-MU-B  
18 (Residential Mixed Use, Bonus) zoning district.

19 The project site currently contains an  
20 approximately 15,000 square foot single-story office  
21 building that would be demolished. The proposed  
22 residential building would contain approximately 95,056  
23 square feet of gross floor area. The proposal includes a  
24 request for a use permit to modify certain R-MU design  
25 standards and a request for an increase in height,

1 And then staff is recommending that -- that you  
2 first start with the EIR Scoping Session. So my  
3 presentation will be followed by a presentation from the  
4 applicant, and then the EIR consultant.

5 After that, then there will be time for the  
6 Commission to ask questions and public comment, followed  
7 by the Commissioners' discussion and then close of the  
8 Scoping Session.

9 After that, we'll have the Study Session and  
10 we'll go right into the Planning Commission questions and  
11 public comment again, and then Commissioner discussion.

12 If you have any questions about that, let me  
13 know.

14 CHAIRPERSON BARNES: Great. Any questions for  
15 Kaitie? Seeing none, progress to the applicant.

16 Good evening.

17 MR. KADIVAR: Good evening, Planning  
18 Commissioners. Good to be before you again. It was  
19 almost a year ago to the day that we were here at the  
20 Study Session on June 18th, 2018.

21 My name is Sateez Kadivar. I am part of the  
22 ownership family along with my mother, Massy Mehdipour  
23 and my sister.

24 We bought the property about twenty years ago,  
25 and my mother has run a couple of businesses out of it.



1 Probably the most obvious feedback and the  
2 majority of the Commissioners provided was reducing the  
3 parking ratio.

4 We were at a ratio of 1.4. Keep in mind as a  
5 reminder the minimum is 1, the maximum is 1.5. We had  
6 come in thinking we had done a good job being within  
7 that.

8 What we've done now is reduced that parking  
9 ratio to 1.1 which is, you know, eerily close to the --  
10 effectively close to the bare minimum and again provides  
11 the associated traffic and environmental benefits.

12 We have to delve into that a little bit. We  
13 have 115 parking stalls. Keep in mind six of those are  
14 outside of the gates of the garage, visitor and cafe  
15 parking, so effectively we have 109 stalls for 105 units.

16 To put that in context, we -- you know, the  
17 zoning provides for additional forty percent parking, so  
18 we've cut that substantially.

19 Next item. The front private patio publicly  
20 available open space. This is really feedback from one  
21 Commissioner to not have a private patio in the front, to  
22 make all parts of the public accessible area.

23 Other than that, the feedback on the open space  
24 was very positive.

25 So we focused our efforts on eliminating the

1 helps the project be more viable and helps to provide  
2 teacher and work force housing known as the missing  
3 middle.

4 The project we're proposing is -- is somewhat  
5 unique. It's a smaller project or smaller lot but with a  
6 higher density.

7 So in some ways, we're caught in the middle a  
8 little bit. The economics become challenging because we  
9 have the more complex and expensive type of construction  
10 with eight stories, but we have a fair amount of  
11 amenities, but without the ability to spread those costs  
12 across four or 500 units, and we do not have an office  
13 building to kind of subsidize the -- the costs.

14 At the same time, by providing moderate units,  
15 we address a big community need to provide missing middle  
16 housing.

17 Right now -- I mentioned this last time, and  
18 the numbers really haven't changed. The City of Menlo  
19 Park has permitted only three percent the regional  
20 housing needs assessment allocation for -- for moderate.

21 So the allocation level is 143 and there are  
22 entitlements, actually units for four, and even the 143  
23 target number is a pretty low bar according to Housing  
24 Commissioners.

25 A note about impacts on schools. Ninety-one

1 we're doing here is to address the jobs/housing  
2 imbalance.

3 And to do so in a traffic and environmentally  
4 friendly manner, by virtue of being adjacent to or really  
5 within a job center, this -- this project is thought of  
6 as an infill project within Menlo Gateway because we're  
7 really myopic about it.

8 We're on Phase I of Menlo Gateway on one side  
9 and Phase II is -- is -- is on the other.

10 It's also worth noting that we're removing  
11 office stock. We're not adding office stock. So it's a  
12 hundred percent housing even though office is technically  
13 allowed in the -- in the district for the zoning.

14 So I'd like to summarize some of the primary  
15 points of feedback that we received a year ago. We were  
16 pretty diligent in going through these and incorporating  
17 these changes.

18 Architecture and design, as Kaitie mentioned,  
19 the feedback was very favorable. You know, we heard  
20 comments like the building is gorgeous and it's a  
21 great -- it's a great design.

22 Because of the feedback, obviously, we have not  
23 altered the -- fundamentally architecture and designs at  
24 all while incorporating some of the changes that I'll  
25 talk about.

1 private patio, but otherwise keeping the entrance of what  
2 we did, but incorporating the cafe.

3 Next topic. There was a fair amount of  
4 discussion on the community amenities list. We have  
5 added a cafe, which is one of the amenities from the  
6 community amenities list of the category of community  
7 serving -- community serving retail.

8 There's like -- likewise a lot of discussion on  
9 BMR, both from the Commissioners as well as public  
10 comment, Karen Grove and Pamela Jones in particular. I  
11 think there were some others, as well.

12 The comments were not only BMR units be on one  
13 floor; they be among income levels.

14 So we provided a BMR proposal. Really  
15 dispersed around the building, both horizontally and  
16 vertically. The unit mix is the same as the building  
17 overall.

18 We're using a floating system so that you  
19 don't -- as somebody's income increases, they don't --  
20 they don't have to move -- move out of their unit.

21 Lastly, we made a big change on the income  
22 levels. Whereas before we were proposing one hundred  
23 percent moderate. We revised that to fifty percent  
24 moderate, fifty percent low.

25 This type of mix does a couple of things. It

1 there.

2 And just I think you guys know, as the R-MU  
3 zoning pointed out on that point, it's the parcel right  
4 there with the arrow.

5 I think we just heard a pretty good summary of  
6 the units, so the percentages are there. Twenty-eight  
7 percent studio, sixty-four one and nine percent two-  
8 bedroom units.

9 And we're going to talk about parking. More  
10 than one bike per unit, and outside short-term bike  
11 parking, also.

12 So you're looking here at the ground floor. So  
13 it's mainly parking, covered almost one hundred percent  
14 by the -- the only parking that you see as you're driving  
15 around the site would be the garage entrance, but we  
16 really worked hard to create a varied activated and  
17 classy first floor of the building.

18 You see it's very activated. You see a lot of  
19 people coming in and out of the project.

20 This slide kind of highlights one of the  
21 changes where we had just a lobby entrance, where now we  
22 were asked to make that lobby more prominent. So we  
23 moved that forward and closer to the street.

24 And then and all the way along Independence  
25 Drive, we have active uses, so lobby lounge with an

1 with a pool in the back.

2 So then now when you go third through eighth,  
3 you pretty much see this repetitive bar at the building,  
4 and then at the upper left we've chopped away some of the  
5 units to create a small outdoor, some very large small  
6 outdoor area and a little inside gathering area for  
7 tenants to kind of take in the views from the site.

8 So you can see it's got an eight-story  
9 building, three-story -- three-story base. We tried to  
10 accentuate -- you know, kind of have a building with a  
11 base and metal on top.

12 We articulated that with material and color,  
13 and in this light, you can kind of see the activated  
14 base. The lights are on the ground floor and there's  
15 lots of activity in there.

16 There's wood panels. Those two windows are  
17 supposed to look the same. I don't know why they showed  
18 up at dark, kind of weird in the rendering.

19 But basically a wood base, kind of a warm  
20 material down at the -- you know, the lower part of the  
21 building, and then as it goes up, you can see that  
22 counterpoint kind of white frame mass of the building  
23 arcs away from the -- from the street.

24 And at the top, we have just kind of a  
25 penthouse level with a blue band across the top. You can

1 percent of the units are one bedroom and studios, so very  
2 much, you know, designed to limit the impact on schools  
3 in terms of students, and we hope to provide a positive  
4 impact via both BMR and nearby housing.

5 And lastly, just to highlight some of the other  
6 neighborhood benefits, parcel projects, street  
7 improvements, sidewalks, lighting, landscaping,  
8 underground and power lines and we are dedicating a  
9 portion of the property which runs through Independence  
10 Street.

11 So with that, I will hand it over now to Jon  
12 Ennis who will talk about the design architecture.

13 Thank you.

14 CHAIRPERSON BARNES: Thank you.

15 MR. ENNIS: Good evening, Chairman and members  
16 of the Planning Commission. We are going to walk through  
17 the design we presented a year ago and obviously answer  
18 any questions as we walk through the project again.

19 It's an interesting plan shape and interesting  
20 context with the Menlo Gateway next to us, so I think  
21 we -- we have resulted in a pretty unique and interesting  
22 architecture that I'm excited to share with you guys.

23 So this site -- you see the Gateway there. Two  
24 perspectives. And our -- our project is just the  
25 one-story office building, so that's the site context

1 attendant. We added the cafe and kind of a bike shop/  
2 bike lounge area all around the concept. So we have a  
3 nice, lit up almost retail-like frontage, but not retail.

4 The other thing we did is we added more  
5 entrances to the front, and we pretty much made that  
6 public. So there's a stairs where you can enter the  
7 lobby from another point, and then the central area where  
8 you can enter a ramp that takes you up and to the left or  
9 the right. Can you put your arrow on that for me?

10 So it's multiple entrances and doors into the  
11 building, into the cafe. There's a lot of entrances, a  
12 lot of activity and we made it all public, part of the  
13 public ground.

14 And now you're standing up on top. This is the  
15 third floor, so three floors of concrete. They're on the  
16 top of the third floor. So now we've kind of cut away.

17 You know, a lot of projects we do end up taking  
18 shape of the site and the building ends up taking the  
19 shape of the site and you see we're doing something  
20 different.

21 This created a counterpoint to the arc of the  
22 street. Those become private terraces with planters that  
23 kind of divide up those unit's terraces, and then on the  
24 back, we reduce the mass and have taken away all that  
25 space on the back floor for barbecues, fire pits, the spa

1 unbuilt area. We just did it in a different shape.  
 2 So that's just one of the requests that we  
 3 have, and I think that dark brown colored curb, I think  
 4 you can understand it. It results in more interesting  
 5 architecture, I think. The building meets the modulation  
 6 code with a slightly different variation.

7 So here you can see the two buildings. It's  
 8 kind of this interesting counterpoint of a convex and  
 9 concave arc working off -- working off of the existing  
 10 Gateway building, and those dash lines we just put over  
 11 there, it just kind of illustrates the artwork.

12 I think it's kind of an interesting harmonious  
 13 massing and counterpoint of the two buildings. It's very  
 14 interesting and have a great feeling. So that's the site  
 15 relationship that we're working on.

16 And this is a view from the highway,  
 17 illustrating the size and scale of the building and the  
 18 interest in the breakdown of the massing.

19 And this is just the project from another point  
 20 of view, trying to illustrate the setback and the  
 21 planting that we're doing in front, kind of a photo  
 22 montage to show, you know, what the building environment  
 23 will look like when we're done.

24 And then we have Paul Lettieri, the president  
 25 from Lasardo to talk a little bit more in more detail of

1 have direct stairs to take you up otherwise, and we tried  
 2 to put that into kind of the geometry of the paving  
 3 pattern that runs across the edge.

4 We have -- we're screening that ramp to some  
 5 extent at the edge. The top is a six inch high planter  
 6 wall. So in terms of how -- how you feel as you walk the  
 7 street.

8 We've got a planted edge off the building as  
 9 well as a planted edge on the outside of the ramp, and as  
 10 we had in our previous design, wide benches and with  
 11 backs to them, and there's a deck, a wood deck eighteen  
 12 inches up for a place for an art piece to be just to the  
 13 left of the entrance there.

14 And we've also addressed the bicycle parking,  
 15 which we didn't have enough before. We've got racks  
 16 distributed in two logical locations, sort of splitting  
 17 the lobby and one in front of the cafe, and so the  
 18 bike -- the bike access connection on the left side has  
 19 zero essentially.

20 It's not inhabitable space. That's why we  
 21 don't have that raised plateau going all the way around  
 22 the front of the building.

23 We do our storm water treatment in many of the  
 24 planters that you see there, certainly integrate that  
 25 into the site.

1 see the deck on the upper left there in the rendering.

2 These are the materials. So it's basically on  
 3 the ground floor fluoroform concrete. The wood -- the  
 4 dark wood you see on that rendering in the lower left is  
 5 a panel, and across from that is basically three coats  
 6 cement plaster.

7 The paint, very large and kind of the largest  
 8 economic -- the largest industrially available vinyl  
 9 windows. You can see those in the upper corner there.  
 10 They can be as much as nine by eight feet. The square  
 11 windows very large and beautiful.

12 We have wood awnings, and the picture of the  
 13 louvers are covering all the parking garage's openings.  
 14 So the headlights won't be seen, but air can come in and  
 15 out of those openings, and some of the decks have less  
 16 rails. We are fluoroform concrete finally in the lower  
 17 right there.

18 This is a diagram, the -- we complied  
 19 completely with the code. That blue area, that blue  
 20 setback area was wrapped all the way around the building.

21 So it's kind of what I was saying. The  
 22 building would end up being essentially the shape of the  
 23 site, which is ten foot setback all the way around.

24 What we did is we varied from that a little  
 25 bit. I think in the end we have the same amount of

1 the setback in front of the building and a few other  
 2 things.

3 Thank you.

4 MR. LETTIERI: My name is Paul Lettieri. I  
 5 only have a few slides to go over. We'll try not to be  
 6 repetitive.

7 Our main change is the front, because now we  
 8 actually have doors across the street. So the cafe --  
 9 that's fine.

10 We have the cafe on one side. I think it's  
 11 important to realize the building is thirty inches above  
 12 the street for before the hand is there to the right.

13 So we have that grade to pick up. We had that  
 14 grade change to address before. We tried to make an  
 15 opportunity out of it.

16 The cafe is thirty inches above, so you can sit  
 17 at the tables and look out on the street.

18 It's got twelve foot wide stairs which connect  
 19 to it, and a connection to that cafe's space, and what  
 20 we've done for solving the grade change part of it, the  
 21 walls run parallel to the building which is basically  
 22 like -- it goes up in both directions.

23 So you come into the center, you can walk to  
 24 the lobby entrance on the right or the cafe on the left  
 25 if you are using the handicap accessible route, and we

1 open it up for questions from the Commission and then  
2 public comment.

3 So the California Environmental Quality Act or  
4 CEQA requires lead agencies that approve projects to  
5 identify environmental impacts associated with those  
6 projects and then either avoid or mitigate the impacts.

7 The purpose of the Scoping Session tonight is  
8 to engage interested parties early on in the  
9 environmental review process and to get your thoughts on  
10 the topics that should be considered in environmental  
11 review of that proposed project.

12 The merits of the project are not considered in  
13 the EIR, so comments should focus on specific issues that  
14 relate to impacts on the environment.

15 Comments should focus on the range of  
16 environmental topics to be considered in the EIR. Any  
17 specific issues of concern related to environmental  
18 topics, the approach and methods used in the analysis and  
19 potential mitigation measures or alternatives that you  
20 think should be considered.

21 This is just an overview of the Connect Menlo  
22 EIR. In November 2016, the City Council approved an  
23 update to the Land Use and Circulation Elements of the  
24 General Plan and related zoning changes, commonly  
25 referred to as Connect Menlo.

1 The initial study discloses relevant impacts  
2 and mitigation measures covered in the Connect Menlo EIR  
3 and discusses -- discusses whether the project is within  
4 the parameters of that EIR.

5 Based on the conclusions of the initial study,  
6 the topics shown on the slide will not be further  
7 evaluated because the project is not anticipated to  
8 result in significant effects related to those issue  
9 topics or because the initial study found that these  
10 topics were adequately addressed through the program  
11 level EIR.

12 From the topics of cultural resources, geology  
13 and soils, which also covers impact paleological  
14 resources and noise, it was determined that applicable  
15 mitigation measures identified in the Connect Menlo EIR  
16 would ensure that those impacts would be less than  
17 significant.

18 Though the focused EIR anticipated will be  
19 analyzed whether the project would result in significant  
20 impacts to the issue topics shown here.

21 For air quality, the Connect Menlo EIR  
22 identified mitigation measures that required technical  
23 assessment of private comprehension and construction, air  
24 quality impacts, and the site is also located in  
25 proximity to several major roadways which requires

1 So lastly, just as a reminder, the reason we  
2 don't have street access is the gas line there. We kind  
3 of drafted the design of the plaza around that.

4 The next one. Just some of the imagery as we  
5 used on the left side. Open space in the sense of deck  
6 there. That's sort of the middle - middle picture. The  
7 decking for seating and potentially for the art to be on  
8 it, and the courtyard up above.

9 Jon really talked about those. They're not  
10 changed from the last time in concept and detail.

11 If you have any questions about those, I'd be  
12 happy to talk about them. So we're all here to answer  
13 any questions you might have.

14 CHAIRPERSON BARNES: Thank you.

15 MS. WALLACE: Good evening. I'm Theresa  
16 Wallace. I'm principal planner with LSA, the City's  
17 consultant for environmental review of the proposed  
18 project.

19 So the first slide just lists the topics that I  
20 will cover in my brief presentation tonight, including  
21 the purpose of the Scoping Session, and overview of the  
22 Connect Menlo EIR and its relationship to this project,  
23 the initial study that was prepared for the project, the  
24 EIR that we will be preparing and overview of the  
25 environmental review process and schedule, and then we'll

1 The Connect Menlo Final EIR provided a program  
2 level analysis of the development potential envisioned  
3 for the entire City, including the increased development  
4 potential in the Bayfront area where the project site is  
5 located.

6 The City of East Palo Alto challenged the City  
7 certification of the EIR, and to settle the litiga -- the  
8 litigation, the parties entered into a settlement  
9 agreement that allowed for environmental review for later  
10 activity.

11 That is consistent with the program, and to be  
12 limited to effects that were not analyzed as significant  
13 in the prior EIR or are subject to substantial reduction  
14 or avoidance through project revision.

15 That does require certain projects -- including  
16 those utilizing bonus level development -- to conduct a  
17 focused EIR with regard to housing and transportation.

18 Environmental review of the proposed project  
19 will adhere to the Connect Menlo EIR and will also comply  
20 with the terms of the settlement agreement.

21 So the initial step in the environmental review  
22 process and initial study was prepared to evaluate the  
23 potential impacts of the project and determine what  
24 levels of additional analysis would be appropriate for  
25 the project EIR.

1 should avoid or substantially lessen any significant  
2 effects of the project.

3 The alternatives will be developed after the  
4 impacts of the project are identified and with input  
5 received during the comment period.

6 A no project alternative will be considered,  
7 which is required by CEQA, and also a reduced size  
8 project alternative may also be considered.

9 So this slide, if you can read it, shows the  
10 overall schedule indicated for the environmental review  
11 process.

12 On June 14th, the City issued the Notice of  
13 Preparation or NOP notifying interested parties and  
14 responsible agencies that an EIR will be prepared, and  
15 the initial study has been included for that review.

16 The thirty-day comment period to provide public  
17 comments on scope and content of the EIR -- EIR ends on  
18 July 15th.

19 During that time, interested parties are  
20 encouraged to submit comments on the scope of the EIR in  
21 writing, and tonight is also again an opportunity to  
22 provide verbal comments.

23 Over the next several months, we will prepare  
24 the EIR, and the Draft EIR is expected to be published in  
25 the late fall.

1 currently anticipated in the spring of next year.

2 So again the purpose of this meeting is to  
3 engage the public early on in the environmental review  
4 process and to get your thoughts on the topics that  
5 should be evaluated.

6 Even if you provide comments verbally at this  
7 meeting tonight, we would encourage you to submit them in  
8 writing, as well, and again, that's -- the comment period  
9 closes on July 15th.

10 So with that, if the Commission has any  
11 questions, I can answer them or we can open it up for  
12 public comments.

13 CHAIRPERSON BARNES: Any Commissioner  
14 questions on the Draft -- on the presentation as  
15 delivered by the EIR consultant?

16 Seeing none, I will move to open for public  
17 comment on the EIR scope. And as it relates to public  
18 comment, I have one card for Ms. Pamela Jones.

19 If anyone would like to submit accord, please  
20 come forward and submit your card.

21 MS. JONES: Good evening, Commissioners and  
22 staff.

23 CHAIRPERSON BARNES: Good evening.

24 MS. JONES: As always, thank you for your work  
25 and your sincere deliberations. It really felt good

1 preparation of a health assessment. Those topics will be  
2 covered.

3 The greenhouse gas emission topics, the project  
4 contribution to emissions will be studied based on  
5 transportation related impacts that were identified with  
6 the project.

7 For noise, although the Connect Menlo EIR  
8 determined that impacts would be less than significant  
9 with implementation of mitigation measures, there is the  
10 possibility that there will be transportation related  
11 impacts and therefore transportation related noise, so  
12 that topic will also be studied.

13 For population and housing, a housing needs  
14 assessment will be prepared pursuant to the terms of the  
15 settlement agreement, and that topic will be covered in  
16 the EIR.

17 Again, the terms of the settlement agreement  
18 require the preparation of a project specific  
19 transportation impact assessment.

20 The study will include analysis of potential  
21 impacts of key study intersections and identification of  
22 project -- project specific mitigation measures.

23 So finally the EIR is also required to evaluate  
24 a reasonable range of alternatives. The alternatives  
25 should attain most of the basic project objectives and

1 After the EIR is published, there will be a 45-  
2 day public comment period. During that time, there will  
3 also be an opportunity to review the EIR and submit  
4 comments to the City.

5 The City will also hold a public hearing on the  
6 Draft EIR during that comment period, and at that time  
7 comments can also be provided verbally or again in  
8 writing.

9 After the close of the comment period, we will  
10 then prepare written responses to each substantive  
11 comment received regarding the EIR. It's called a  
12 response to comments document.

13 The response to comments document will also  
14 include any revision to the Draft EIR if any are  
15 necessary.

16 Together, the Draft EIR and response to  
17 comments document will constitute the Final EIR which  
18 will be published and available for review a minimum of  
19 ten days before any hearings are held.

20 So once the Final EIR is complete, the City  
21 will consider certification of the EIR, and after that,  
22 as a separate action will consider approval of the  
23 project.

24 The public may attend these hearings and  
25 provide comments on the Final EIR. EIR certification is

1 something that you don't know about.

2 So two parts. One is the updated CEQA; and  
3 two, let's look at having a robust outreach to the  
4 community so that we know every single step of the  
5 process and we can be present when they -- when it's  
6 being brought to the Commissioners.

7 So again, thank you.

8 CHAIRPERSON BARNES: Thank you.

9 I have no other cards. If anyone would like to  
10 give public comment, again please come forward, and  
11 having no other cards and seeing no one coming forward,  
12 we are going to progress to Commission comments on the  
13 EIR scope.

14 I'll open it up to you guys for comments.

15 Mr. Riggs.

16 COMMISSIONER RIGGS: Yes. I do have one  
17 question and I suppose it would be for Ms. Wallace.  
18 Usually when we see an EIR in the transportation portion,  
19 it charts, say, both roadway segments and intersections  
20 and compares likely changes with the baseline, and where  
21 the baseline is the service of level F, whatever change  
22 takes place is more or less considered no change because  
23 it's still level F.

24 I would like to get clarity whether we still do  
25 that or whether say there's a twenty-three percent

1 the chart that there is a significant impact.

2 And then to be honest, I don't recall whether  
3 the transportation impact of the larger area than just  
4 the segment or intersection are identified as -- is there  
5 something smaller than regional? Is there a -- is there  
6 a local area impact that -- that is judged?

7 For example, over the years, Willow Road has  
8 been repeatedly impacted by development that might be  
9 more than a mile away. It might also be impacted by  
10 development that is more than two or three miles away and  
11 outside of the city limits.

12 But do we have a place in the EIR to  
13 indicate -- indicate that the neighborhood that depends  
14 on Willow Road for its transportation, including simply  
15 cross-town transportation, that neighborhood -- that  
16 entire neighborhood's impacted when that segment  
17 reaches -- reaches a tipping point? In other words,  
18 where it's more or less unmovable for ninety minutes.

19 Is there a portion of the EIR that addresses a  
20 neighborhood level of impact? I don't recall seeing one.

21 MS. WALLACE: So you're talking about like  
22 neighborhoods that could be several miles away? Is that  
23 what --

24 COMMISSIONER RIGGS: Well, it might be in the  
25 case of the neighborhood called Willows one mile away.

1 having you -- being in your hands.

2 Pamela Jones, resident of Menlo Park on  
3 Hollyburne Street. My comment is specifically to the  
4 EIR -- the scoping EIR.

5 It's -- it's my understanding that the Connect  
6 Menlo 2016 was based on the 2010 CEQA requirements. It  
7 was -- the CEQA was revised in 2017 and has subsequently  
8 been revised -- revised and the -- and the document was  
9 released on December 28th, 2018 and is now in effect.

10 I would like to be assured that the EIR process  
11 is using the current CEQA. If it was changed for a  
12 reason and if we're using the 2010, then we're using  
13 almost a decade's old document.

14 I also think it would be helpful that whomever  
15 does these EIRs is that they do a presentation to educate  
16 not just the Council and the Commissioners, because some  
17 of you probably didn't know this looking at the  
18 expressions on your face, didn't know that there was a  
19 new one, that it would be really helpful to the public  
20 and be a way of engaging the public so that you would  
21 have more people show up when we talk about the scoping  
22 EIR.

23 It's a mystery to even find when it's going to  
24 happen, but the entire EIR process is one in which the  
25 entire City can be involved in. You can't be involved in

1 increase in delay at intersection Q that is already level  
2 F, is that identified in some way in the chart to make it  
3 clearer to the -- the quick reader that there is a  
4 notable impact?

5 MS. WALLACE: I'm trying to understand your  
6 question. So the City's traffic analysis guidelines have  
7 significant criteria, so if an intersection is already  
8 operating at unacceptable level --

9 COMMISSIONER RIGGS: Right.

10 MS. WALLACE: -- the project contribution to  
11 that unacceptable condition will be quantified and  
12 discussed.

13 And if that -- if there's -- I'm not familiar  
14 with exactly what the threshold would be, so if -- if it  
15 rises to a certain percentage contribution, if that's a  
16 significant impact, that would be identified and  
17 mitigation would be recommended.

18 Is that getting to your --

19 COMMISSIONER RIGGS: Do you still use in the  
20 chart performance levels like D, E and F?

21 MS. WALLACE: Yes.

22 COMMISSIONER RIGGS: All right. So I would  
23 like to suggest that when F is impacted to the negative,  
24 that whether there's an asterisk added to the F in the  
25 chart or a new letter is substituted or some indicator on



1 in the EIR?

2 MS. MEADOR: So we could look into it further.  
3 We can discuss it with the transportation division, but  
4 we can look at additional intersections to study within  
5 the neighborhood surrounding the project site.

6 COMMISSIONER RIGGS: And -- and I was thinking  
7 in terms of the narrative of the EIR, which would, rather  
8 than say: "Hamilton is backed up during this period,"  
9 that would say: The following neighborhood bounded by  
10 the following streets or the western portion of the  
11 neighborhood of this name is impacted by lack of access  
12 or lack of ready ability to exit.

13 That would be a new form of narrative I believe  
14 for an EIR, but it would help delineate to officials  
15 using the EIR what the meaning of the impacts are.

16 So I'm suggesting that and the change in the  
17 chart where we have a level F that's indicated before and  
18 after a level F that the asterisk would change level F  
19 asterisk or some other manner in which it acknowledges a  
20 -- an additional impact.

21 MR. PERATA: So I'll jump in real quick just  
22 to summarize or confirm. So if I understand correctly,  
23 you're not speaking to the actual analysis itself, but  
24 rather the editorial nature of how the EIR presents the  
25 information relating to the charts regarding level of

1 any changes, and we consider that context.

2 And also with respect to the change in the CEQA  
3 guidelines, if you review the initial study, you see that  
4 we use the current guidelines and for example we talk  
5 about energy and wildfire, which are new topics. So that  
6 will be used.

7 COMMISSIONER KENNEDY: And then through the  
8 chair.

9 CHAIRPERSON BARNES: Yes, proceed.

10 COMMISSIONER KENNEDY: So you're talking about  
11 the EIR sort of addressing the narrative in the over-  
12 explanation of how things would derive.

13 So I'm wondering in maybe looking at a further  
14 and deeper analysis around the existing condition,  
15 because it seems existing and changing with each new  
16 project.

17 So we've been looking at plans for a very long  
18 time, and I think there's a lot of data in there that  
19 gets very overwhelming, and unless you know what you're  
20 looking for, you sort of look at numbers and sort of in  
21 the aggregate without understanding how they actually  
22 relate to each other.

23 So I, you know, maybe even beyond sort of  
24 expressing a larger narrative, you know, really for this  
25 particular area, really sort of delving into, you know,

1 In the case of a neighborhood called Belle Haven, it's  
2 adjacent.

3 But where one looks at segments, one is looking  
4 at individual roadways, and it implies that these  
5 collector streets are impacted, whereas in fact the  
6 neighborhood's impacted.

7 Do we have -- do we have anything in the EIR  
8 that identifies neighborhoods being restricted -- their  
9 movement being restricted?

10 MS. WALLACE: Well, we haven't prepared the  
11 EIR yet, but that point is well taken. We did work with  
12 the City to identify fifteen intersections and its  
13 vicinity for analysis.

14 We haven't conducted that analysis yet. We  
15 don't know how they're impacted or the communities in  
16 those areas are impacted.

17 COMMISSIONER RIGGS: All right. So I guess  
18 I'm asking if there was a template for such things. You  
19 seem to be indicating that if the City asks for it, we  
20 could have it.

21 MS. WALLACE: That is certainly something we  
22 could consider, the EIR should.

23 COMMISSIONER RIGGS: Okay. Then, I guess I  
24 would turn to staff and ask Kaitie. Is this something  
25 that would make sense from a staff perspective to include

1 service of potential impacts, especially since the  
2 designation is changing, and geographically speaking more  
3 to the roadway segments as relates to the neighborhood of  
4 the context of Menlo Park and geographically neighborhood  
5 wise or residential street wise to be a little more  
6 context for the readers of the document to understand  
7 where we're looking at.

8 COMMISSIONER RIGGS: Yes. I'm talking to the  
9 narrative.

10 MR. PERATA: Got it.

11 COMMISSIONER RIGGS: And to make the change  
12 more useful for level F asterisk and level two, and it  
13 would make the narrative more useful than to say that  
14 Hamilton is backed up, to say that the southeastern  
15 portion of the neighborhood and entry is additionally  
16 backed up.

17 Thank you.

18 CHAIRPERSON BARNES: Thank you.

19 Commissioner Kennedy.

20 COMMISSIONER KENNEDY: Just a couple things.

21 So to Miss Jones' point around the baseline information  
22 in Connect Menlo that would be used as, is it going to be  
23 from 2018 or is it prior from 2010?

24 MS. WALLACE: So part of what we do is look at  
25 the baseline conditions and determine if there have been

1 STATE OF CALIFORNIA )  
2 COUNTY OF SAN FRANCISCO )

3  
4 I, the undersigned, hereby certify that the  
5 discussion in the foregoing meeting was taken at the  
6 time and place therein stated; that the foregoing is a  
7 full, true and complete record of said matter.

8 I further certify that I am not of counsel or  
9 attorney for either or any of the parties in the  
10 foregoing meeting and caption named, or in any way  
11 interested in the outcome of the cause named in said  
12 action.

13  
14 IN WITNESS WHEREOF, I have  
15 hereunto set my hand this  
16 \_\_\_\_\_ day of \_\_\_\_\_,  
17 2019.

18 \_\_\_\_\_  
19 MARK I. BRICKMAN CSR 5527  
20  
21  
22  
23  
24  
25

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Reporter's Transcript of Proceedings

1 the levels of F that there are and the impacts around the  
2 level of F that happen as the existing condition, right?

3 Because each additional project just adds the  
4 F. It doesn't take away, and it can't be -- I don't  
5 think -- it can't be really mitigated. It can get spread  
6 a little further out. That's my comment.

7 CHAIRPERSON BARNES: Thank you.

8 Any other additional comments as it relates to  
9 the EIR scope, and if there is none, then I will close  
10 the public hearing.

11 Before I do, I'll check in with staff, EIR  
12 consultant. Anything else that you would like to add  
13 prior to closing?

14 MS. WALLACE: No.

15 CHAIRPERSON BARNES: Kaitie, anything prior to  
16 closing?

17 MS. MEADOR: No.

18 CHAIRPERSON BARNES: Good to go. Okay. Thank  
19 you. So with that, I'll close the public hearing as it  
20 relates to the EIR Scoping Session.

21 Thank you.

22 (The record was closed at 10:31 PM).

23 ---o0o---

24  
25

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## NEW REAL PROPERTY CONFLICT OF INTEREST REGULATION JUNE 24, 2019



### POLITICAL REFORM ACT STATUTE

- No public official shall make, participate in making, or in any way attempt to use his or her official position to influence a governmental decision if he or she knows or has reason to know that he or she has a financial interest in the decision.
  
- Common Sources of Financial Interest
  - **Real Property**
  - Source of Income
  - Gifts
  - Business Investment
  - Loans
  - Contracts



## FINANCIAL INTEREST: 4 STEP TEST



1. Are you participating in a decision?
2. Will the decision affect your economic interest?
3. Is the effect on your economic interest “reasonably foreseeable” and “**material?**”
4. Does an exception apply?



## DONUT RULE



- New regulation, creates three categories based on how far official’s property is located from the property involved in decision.





## DONUT RULE (CONT.)



- If official's property less than 500 feet – conflict is presumed
- If official's property is more than 1,000 feet – no conflict presumed
- Conflict presumptions may be rebutted by “clear and convincing” evidence.

5



## DONUT RULE (CONT.)



- Within 500 – 1,000 feet -- apply criteria in regulation to determine whether decision would have the following impacts on the official's property:
  - Change development potential
  - Change income-producing potential
  - Change highest and best use
  - Change market value
  - Change character by substantially altering traffic levels, intensity of use, parking, view, privacy, noise levels, or air quality

6



## LEASEHOLD INTERESTS

- Month to month leases exempt.
- Longer terms leases deemed “material” if:
  - Decision changes the termination date of lease
  - Increases or decreases the potential rental value of leased property
  - Changes the official’s actual or allowable use of leased property
  - Impacts the official’s use and enjoyment of leased property

7



## EXCEPTIONS TO CONFLICT RULE:

- Maintenance issues – street/sidewalk
- Adoption of a general or specific plan
- Public generally (generally 25% of similar properties)
- Necessity – draw straws

8





# CONCLUSION

PLN2016-00085

Summary of Design Progression  
2016 to 2019



1704 El Camino Real - Hampton Inn Hotel

Three-story, 70-room hotel  
F.A.R. = 1.10 with Public Benefit  
56 basement parking spaces, 70 total using valet

**2016 - Farmhouse Modern**

- F.A.R. = 1.1
- 3-stories, 70 Rooms
- 58 basement parking spaces, total 68+ spaces with valet
- Setbacks
  - West: 29'-11"
  - North: 10'-0", 48'-6", 34'-10"
  - East: 40'-4"
  - South: 18'-2", 16'-9"
- Building Height
  - Towers – 42'-3", 42'-9"
  - Parapet: 35'-0"
  - Roof Screen: 38'-8"

**City/Neighbor Requested Changes**

- Moved transformer & trash to rear of property
- Increased rear setback from 20' to 40'
- Split access to garage from single double lane to 2 separate single lane

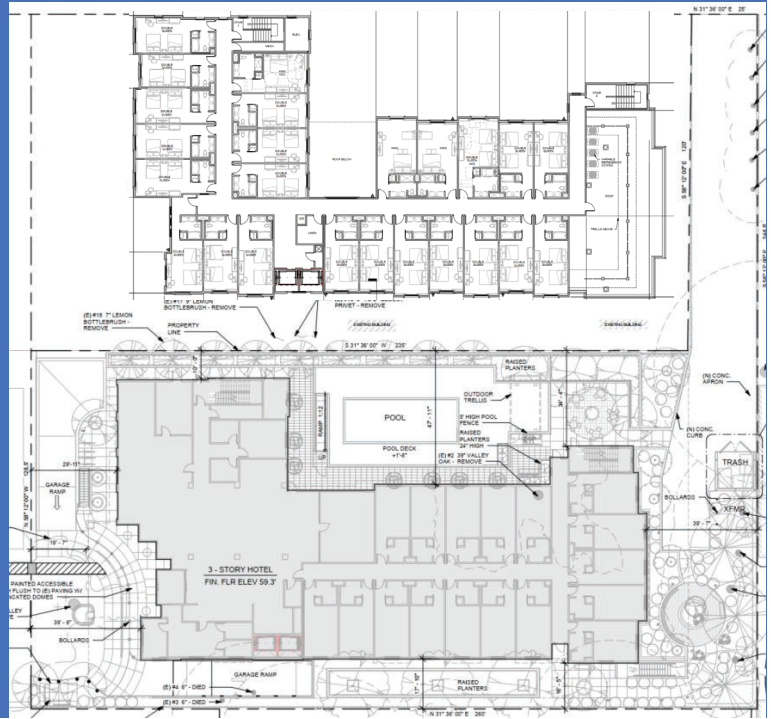


**2017 - Mediterranean**

- F.A.R. = 1.08, 3-stories, 70 Rooms
- 60 basement parking spaces, total 77 spaces with valet
- Setbacks
  - West: 29'-11"
  - North: 10'-0", 47'-11", 34'-4"
  - East: 39'-7"
  - South: 17'-10", 16'-5"
- Building Height
  - Towers – 41'-11"
  - Mansard Roof Screen: 38'-10"

**City/Neighbor Requested Changes:**

- Remove 5 guestrooms, rear 3<sup>rd</sup> floor
- Add trellis with vine planting for screening
- Allow only roof & equipment maintenance, not guest use at roof deck
- Add trees in front of existing pines, east side
- Darkest shade of main color on east side
- Removed backup generator
- Lower overall height, request Variance for 2<sup>nd</sup> floor level height from 15' to 13'



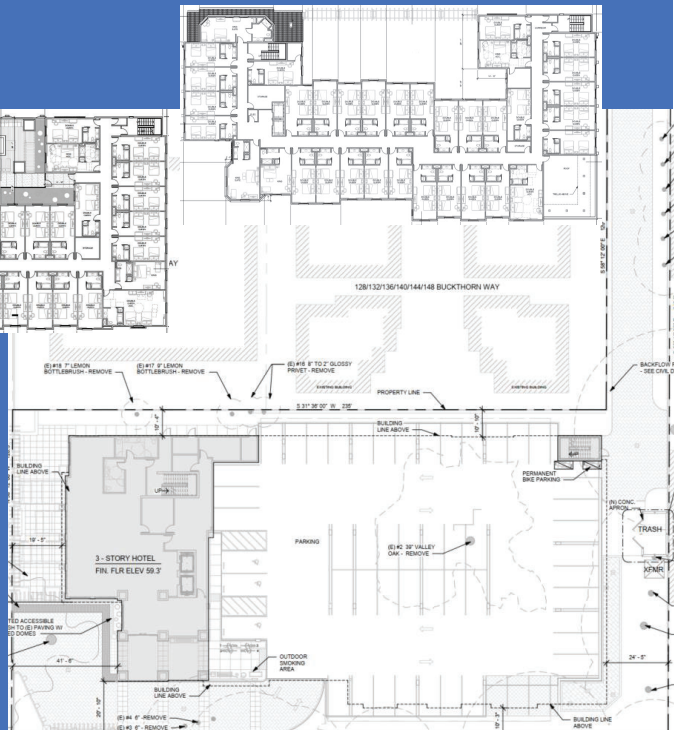
**2018 – Spanish**

- F.A.R. = 1.04, 3-stories, 68 Rooms
- 50 on-grade parking spaces (no basement less excavation), 66 total spaces with valet parking
- Setbacks
  - West: 19'-5"
  - North: 10'-0", 45'-8"
  - East: 24'-5"
  - South: 20'-10", 10'-3"
- Building Height
  - Tower – 42'
  - Mansard Roof Screen: 36'-8"
  - High ridge line 41'-2"



**Neighbor/City Requested Changes:**

- Work with city design consultant to enhance Spanish style design & massing
- Add iconic tower form (lost 1 guestroom)
- Articulated 3<sup>rd</sup> floor end room northwest corner (lost 1 guestroom)
- 8' high fence at 2<sup>nd</sup> level pool deck (above garage)



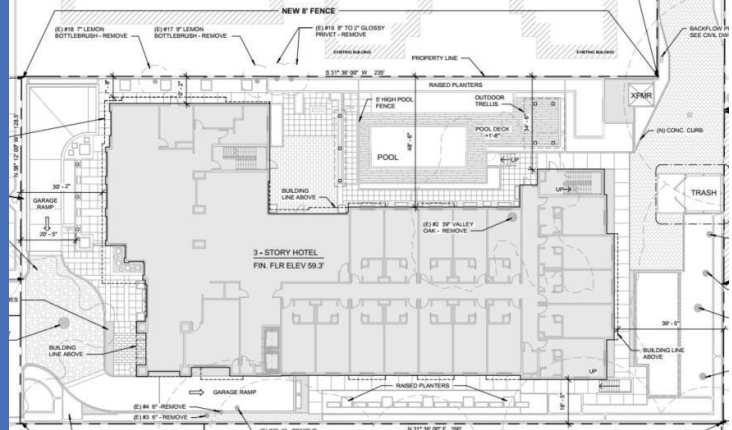
**2019 – Spanish (version 2)**

- F.A.R. = 1.1, 3-stories, 70 Rooms
- 56 basement parking spaces (70 valet w/ TDM)
- Setbacks
  - West: 30'-2"
  - North: 10'-0", 48'-6", 34'-6"
  - East: 39'-5"
  - South: 16'-5"
- Building Height
  - Tower – 41'-11"
  - Mansard Roof Screen: 38'-5"
  - High ridge line 39'-1"



**Neighbor/City Requested Changes:**

- Work with city design consultant to enhance Spanish style design & massing
- Articulate 3<sup>rd</sup> floor end room northwest corner
- Add iconic tower form
- Added back basement parking garage
- Lower overall height, request Variance for 2<sup>nd</sup> floor level from 15' to 13'
- Removed rear yard guest sitting area
- Retain east 3<sup>rd</sup> floor maintenance roof deck & trellis
- Lower roof lines at east & northeast sides
- Alternate color schemes
- Increased fence height to 8'







## 1704 EL CAMINO REAL

Proposed Hampton Inn

### 1704 ECR PROJECT BACKGROUND

- August 2016 – Initial Submittal
  - 70-room hotel
  - Modern farmhouse style
- March 2018 – PC Study Session
  - 70-room hotel
  - Revised Mediterranean style per comments from neighboring property owners
  - PC provided positive direction that TOT is a sufficient public benefit
  - Significant number of public speakers, many neighboring property owners spoke in support of the project
- October 2018 – PC Study Session
  - Revised 68-room hotel project
  - Parking at grade, resulting in larger footprint
  - Many neighboring property owners not in support of the public benefit bonus without underground parking and larger setbacks included in the March 2018 proposal

### PUBLIC BENEFIT BONUS LEVEL

- Projects requesting a public benefit bonus FAR/density must conduct an initial study session with the Planning Commission for initial evaluation and comment (from both the Commission and the public)
- Specific Plan includes a list of elements that could be considered for a public benefit, including a hotel facility
  - Generates higher tax revenue
- Past Public Benefit Bonus approvals for hotels
  - Hotel conversion project at 555 Glenwood (Marriott Residence Inn)
  - 1400 El Camino Real (Park James Hotel)

### PUBLIC COMMENTS SINCE PUBLICATION OF STAFF REPORT

- TOT is not sufficient to allow development at bonus level
  - BAE report and applicant indicate development at base level not feasible
  - TOT listed in Specific Plan as potential public benefit
- Third Floor Terrace and Guest Rooms
  - Terrace access only for maintenance
  - Trellis with vines to add greenery
  - Closest third floor guest room 57 feet from east property line, with no east-facing, third floor rooms/windows
- Drainage
  - Per Municipal Code and conditions of approval, project must be designed to avoid run-off and use water efficient landscaping
- Garbage Pick-up
  - Continued access via Buckthorn Way
  - Number of pick-ups anticipated to remain consistent
- Lighting
  - Mitigation Measure BIO-3a limits upward exterior lighting, cutoff shields or similar mechanisms required for exterior lighting




**STAFF RECOMMENDATION**


- Findings in Attachment “A”
- Hotels are a permitted use
- Proposed hotel design is comprehensively executed and meets Specific Plan requirements with exception of 1<sup>st</sup> floor height
- Variance for reduced first floor height would reduce potential impacts
- Hotel would meet criteria for a public benefit described in the Specific Plan
- Project would not be financially feasible without the public benefit bonus



5



**THANK YOU**



**111 INDEPENDENCE DRIVE PROJECT**  
**Draft EIR Scoping Session**

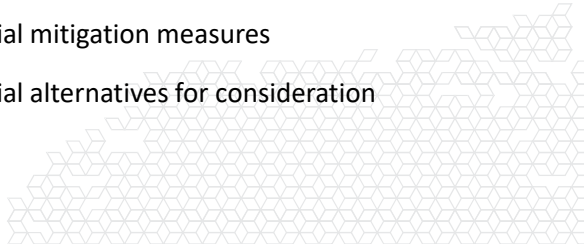

June 24, 2019



**PURPOSE OF SCOPING**



Receive comments from the public and agencies regarding the scope of the environmental document, including:

- Key environmental issues of concern
- Potential mitigation measures
- Potential alternatives for consideration





**OVERVIEW**

- Purpose of Scoping Session
- ConnectMenlo EIR Overview
- Initial Study
- Focused Environmental Impact Report (EIR)
- Environmental Review Process
- Public Comment



**CONNECTMENLO EIR**

- Project site is within the ConnectMenlo study area
- Programmatic EIR certified in November 2016
- Project tiers from ConnectMenlo EIR
- East Palo Alto Settlement Agreement





## INITIAL STUDY

Aesthetics	Agriculture and Forestry Resources	Biological Resources	Cultural Resources (With Mitigation)
Energy	Geology and Soils (With Mitigation)	Hazards and Hazardous Materials	Hydrology and Water Quality
Land Use and Planning	Mineral Resources	Noise (With Mitigation)	Public Services
Recreation	Tribal Cultural Resources	Utilities and Service Systems	Wildfire

LSA 5

## ENVIRONMENTAL REVIEW PROCESS

Milestone	Date
Publication of Notice of Preparation (NOP) and Initial Study (IS)	June 14, 2019
Draft EIR Scoping Session	June 24, 2019
End of 30-Day NOP comment	July 15, 2019
Publication of Draft EIR and Notice of Availability	Late Fall 2019
Draft EIR Comment Session	Early Winter 2019
Close of Draft EIR Comment Period	Winter 2020
Publication of Response to Comments on Draft EIR	Early Spring 2020
EIR Certification Hearing	Spring 2020

LSA 2

## FOCUSED EIR

Air Quality	Greenhouse Gas Emissions	Noise (Traffic-Related)
Population and Housing	Transportation	Alternatives

LSA 6

## PUBLIC COMMENT

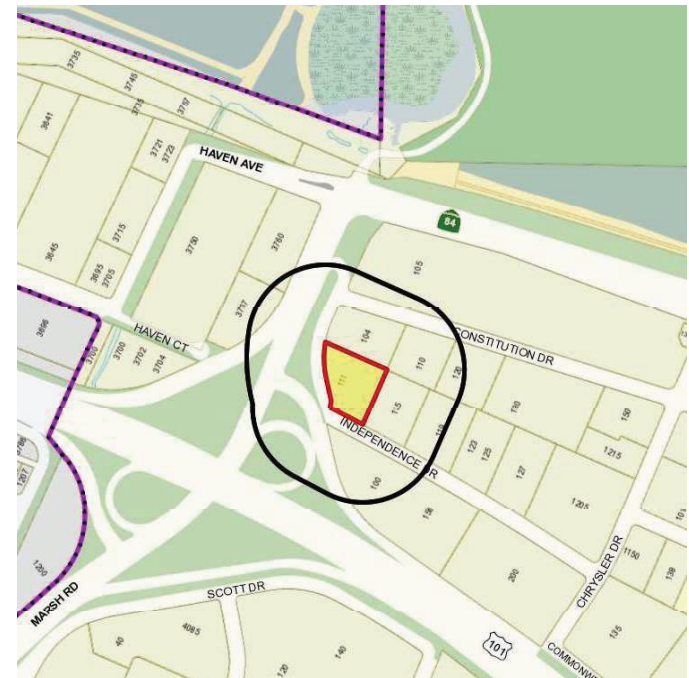
Written comments on the scope of the Draft EIR can be submitted until **Monday, July 15 before 5:00 p.m. to:**

Kaitie M. Meador, City of Menlo Park, Community Development Department, Planning Division  
 701 Laurel Street, Menlo Park CA 94025  
[KMMeador@menlopark.org](mailto:KMMeador@menlopark.org)  
 650-330-6731

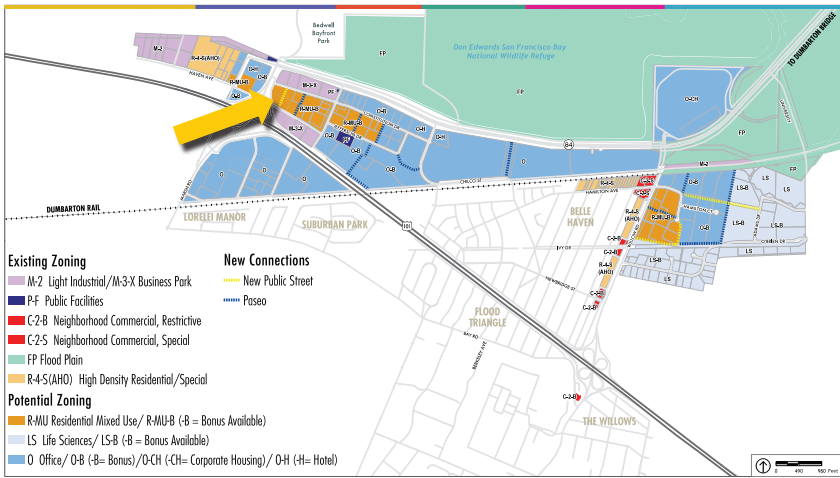
LSA 8

# PLANNING COMMISSION

111 INDEPENDENCE | MENLO PARK  
MULTI-FAMILY DEVELOPMENT





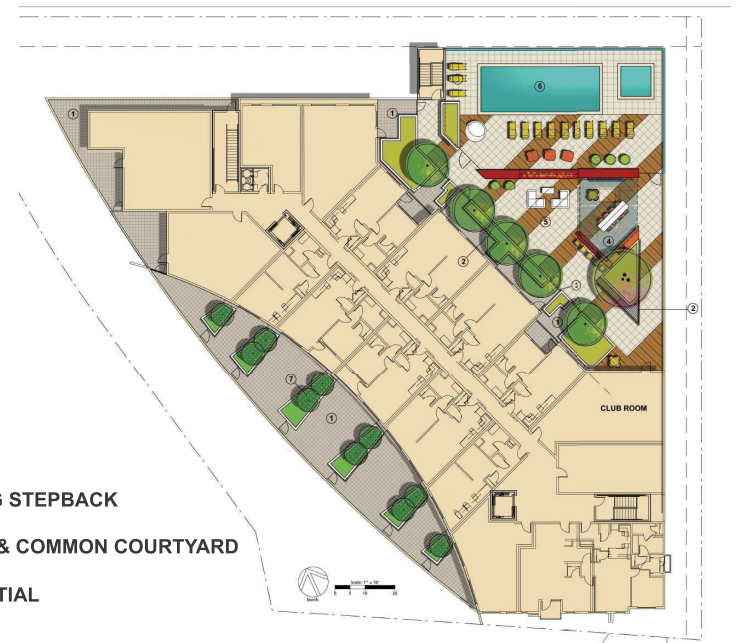


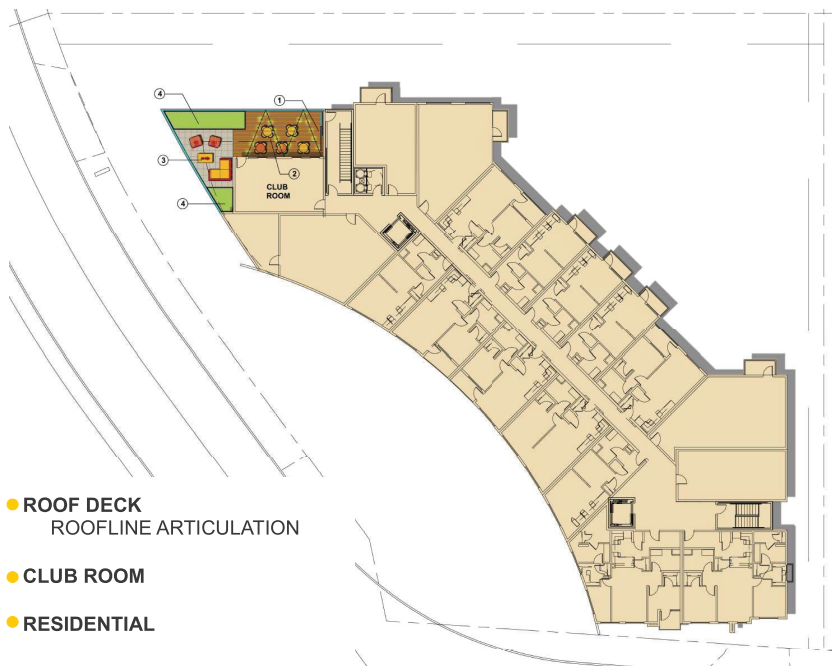
● **MENLO PARK PLANNING CODE**  
ORDINANCE 1026

● **R-MU DISTRICT**  
"RESIDENTIAL MIXED-USE"

**PROPOSED PROJECT**

- **105 DWELLING UNITS**
- **MIX OF UNIT TYPES**  
28% (29) STUDIO  
64% (67) 1 BED  
9% (9) 2 BED
- **114 BEDROOMS**
- **14 ON-SITE AFFORDABLE UNITS**
- **712 SF RETAIL**
- **REQUIRED PARKING**  
MIN: 105 STALLS (1.0)  
MAX: 158 STALLS (1.5)
- **PROVIDED PARKING**  
115 STALLS (1.1)
- **3,126 SF PUBLIC OPEN SPACE PLAZA**
- **158 INTERIOR RESIDENT BIKE PARKING**
- **16 EXTERIOR SHORT-TERM BIKE PARKING**





- ROOF DECK  
ROOFLINE ARTICULATION
- CLUB ROOM
- RESIDENTIAL



SFI VINYL WINDOWS - ARCHITECTURAL BRONZE STOREFRONT & METALWORK TO MATCH (1)



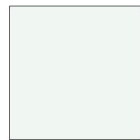
PAINT - 'BEAR CREEK' (2A)



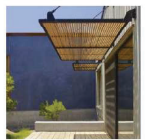
PAINT - 'CAPE MAY COBBLESTONE' (2C)



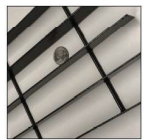
PAINT - 'SHORELINE' (2B)



PAINT - 'SNOW WHITE' (2A)



PHENOLIC WOOD AND METAL AWNING (6)



STEEL RAILING WITH AMETTO 'GROTTO' METAL PANELS (6)



GLASS RAILING (4)



PHENOLIC WOOD PANEL 'PRODECA' - DARK BROWN (7)



CEMENT PLASTER TEXTURE PER CITY STANDARD (SAMPLE FOR REFERENCE ONLY) (5)

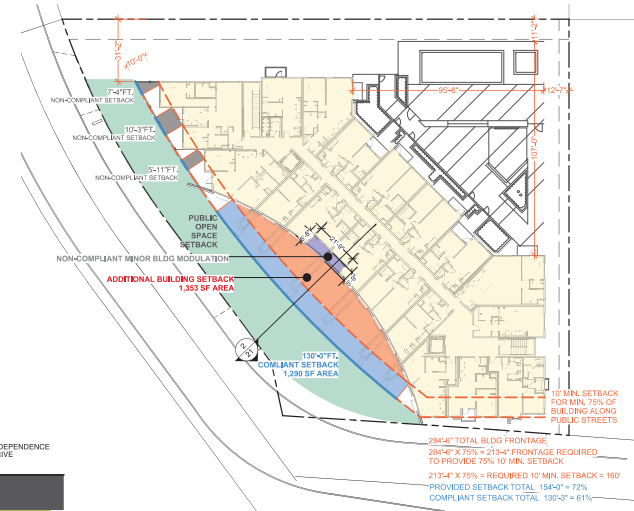
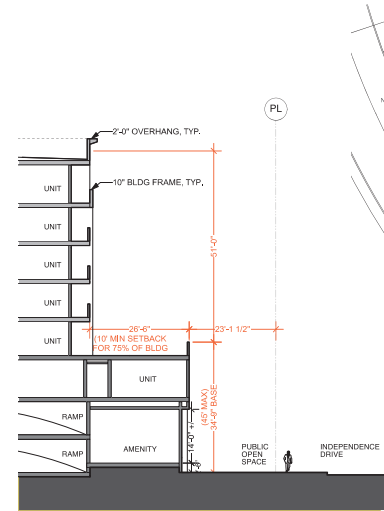


BOARD FORMED CONCRETE (3)



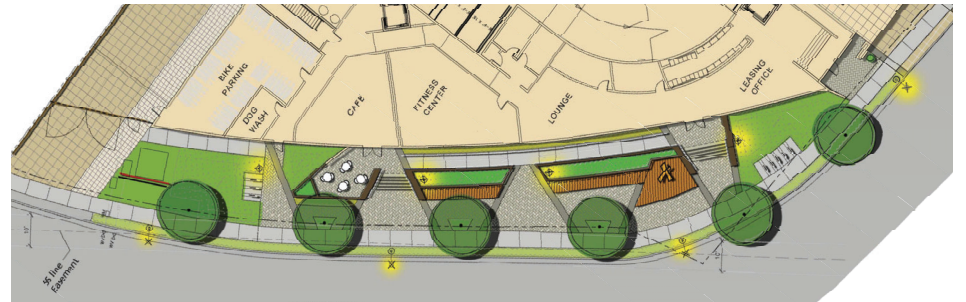
(1A) PAINT - 'ENDLESS SEA'  
 (1B) PAINT - 'INKY BLUE'  
 (1C) PAINT - 'SMOKY AZURITE'  
 (1D) PAINT - 'FAVORITE JEANS'  
 (1E) PAINT - 'FADED FLAXFLOWER'  
 (1F) PAINT - 'SLEEPY HOLLOW'  
 (1G) PAINT - 'MOONMIST'

ACCENT PAINT: BLUE OMBRE (1)



284'-0" TOTAL BLDG FRONTAGE  
 284'-0" X 75% = 213'-0" FRONTAGE REQUIRED TO PROVIDE 75% 10' MIN. SETBACK  
 213'-0" X 75% = REQUIRED 10' MIN. SETBACK = 160'  
 PROVIDED SETBACK TOTAL: 164'-0" = 72% COMPLIANT SETBACK TOTAL: 130'-0" = 61%









THANK YOU



- SMOOTH PLASTER
- PHENOLIC WOOD PANEL
- BOARD FORM CONCRETE
- GLASS RAILS
- METAL GRILL
- RAILS
- ACCENTS
- GARAGE SCREEN

SOUTHWESTERN ELEVATION - INDEPENDENCE DRIVE



- SMOOTH PLASTER
- PHENOLIC WOOD PANEL
- BOARD FORM CONCRETE
- GLASS RAILS
- METAL GRILL
- RAILS
- ACCENTS
- GARAGE SCREEN

SOUTH ELEVATION - INDEPENDENCE DRIVE



NORTH ELEVATION



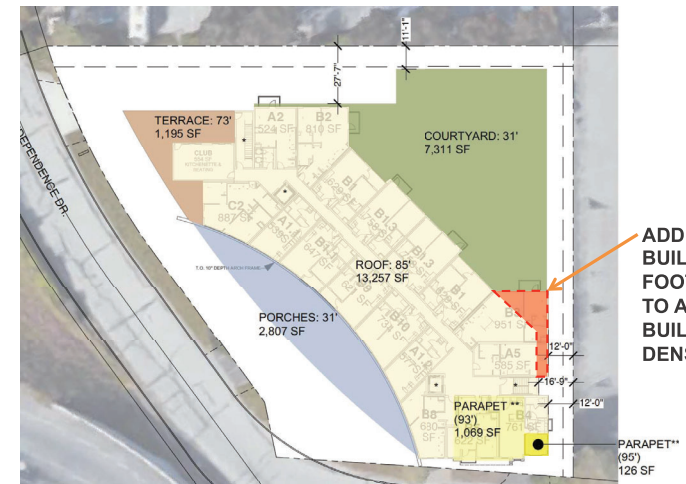
EAST ELEVATION







ELEVATIONS



\* ROOF PENTHOUSE HEIGHTS ARE EXCLUDED  
 \*\* HIGH PARAPETS DO NOT HAVE RAISED ROOFS

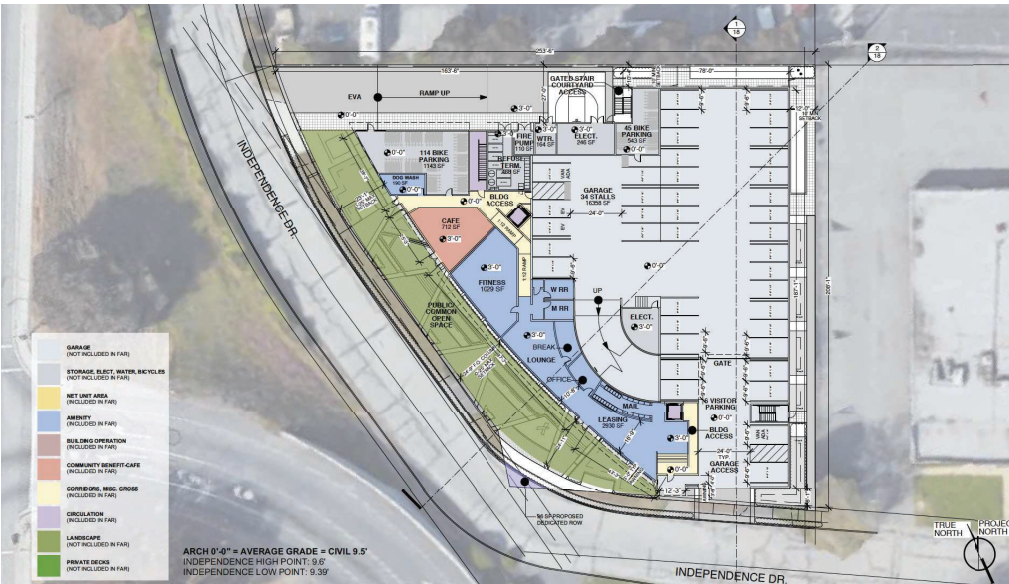
$$[(1,195\text{SF} * 73') + (2,807\text{SF} * 31') + [(13,257\text{SF} + 1,069\text{SF} + 126\text{SF}) * 85'] + (7,311\text{SF} * 31')] / 25,833\text{SF}$$

$$(97,235 + 87,017 + 1,228,420 + 226,641) / 25,833$$

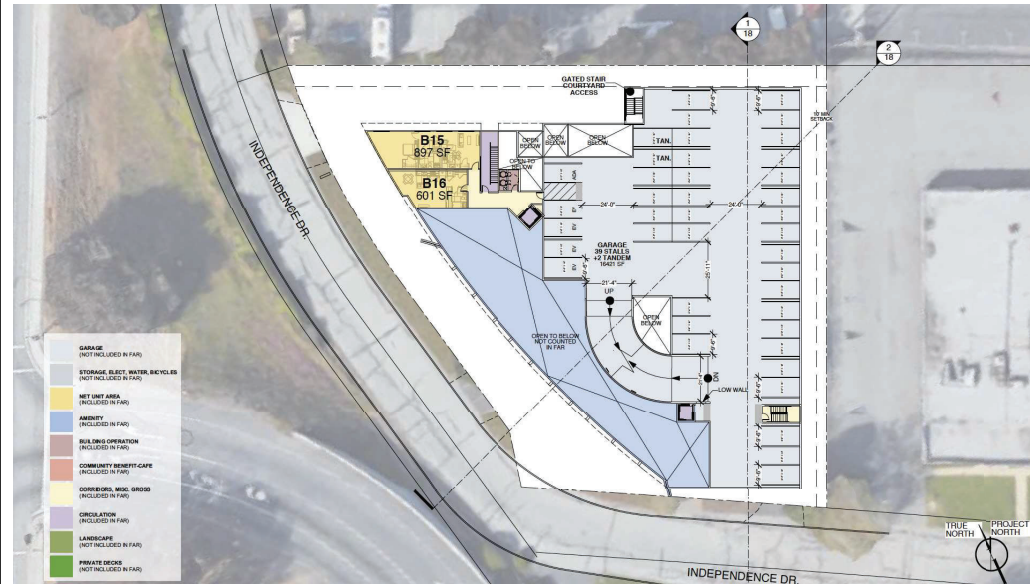
$$1,639,313 / 25833$$

AVERAGE BUILDING HEIGHT = 63.46'

ALL OWFD AVERAGE BUILDING HEIGHT = 62.5' (R-MU-B ZONING)

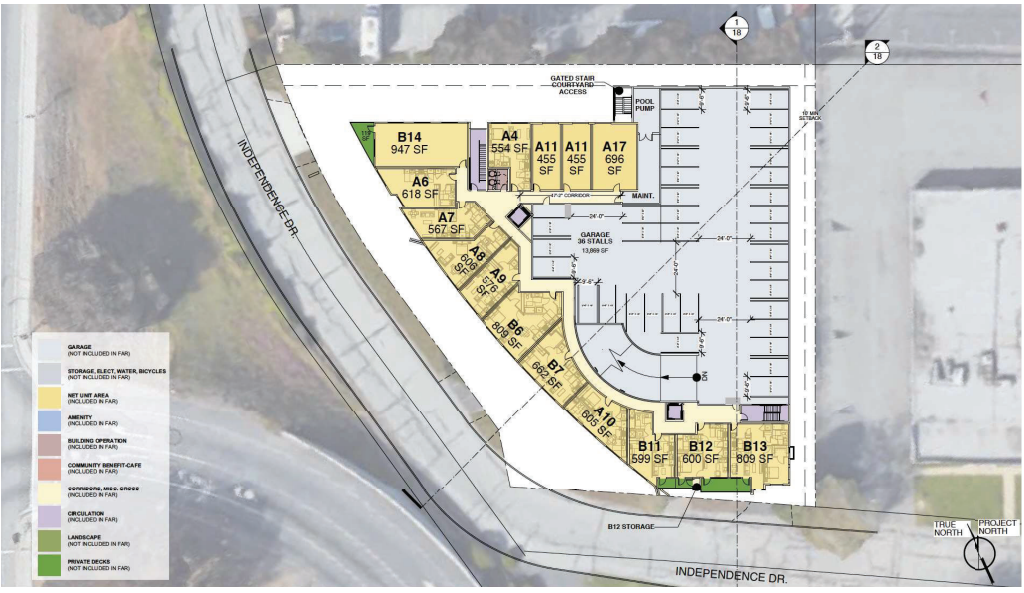


FLOOR 1



FLOOR 2





**BDE** **THE GUZZARDO PARTNERSHIP INC.**  
ARCHITECTURE Landscape Architects - Land Planners

**FLOOR 3**



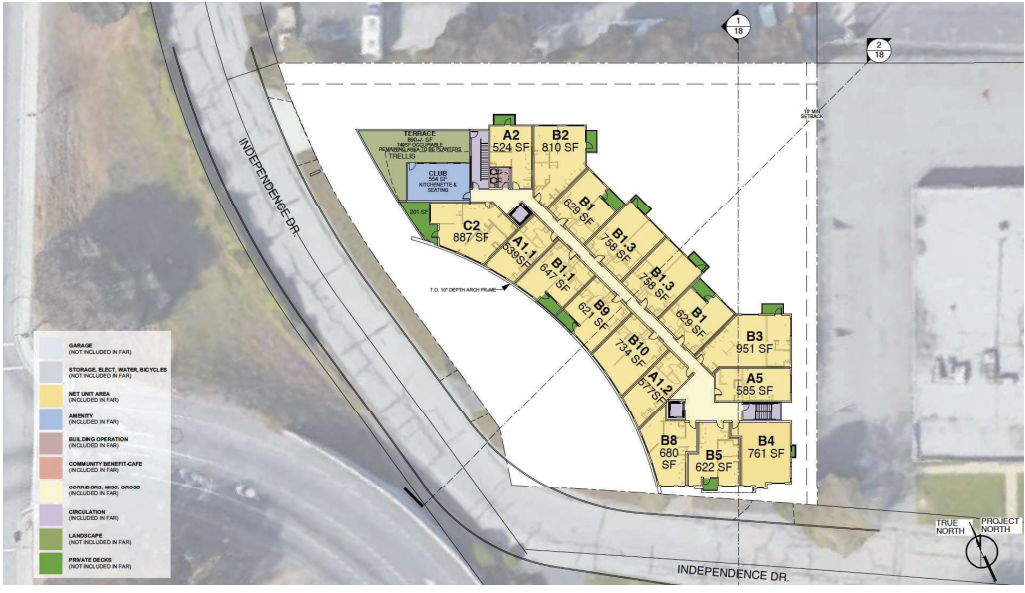
**BDE** **THE GUZZARDO PARTNERSHIP INC.**  
ARCHITECTURE Landscape Architects - Land Planners

**FLOOR 4**



**BDE** **THE GUZZARDO PARTNERSHIP INC.**  
ARCHITECTURE Landscape Architects - Land Planners

**FLOOR 5-7**



**BDE** **THE GUZZARDO PARTNERSHIP INC.**  
ARCHITECTURE Landscape Architects - Land Planners

**FLOOR 8**