



## REGULAR MEETING MINUTES

**Date:** 10/05/2020  
**Time:** 7:00 p.m.  
**GoToWebinar.com – ID #800-055-467**

### A. Call To Order

Chair Henry Riggs called the meeting to order at 7:00 p.m.

### B. Roll Call

Present: Andrew Barnes, Chris DeCardy (left the meeting during Item F2), Michael Doran (Vice Chair), Larry Kahle, Camille Kennedy (recused for item F2), Henry Riggs (Chair)

Absent: Michele Tate

Staff: Justin Murphy, Deputy City Manager; Leigh Prince, Assistant to City Attorney; Matt Pruter, Associate Planner; Corinna Sandmeier, Senior Planner; Ebby Sohrabi, Senior Civil Engineer; Chris Turner, Assistant Planner

### C. Reports and Announcements

Senior Planner Corinna Sandmeier said the City Council at its October 6, 2020 meeting would discuss Santa Cruz Avenue street closures and the temporary outdoor use permit program and also City Council priorities.

### D. Public Comment

Chair Riggs explained how speakers should indicate they would like to speak under *Public Comment* for items not on the agenda.

There were none.

### E. Consent Calendar

None

### F. Public Hearing

- F1. Use Permit/Chelsea Bright/321 Nova Lane:  
Request for a use permit to demolish an existing one-story single-family residence and detached garage and construct a new two-story residence with attached garage on a substandard lot with regard to minimum lot width and area in the R-1-U (Single Family Urban Residential) zoning district. ([Staff Report #20-041-PC](#))

Staff Comment: Assistant Planner Chris Turner said they received two emails after publication of the staff report that were sent to the Planning Commission, and which he would read under public comment. He said the emails generally expressed concern with the proposed 27-foot height of the residence and requested the height be reduced to 26 feet. He said other requests for modifications included windows and screening trees. He said the emails had an attached letter expressing the same concerns that was signed by many, if not all, of the neighbors along the Nova Lane cul de sac.

Questions of Staff: Commissioner Chris DeCardy asked staff to confirm that the project needed a use permit because the lot width was substandard by four feet. Planner Turner said the lot was substandard for both width and area, noting it was four feet less in width than what was the standard in this district. Replying to Chair Riggs, Planner Turner said the area of a minimum size lot in this zoning district was 7,000 square feet and this lot was 6,100 square feet.

Applicant Presentation: Chelsea Bright, Development Coordinator for Thomas James Homes, said also present were Deanne Green, Director of Development, Anna Felver, Planning Manager, and Jill Williams, project architect with KTG Architecture. Ms. Bright said the project proposal was a 2,700 square foot Craftsman style home. She said they were proposing to remove three trees all of which had health issues. She said the neighborhood was largely ranch style homes with a mixture of materials and they thought the Craftsman style would fit well with those materials. She said they stepped back the second story from the front and sides to address privacy. She said the rear setback was almost 30 feet. She said to address privacy for the one-story homes on the left and right of the project property that they raised windowsills and planted *Laurus nobilis* along the left and right sides, which was a tree that would grow to have at least a seven-foot wide canopy.

Chair Riggs opened the public hearing.

#### Public Comment:

- Dharam Rai said he and his wife had been expressing their concerns to the developer about the proposed project since January 10, 2020. He said the homes in their neighborhood were one-story ranch homes. He said they have requested that the height of the proposed 27-foot high structure be reduced to 26-foot height. He said 22 of the neighbors had signed a letter expressing the same concern and request. He said privacy concerns specific to their house included project windows in the south left corner and west rear corner that had five-foot window sills. He said they had repeatedly requested for several of those window sill heights to be raised to six-feet for those with views of their kitchen, dining room and backyard. He said they would like all the windows facing their home to be opaque. He said they would like the screening *Laurus nobilis* to be planted all along the side where the project's windows faced their backyard. He said the light from the stairwell window according to the plans would shine directly into their dining room window. He requested the stairwell window be removed or made opaque.
- Mr. Rai, using time his wife was donating, said there was a 46-inch space between their garage and the existing garage. He said when a fence was placed between the properties that space would be reduced by half and they would have difficult access to that side of their garage. He said the builder agreed to work with them to resolve that but that was not documented. He said another concern not documented in their letter was that there were 19 children on the cul de sac and the developer would be constructing both this home and another home close by on Gilbert Avenue. He said this would happen for six to nine months. He said they were requesting two speed bumps on this lane for all the construction vehicles that would be going in and out of the

lane. He said 22 of the neighbors were in support of the requests regarding height, privacy and safety.

- Jordan Macdonald said his home was at 311 Nova Lane. He said they had less challenge regarding the project's windows looking over their property but were concerned with privacy. He requested the height of the structure be reduced to 26-feet. He noted changes to windows made by the developer for privacy for their home. He said he supported something to reduce speed during construction.

Chair Riggs asked if the project height had been discussed with staff noting the maximum height in this zone was 28 feet. Planner Turner said several neighbors had reached out to him about the height. He said the project was in the flood zone so the finished floor was required to be a foot above the base flood elevation. He said he forwarded neighbor concerns regarding height to the applicants.

Chair Riggs asked in regard to the stairwell light whether staff was able to evaluate the position and bulk of the laurel tree and how well it would screen. Planner Turner said he evaluated the plans based on the information given to him but had not had the pictures that were provided with Mr. Rai's email. He said the applicant was proposing a screening tree in front of the stairwell and staff thought that would alleviate any privacy impact from the stairwell window.

Chair Riggs noted the 331 Nova Lane side of the project and asked if the new Bay laurels to be planted along the property line were positioned so that they would provide screening from the two-story windows. Planner Turner said those trees were taken into consideration noting there were screening trees on the neighboring property. He said one of those, a heritage tree the neighbor was proposing to remove due to construction concerns, would have provided screening specifically for bedroom #2. He said the applicant was proposing three trees to screen the view from bedroom #2.

Planner Turner read into the record two emails received.

*Dear Planning Commission,*

*We wanted to get in touch in advance of the meeting on Monday, Oct 5th. On the agenda is the proposed house at 321 Nova Lane. We live next door at 311 Nova Lane. Thus far the developer, Thomas James Homes, has been receptive to our requests for modifications with regards to maintaining privacy. One item that we wanted to be sure to raise with the Planning Commission is the overall height of the structure, currently at 27 feet. At this height the structure will dwarf all the surrounding single story structures and impinge on privacy. We understand that a two story dwelling is permitted so accept that. Our request is to have the structure height be 26 feet maximum. To that end we, as well as our neighbors at 331 Nova Lane, discussed with all of our neighbors on our cul-de-sac who signed the attached letter. We look forward to hearing the commission's opinion on this on Monday.*

*Sincerely,*

*Jordan Macdonald and Ritu Chitkara*

(The document on the next page is the letter by the 22 neighbors attached to both emails.)

From: The residents of Nova Lane, Menlo Park, CA  
 Re: Concerns regarding the proposed construction plan for 321 Nova Lane, Menlo Park  
 Dated: 10/01/2020

Dear Planning Commission,

We are collectively writing to you as residents of Nova Lane, as we are concerned about the proposed construction plan for 321 Nova Lane. The proposed house will be 27 feet high, and that is not in line with this neighborhood. There are mostly ranch style single-story houses in our neighborhood, and this will change the aesthetics and charm of the lane. We are all requesting you to consider changing the height of the structure to be at or less than 26 feet.

We are also very concerned about the privacy of our neighbors at 311 Nova, as well as 331 Nova. 311 Nova will essentially be boxed in between 2-story houses being built on both sides of their single-story house. And our neighbors at 331 Nova will not have privacy, as the proposed plan has several windows on the 2nd floor overlooking their kitchen, dining room, as well as their backyard. Please consider making appropriate changes to ensure privacy by planting additional trees along the fence, making the windows opaque, & raising the window sill height.

We love our neighborhood, and many of us have lived here for decades. We would like to see the charm of this family-friendly lane be preserved.

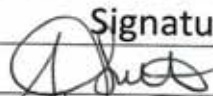


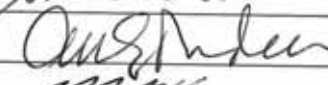

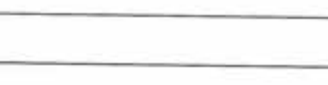
Thanks for your consideration.

Nova Lane Residents

Address	Name	Signature
330 NOVA LANE	SCOTT SATLER	SCOTT SATLER
351 Nova Lane	Carolyn A. Kennedy	Carolyn A. Kennedy
331 NOVA LANE	SADBERT RAI	Sadbert Rai
331 NOVA	DHARAM RAI	Dharam Rai
350 NOVA LANE	EVAN HERBERTS	Evan Herberts
320 Nova Lane	David Weiser	David Weiser
371 Nova Lane	Janey Pao Lin	Janey Pao Lin
381 Nova Lane	Carole R T Willis	Carole R T Willis
340 Nova Lane	Karen Staubach	Karen Staubach
340 Nova Lane	Nick Staubach	Nick Staubach
310 Nova Lane	Leslie Woods	Leslie Woods
311 Nova Lane	Ritu Chitkara	Ritu Chitkara
311 Nova Lane	Jordan Macdonald	Jordan Macdonald
330 Nova Lane	Chris Kundingel	Chris Kundingel

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contd...

Address	Name	Signature
330 Nova Lane	Amelia Sattler	
350 Nova Lane	Curt Herberts	
341 Nova Lane	Ryan Collins	
341 Nova Lane	Sara Collins	
380 Nova Lane	Ann McQueen	
380 Nova Lane	Robert McQueen	

- From: Owners and residents: 331 Nova Lane (adjacent house to the 321 Nova property)

Following is the second email letter that had the above neighbor letter attached as well.

Dear Planning Commission,

We have privacy concerns around the proposed plan for 321 Nova Lane. We wanted to provide details of our concerns ahead of the planning commission meeting on 10/05/2020 at 7pm PST. We do plan on joining the meeting to go over these concerns.

We have been raising our concerns directly with the builder/owner (TJ Homes) since January 10th, 2020. In the package submitted by the builder to the city, they claim to have 'clarified the privacy' issues with us/331 Nova ([Staff Report #20-041-PC: Page 21, Attachment E2](#)). But in reality, we had to go back and forth with them for eight months, with some of the e-mails from us never responded to by them. Although the few adjustments they have made are appreciated, our privacy concerns are not fully addressed in the current proposed plan. In our last e-mail exchange with the builder, they mentioned that they will not be taking any further steps to mitigate our concerns (outlined below).

1. There are mostly ranch style single-story houses in our cul-de-sac, and the proposed plan will change the aesthetics and charm of the street. We request that the total height of the structure be at or less than 26 feet. The current plan shows 27 feet.
2. We have privacy concerns due to the two South-Left windows and one West-Rear window on the 2nd floor (their bathroom). These windows will be overlooking our backyard, as well as our kitchen and the dining area (as we have windows there). The attached pictures show the concerning areas.



*We have two little kids and we spend a lot of time in these areas, and we have privacy concerns. We request that:*

- 1. The sill height of these three windows be raised to 6 feet, so it's not at an eye-level. Currently, at 5 feet, it's lower than the average height of an adult and we don't feel comfortable knowing we won't have privacy.*
- 2. We request that all these three windows be opaque.*
- 3. We request that additional Laurus Nobilis (evergreen) trees be planted along the fence line to cover the entire area between our main house and our garage to provide additional privacy (area circled in the attached picture).*

*3. The light from the stairwell will go straight into our kitchen and the dining area which is concerning. Although a Laurus Nobilis tree has been added in front of this window for privacy, it is a slow-growing tree and achieves only 4-6 inches per year. It will take quite some time to reach the height to cover the window. We request that the stairwell window be removed altogether, or it should be fully opaque.*

*4. The area between our detached garage and the 321 current garage doesn't have any fence. Instead, there are two fence gates, one from each property opening into this common area (as shown in the attached pictures). In the 321 proposed plan, the garage will be removed altogether, and a fence will be pulled to the back. Since this is a unique grandfathered common area 46 inches wide, once the fence is pulled it will leave only 23 inches between the new fence and our garage. The builder has agreed that they will solve for this at the time of build. Their team will be working with us further on the process of replacing the fence and the gates such that we have enough room to go to the side of our house.*

*As you will see from the attached letter signed by twenty-two neighbors (some of them have lived here for over 4 decades), these are shared community concerns. We will appreciate it if you can please consider these changes to address our concerns.*

*Thanks,  
Sadbera & Dharam  
Owners and residents: 331 Nova Lane, Menlo Park, CA (adjacent property to 321 Nova project)*

Planning Technician Leo Tapia noted that some written comments had been made using the web meeting technology. Chair Riggs asked that he read them into the record.

- Dharam Rai: I would like to state that I like that both floors are nine feet high. If they lower one of them to eight feet they would be able to lower the height to 26 feet. The tree is not at our 331 property. It is on the 321 property. Just the roots and branches are coming to our side. Once the tree is removed, we would request new trees be planted. Thanks.*

Chair Riggs closed the public hearing.

Commission Comment: Commissioner Larry Kahle said the roof pitch at the upper level was three and a half and twelve and the lower level was four and twelve. He asked the reason for the different pitches.

Jill Williams, project architect, said it was to keep the upper roof as shallow as possible. Commissioner Kahle asked if they had considered breaking up the second floor roof in some manner as it was very wide across the front. Ms. Williams said she was exchanging some messages with the team that it was a possibility to relook at the roof massing spanning side to side.

Commissioner Kahle said all of the windows seemed to be double hung and suggested the architect check into that as usually egress windows needed to be casement windows. He noted they were fiberglass windows and asked if they had considered wood windows. Ms. Bright said they had considered wood windows but decided to go with fiberglass to be consistent with their own product standards and because the Ultrex Marvin windows they chose were pretty high quality. She said from the street there was little visible difference between those and wood in terms of their quality. Commissioner Kahle said for the record that he recommended wood windows as he thought the neighborhood could support the quality of the wood windows. He said corner boards were proposed on the siding but that the proposed siding was thicker and meant to be used without corner boards. Ms. Williams said the Artisan did give a wider dimension in the lap but the corner boards were a design choice. She said that she had not seen the latest color scheme but typically those were painted to blend and not to be accented. Commissioner Kahle noted outriggers at the ridges and asked if they had considered doing those at the eaves as well as at the lower end of the rake. Ms. Williams said they were open to that.

Commissioner Kahle said one option that might help with the massing was to lower the front gable on the second floor that popped out about 16 inches so it had its own roof line. He said that would make it a feature of the house and bring down the apparent mass of the house. Ms. Williams said if they had leeway to do they could work with staff to rethink the upper roof and look at bringing down the plate lines of the second floor front bedroom. Commissioner Kahle said the garage was rather tall with a lot of space above the garage door and its roof was rather independent of other parts of the house. He asked if the garage roof could be lowered as that would alleviate massing from the street. Ms. Williams said they could but in stepping up to the house and making that transition they would have to watch that it did not get too low. She said a concern would be how the eave line of the garage would intersect with the porch. Commissioner Kahle said another option would be a trellis or something over the garage door to help break up the wall above. He noted that the shingles above the horizontal siding sometimes was successful but many times it was not. Ms. Williams said they liked the texture change and they had seen it done very successful.

Commissioner Kahle referred to privacy concerns and raising sill heights and using opaque glass at the stair windows and bathroom window in the back. Ms. Bright said initially the window sills were three feet high and they had raised them to five feet. She said regarding the windows on the left elevation to the rear that one was above the toilet in a water closet and the other was above a tub. She said a person would have to stand some distance away to look into the neighboring yard. She said she thought they could plant more *Laurus nobilis* trees along that fence line. She said if for some reason someone decided to stand in the tub and look into the neighbor space that very thick tree would provide coverage. She said they could add two more of those trees in front of those windows on the left hand elevation. She said regarding the stairwell window there was concern about the screening not maturing fast enough. She said Mr. Macdonald wrote them and requested they plant a 36-inch box *Laurus nobilis*. She said that would be a five-inch diameter trunk at that point with a canopy five to seven feet wide, and it would be 12 to 15 feet tall. She said the sill of the stairwell window was 10 feet from the ground and the top of the window was 15 feet from the ground. She said that tree would be able to cover the entire span of the window. Chair Riggs confirmed with Ms. Bright that was the size tree shown on the plans.

Commissioner Kahle said a former Planning Commissioner used to say that trees could die and they had to consider what was there if there was no tree. He said as they were not interested in raising the sills more whether they were open to frosting some or all of the glass in those windows. Ms. Bright said they tried to avoid frosting windows as they found buyers preferred to not have frosted windows and to have a more cohesive look for the entirety of the house. Commissioner Kahle said he understood the argument for the upper windows not needing frosting noting where the sight lines were. He said frosting the lower half of the staircase windows after seeing the neighbor's photos and sight lines would really help.

Commissioner DeCardy asked about the two garages close to each other and the impact of the fence to that space and what the potential solution might be. Ms. Bright said they would need to get together with their Director of Operations and the project manager for that area to go to the site and try to resolve how to solve that fence line while leaving enough room for the neighbor to access that area of their garage. She said they had not set up that meeting as of yet but would. Commissioner DeCardy asked if they could at least speculate on the solution such as jogging the fence in. Ms. Bright said more than likely they would have to jog the fence in or turn the fence in diagonally at a certain point to allow the neighbor's access. She said the question was which one would work best.

Commissioner DeCardy asked if the roof alteration the architect was discussing with Commissioner Kahle would reduce the height. He asked if there was a hardship in reducing the first or second floor by one foot. Ms. Williams said they would be working very hard to not reduce the nine foot ceilings on the first and second floor. She said those were pretty minimal by today's standards for a clear ceiling height. She said if they were to span differently from right to left the offset was about five feet and they were 3.5 and 12 pitch she estimated that they should be able to get 12-inches out of the height. Chair Riggs confirmed with Ms. Williams that would reduce the height of the roof peak and not the plate heights.

Chair Riggs said he shared concerns about two-story heights in a one-story neighborhood. He said that within the City's code a neighborhood that was single-story could get together to make a change to the zoning that was called an overlay. He said the significant difference between signing a petition about an applicant's proposed project and applying for an overlay was that the limits did not just apply to the one applicant's property but would apply to every property in the neighborhood. He said his neighborhood had an overlay that he believed brought its plate height at the daylight plane line to a maximum 19 feet. He said two-story projects were permitted in the City and had been permitted for decades at 28 feet height. He said he had found for one-story neighborhoods that when homes were replaced that they tended to be replaced with two-story homes. He said doing an overlay was challenging but it was a way to restrict development allowances. He noted also that the Commission found that the first two-story in a one-story neighborhood bore extra burden. He said technically this was the second two-story in this neighborhood but both projects were the same developer. He proposed that the plate height be brought down one foot as that was much more significant than the roof peak height noting the plate height would determine the shadow line. He suggested the second story ceiling height might be reduced to eight feet.

Replying to Chair Riggs, Ms. Williams said her one concern with bringing the second story down to eight feet were the windows they had discussed and a desire for higher sills as that would push the header heights down a foot as well. She said at some point it started getting problematic with just having a normal size window on the sides. She said it was hard to push the header down when the sills were being pushed up. She asked if the height was taken out of the plate height whether that



meant that they would not need to take height out of the roof line. Chair Riggs said he would be fine if they left the roof peak where it was and only lowered the plate height as that had the most effect on the neighbors. He said the roofline actually was quite low. He said if that would make the proposed cathedral ceiling a better argument then he thought it was worth considering. Ms. Williams said they would have to rethink how to do the roof structure to get to that. She said their first choice would be to change the roofline before changing the plate height. Chair Riggs asked if there were any lofted ceilings on the second floor. Ms. Williams said the master bedroom had a high plate up to 10.5 feet and the other rooms were all nine feet on the second story. Commissioner Riggs said the other rooms could have cathedral ceilings too. Ms. Williams said they were looking at using roof trusses so it was a little harder to achieve all of that and would start to potentially change their window heights and configurations. Chair Riggs noted in looking at sheet A3.1 that he could see they had some options.

Chair Riggs said regarding the staircase windows he thought the Laurus nobilis to be planted there would grow thickly and he thought that privacy concern was addressed. He said the construction vehicles would be a problem but he did not think speed bumps would help. He asked if they could provide a construction and parking plan. Ms. Bright said in the building phase they usually applied for an encroachment permit specifically for traffic management and to have that plan approved by the Department of Transportation. Chair Riggs said usually the Department of Transportation was concerned with whether intersections would be blocked. He said he would like a parking plan as well and not just a traffic control plan so the neighbors would have an idea of how many spaces would be used and during what periods of the construction phases. Ms. Bright said they would submit a parking plan as well as a traffic control plan. Chair Riggs asked if the Ultrex Marvin windows had grids and if they were simulated true divided lights. Ms. Bright said currently they did not have any windows with grids but generally when they used grids those were between the glass. Chair Riggs said Ms. Williams was open to having outriggers at the eaves as well as at the rake and asked if Ms. Bright was as well. Ms. Bright said she was.

Chair Riggs moved to approve the use permit with conditions that the plate height be reduced by 12-inches, a parking control plan provided to be reviewed by staff, corner boards painted with the overall building color, outriggers at the eaves, and an option to build a trellis over the garage door or use a taller garage door. He said he thought they had responded to a number of the neighbors' concerns. Commissioner Kahle seconded the motion.

Commissioner Barnes said he appreciated the applicant increasing neighbor outreach. He said he was friends with Mr. Rai and his wife but that did not affect his decision making on this item. He said he had visited Mr. Rai's home and had a sense of its configuration and the two Thomas James Homes proposed in the area. He said he was concerned with the stairwell window as it was directly across from Mr. Rai's property and as it was situated between the first and second floor there would be significant amount of light from it. He said he did not think textured glass was an optimal solution. He said that they had had success with opaque glass and it could work very well aesthetically. He said he did not think a single, 36-inch box tree to screen the stairwell would be enough and asked about additional Bay laurels along there for continuity.

Ms. Bright said they were planning to plant more Bay laurels from the jutting out area of the fireplace from that point back as that would screen the windows of concern for the bathrooms. She said they would put two to three depending on how far apart they were spaced. She said on the stairwell side there was a possibility of having two Bay laurel trees there spaced far enough apart to maintain tree shape but close enough to provide screening.

Commissioner Barnes asked what distance between the trees they were contemplating. Ms. Bright said at least six feet trunk to trunk. He asked if the motion could include opaque glass for the stairwell window. Chair Riggs said opaque would block light and asked about frosted glass. Commissioner Kahle, as the maker of the second, asked Chair Riggs if he was open to amending the motion to include frosting the bottom half of the staircase window as there was a horizontal divider there. Chair Riggs said he was not opposed. He asked Ms. Bright if the lower half of the stair window would work with frosted glass. Ms. Bright said they would much prefer clear glass but if it would benefit the neighbor that they could work with the architect to potentially accommodate. Ms. Williams asked if they could just raise the sill higher. Chair Riggs said that was an option. He said in 12 to 15 years the Bay laurel trees would be pretty dense. He said a third option in addition to more trees were adding shutters to the bottom half of the windows to be kept until the trees matured. Ms. Bright said she thought they could work with that. Ms. Williams asked if those were inside. Chair Riggs said fixed shutters either inside or outside as that would allow light but block some view. Commissioner Barnes said translucent or frosted glass was his first choice and if that was not acceptable to the applicants then he would consider another option. Replying to Chair Riggs, Commissioner Kahle said he did not feel as strongly about this as Commissioner Barnes. He said he would like frosted glass on the bottom half of the staircase window. He said the trees would help to screen at some point. He said shutters were not a preferred option as those could be removed. He said he would also support if the motion was to approve with just the trees for screening.

Chair Riggs asked if the condition was acceptable to have the bottom half of the staircase window translucent or to have fixed shutters that would remain for some given number of years or until the two Bay laurels to be planted had grown sufficiently to screen.

Replying to Chair Riggs, Planner Turner said the maker of the motion was Chair Riggs and the maker of the second was Commissioner Kahle. He said the motion was to approve the project with conditions. He said the first was to reduce the plate height 12 inches. He asked for clarification as to whether that was to the first or second floor plate height and if the intent was to reduce the overall height. Chair Riggs said the intent was to reduce the overall second-story plate height by one foot. He suggested adding language that this would reduce the overall height of the structure to 26 feet. He said he was not going to have this apply to the roof peak as that was not visible to neighbors.

Commissioner Kahle suggested that since the applicant had mentioned they were thinking about looking at the roof layout to reduce the roof height that the condition could include having the applicant look at redesigning the roof to bring the plate height down as well as the front gable at bedroom #3. He said in addition to lowering the second floor plate height one foot the redesign of the whole width of the second floor to break it into something smaller would reduce the overall height and apparent massing of the front elevation. Chair Riggs asked if that would require the Commission to review the elevations again as that was a notable change to go from a single gable to a double gable. Commissioner Kahle said he would be happy to have staff review. Chair Riggs asked if this reduction would be the overall roof peak or just the triple window in the front. Commissioner Kahle said it would be both. Chair Riggs confirmed that Commissioner Kahle meant the triple window in the bay plus the windows on each side as one roof and the dominant roof behind it as the other roof. Chair Riggs said he could see why the applicant would not want to do that particularly as he had made a suggestion that the absence of a nine-foot ceiling could be made up with a lofted ceiling. Commissioner Kahle said he only mentioned it because the applicant had said they were already thinking about it.

Replying to Chair Riggs, Ms. Williams said they could make the change to the overall roof but at some point, they would have issues with the mechanical equipment in the attic space. She said they would like to look at it with staff to see if the change in massing would give a softer look with what had been pointed out particularly about the front bedroom. She said that was the intent of the roof change rather than the overall height. She said she was beginning to get a little concerned with maintaining some attic space.

Chair Riggs asked Commissioner Kahle to confirm that he wanted to have the entire second floor roof lowered. Commissioner Kahle said that was the goal to lower the overall second floor roof by looking at another way to configure it and to reduce the roof at the front gable for bedroom #3. He said that would be made a separate entity with its own roof.

Chair Riggs said he thought they were helping the architect design without benefit of the actual design process. He said for example from the front view the left side roof appeared as a shed roof and currently about two feet below the main second floor roof. He said to make that a different proportion would be awkward. He asked if that looked like a potential problem for the architect. Ms. Williams said they could adjust the height of that as well to make sure they did not come too close together.

Chair Riggs said he would yield to Commissioner Kahle's suggestion and Commissioner Barnes' concern that not only the plate height but the overall second floor roof would come down 12 inches. He confirmed that Commissioner Kahle as the maker of the second still agreed. He noted that Commissioner Kahle wanted a separate element at the front. He said he did not see a clear and defined need to do that. He said he was occasionally concerned about too many rooflines and the stacking of the gables. He confirmed that Commissioner Kahle thought the front of the second floor looked massive. He said as it had a bay in the middle of it, he was disinclined to add anything about a secondary second floor roof. Commissioner Kahle said he would not press on that and agreed with Chair Riggs' motion without that piece.

Planner Sandmeier asked to clarify the conditions of the motion. She said the first was for the plate height on the second floor to be lowered one foot with the intention of lowering the overall height of the building one foot. Chair Riggs said that was correct and so that the overall height would drop one foot along with the plate height meaning the current roof slopes would remain as drawn. Planner Sandmeier said the second was the parking control plan and asked if that was for review by Planning staff. Chair Riggs said yes. Planner Sandmeier said third the corner boards should be painted as the rest of the building. Chair Riggs said yes. Planner Sandmeier asked about the outriggers. Chair Riggs said that was to reveal outriggers at the eaves as well as at the rakes. Planner Sandmeier asked if the condition for the garage door was to raise its height or to add a trellis above the garage door. Chair Riggs said that was correct. He said also to have two laurel trees planted across from the stairs where one was currently shown. He said for the applicant to have the option to either provide thick shutters at the stairwell window or make the glass obscure. Planner Sandmeier asked if the obscure glass was for the whole window. Chair Riggs said at a minimum it would be used for the lower half of the window. Replying to Chair Riggs, Commissioner Barnes said he wanted to give some latitude to the developer so he agreed with Chair Riggs' phrasing. Planner Sandmeier said for the fixed shutters that Chair Riggs had indicated those could be removed after a certain number of years. Chair Riggs said he was proposing after the two trees had grown and were wide enough to touch each other in the area of concern. He said he would leave it to staff if they wanted to put a limit of at least 15 years for that requirement.

Commissioner DeCardy asked if the Commission needed to be explicit about the applicant's builder working with the neighbor about the garage and fence. Planner Turner said fences were typically civil matters and not discretionary. He said in this instance it was part of a discretionary process so the Commission had discretion to condition. Commissioner DeCardy said for the record there were pieces of the set of conditions that he agreed with including reducing the plate height and overall height of the building, the parking plan and a solution for the stairwell including translucent glass. He said he did not agree with the other elements of the motion as he thought they were getting into the business of the builder and aesthetics. He said that with the neighbor input received and the length of this hearing that the developer would work with the neighbors to resolve the other things without those being made conditions.

Chair Riggs said his garage was 15-inches from a fence and it was a nuisance but he had been able to keep it painted and maintained. He suggested that a mutual zone of maintenance be established between the two buildings so that the fence did not run down the property line but there was the connection of the interrupted fence that would go off on a diagonal to provide a gate on each side to access this communal zone. He said the fence would serve to separate and yet leave space fully open for maintenance with mutual consideration for each other.

Commissioner Michael Doran said the garage on the project site would be demolished so that there was not really a communal zone to preserve. He said for the record the problem was that the neighboring garage was built too close to the property line and he thought it was a nonconforming structure. He said it was very burdensome on the project property owner to require them to move the fence back onto their property to allow access to a nonconforming structure on the neighbor's yard. He said he thought when the neighbor's garage was built there would have been at least a three-foot setback requirement for garages. He said he did not think it was right to require something like an easement or a fence to be moved off a property line to accommodate a neighbor's nonconforming structure.

**ACTION:** Motion and second (Riggs/Kahle) to approve the project with the following modifications; passes 6-0-1 with Commissioner Tate absent.

1. Make a finding that the project is categorically exempt under Class 3 (Section 15303, "New Construction or Conversion of Small Structures") of the current California Environmental Quality Act (CEQA) Guidelines.
2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
3. Approve the use permit subject to the following **standard** conditions:
  - a. The applicant shall be required to apply for a building permit within one year from the date of approval (October 5, 2021) for the use permit to remain in effect.
  - b. Development of the project shall be substantially in conformance with the plans prepared

- by KTG Architecture, consisting of 17 plan sheets, dated received July 24, 2020 and approved by the Planning Commission on October 5, 2020, except as modified by the conditions contained herein, subject to review and approval of the Planning Division.
- c. Prior to building permit issuance, the applicants shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.
  - d. Prior to building permit issuance, the applicants shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
  - e. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval by the Planning, Engineering and Building Divisions. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
  - f. Simultaneous with the submittal of a complete building permit application, the applicant shall submit plans indicating that the applicant shall remove and replace any damaged and significantly worn sections of frontage improvements. The plans shall be submitted for review and approval of the Engineering Division.
  - g. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a Grading and Drainage Plan for review and approval of the Engineering Division. The Grading and Drainage Plan shall be approved prior to the issuance of grading, demolition or building permits.
  - h. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance and the arborist report prepared by Sierra Nevada Arborists, dated December 23, 2019.

**4. Approve the use permit subject to the following project-specific conditions:**

- a. **Simultaneous with the submittal of a complete building permit application, the applicant shall submit revised plans showing a reduction in second-story plate height to achieve a reduction of one foot in overall height of the structure, subject to review and approval by the Planning Division.**
- b. **Simultaneous with the submittal of a complete building permit application, the applicant shall submit revised elevations showing the following, subject to review and approval by the Planning Division:**
  - i. **Corner boards painted to match the siding color;**
  - ii. **Exposed outriggers at both the eaves and rakes;**
  - iii. **One of the following:**
    1. **A taller garage door; or**

**2. A trellis above the garage door.**

**iv. One of the following:**

- 1. At a minimum, the bottom half of the stairwell window to be translucent glass; or**
- 2. Fixed shutters at the stairwell window. The shutters may be removed after a period of 15 years.**

**c. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a parking control plan for the coordinated development of 321 Nova Lane and 441 Gilbert Avenue, subject to review and approval by the Planning Division and Transportation Division.**

**d. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a revised planting plan showing one additional bay laurel tree on the left side of the property to provide additional screening for the neighbor, subject to review and approval by the Planning Division.**

Commissioner DeCardy said he would have to leave the meeting in a few minutes.

Commissioner Kennedy recused herself from consideration of item F2 due to a potential conflict of interest.

Chair Riggs indicated that for item F2, participating Commissioners were Barnes, Doran, Kahle and Riggs. He said Commissioner DeCardy would be in attendance for part of the item.

- F2. Request for architectural control, a use permit, a vesting tentative map, a below market rate (BMR) housing agreement, and environmental review for demolition of an existing commercial building and a multifamily residential building and the construction of a new three-story, mixed-use building with a below-ground parking structure and two townhouses. The mixed-use building would consist of retail and restaurant uses on the first floor and 12 residential units on the second and third floors in the SP-ECR/D (El Camino Real/Downtown Specific Plan) zoning district, at 201-211 El Camino Real. The two townhouses would be constructed on a substandard lot with respect to lot width located in the R-3 (Apartment) zoning district, at 612 Cambridge Avenue. In addition, a lot merger is proposed to combine the SP-ECR/D lots and abandon a portion of Alto Lane. The proposal includes a request for a Public Benefit Bonus, with the benefit consisting of rounding up a fractional BMR unit requirement to a full BMR unit for a total of two on-site BMR units. The project also requires Planning Commission review for consistency with the General Plan related to the proposed vacation of Alto Lane, a public right-of-way adjacent to 201-211 El Camino Real and 239-251 El Camino Real. A portion of the abandoned public right-of-way would go to the adjacent property owners at 201-211 El Camino Real and 239-251 El Camino Real. An Initial Study and Mitigated Negative Declaration (IS/MND) was prepared for the proposed project in accordance with the California Environmental Quality Act (CEQA). ([Staff Report #20-042-PC](#))

Staff Comment: Associate Planner Matt Pruter said in the middle of page 13 of the staff report reference was made to a main gate and a buzzer system as well as location for mailboxes, which information was provided erroneously. He apologized for the error. He said staff had received two

comment letters pertaining to the project after publication of the staff report. He said those had been forwarded to the Commission and applicant team, and he would read those into the record under public comment.

Planner Pruter said the Commission was asked to make recommendations to the City Council on the Initial Study and Mitigated Negative Declaration, architectural control and determination of a public benefit, use permit, vesting tentative map, Below Market Rate (BMR) Housing Agreement, and make a determination that the abandonment of Alto Lane, a public right-of-way that cuts through the project site and located adjacent to the properties located at 201-211 El Camino Real and the neighboring 239-251 El Camino Real, was consistent with the General Plan.

Planner Pruter said the project was a 25,283 square foot mixed use building with 12 residential units above with units 3 and 5 proposed as BMR units, and restaurant and retail space on the ground floor on one lot and two detached townhouses on the second lot. He said the latter lot was an R-3 zoning district. He said the mixed-use project would have two floors of underground parking containing all of the 59 parking spaces required for the development. He said a paseo was also offered for public access and for the record the paseo itself was located on a public service easement that was technically within the R-3 lot along the right side of the townhouses that then traveled to the rear of the houses and then right toward the former terminus of Alto Lane.

Planner Pruter said in the El Camino Real/Downtown Specific Plan (Specific Plan) that bonus level development allowed for an exceedance of maximum gross floor area and density if a public benefit were provided. He said the project was required to provide 10 percent of the 14 residential units as BMR, or 1.4 units. He said the project was proposing two BMR units and that the 0.6 BMR increase was the proposed public benefit, and the BMR units would be reserved for low income households during the rental and for sale states. He provided a detailed drawing of how the Alto Lane abandonment would be divided between the subject property and the neighboring property located at 239-251 El Camino Real.

Planner Pruter said staff was recommending that the Commission make a recommendation of approval to the City Council noting the project provided a visually refined architectural style of a modern connection to Spanish/Monterey facades, would have the aesthetic advantage of having all parking below ground, would meet requirements for vehicular and bicycle parking, and would have adequate public benefit with the two BMR units to be rented or sold as low income. He said staff also recommended that the Commission make a determination that the Alto Lane abandonment would be consistent with the General Plan. He noted that other staff available this evening for this project were Ebby Sohrabi, Engineering Division, Leigh Prince, City Attorney's office, and consultant Arnold Mammarella.

Questions of Staff: Commissioner Doran indicated he had a question but experienced technical difficulties. Planning Technician Tapia said he would work offline with Commissioner Doran to assist in resolving the issue.

Replying to Chair Riggs, Planner Pruter confirmed that Chair Riggs was referring to the slide showing the portion of Alto Lane that would go with the former Oasis site lot. He said historically that area was used as part of the alley and people could drive their vehicles through the alley and access the Oasis property for parking purposes from Cambridge Avenue. He said it was also a terminating point for a public right-of-way and that triangular section of the end of the lane when abandoned was

what would go to the neighboring property. Answering Chair Riggs further, Planner Pruter said any access it provided would only be with the adjacent property and it would not be for public access.

Commissioner Kahle said he had not been on the Commission when this project was studied. He asked if any part of the discussion had been to use the former Oasis parking lot for the proposed project noting that lot faced the subject project's entry. Planner Pruter said the proposed project restaurant was close to that location in terms of the parking lot but had no relationship with it for parking.

Commissioner Kahle said he was looking at a comparison drawing of the previous application to this one and noted in particular the change to the upper level. He asked if Mr. Mammarella had a position on how that worked in terms of the modern Spanish/Monterey style and the rest of the project. Mr. Mammarella said he thought the design team was responding to some of the Commission's comments from the prior study session on the project some of which was split on the Spanish design. He said some wanted more of a modern approach and another comment was that the upper floor looked disconnected or disengaged. He said he thought this was the architect's approach to resolving that and making the upper floor visually recede and more simplified.

Replying to Commissioner Doran, Planner Pruter said the BMR agreement presented this evening stated that the units were reserved for low income both for rental and sale phases. He said the renters with low income would have first opportunity to purchase in the sale phase and those units were reserved for low income. He said low income range was 80% of AMI area median income for San Mateo County.

Applicant Presentation: Yihan Hu said her parents owned the property but were unable to attend the meeting. She said the architect team would present and their land use attorney was Steve Atkinson, who would talk about the BMR agreement at the end of the presentation.

Stuart Welte, principal architect with EID Architects, Palo Alto, said the project's primary objective was to complement the revitalization of the southern end of El Camino Real. He provided a visual presentation of the project. He said they would be replacing the nondescript commercial building and adjacent surface parking lot and retaining several existing redwoods and oaks. He said existing utilities would be upgraded and undergrounded and the new building facades would be configured to allow a greatly widened, fully landscaped, tree lined pedestrian shopping promenade to wrap around the corner with greater visibility, connectivity and ADA accessibility to El Camino Real.

Mr. Welte said the project had benefitted from addressing pertinent comments from the Planning Commission, public and neighbors. He said the architectural style transitioned from the formality of the Mediterranean and Spanish neighbors across El Camino Real to a more residentially scaled project along Cambridge Avenue. He said the design was consistent with the Plan's guiding principles by enhancing public space, generating vibrancy, sustaining Menlo Park's village character, enhancing connectivity, and promoting healthy living and sustainability. He said they would reach LEED gold with a willingness to reach LEED platinum but preferred the latter be a goal and not a mandate. He said the highly efficient ZE (zero energy) design was a natural fit for the project as they would transition most of the gas meters to focus on more easily renewable electric power and solar photovoltaic generation. He said rooftop gardens and plentiful biofilters would recharge the site and underlying aquifers with clean storm water. He said all but two redwood trees would be retained and designed prominently into the native, drought tolerant landscaping and open space promenade.



Mr. Welte said they listened carefully to neighbors during their community get-togethers and respected the current pedestrian pathways while working to enhance the walkable routes with greater safety, comfort and experience via the paseo, patios, terraces and individual and group rest areas. He said they had expanded on the existing neighborhood's entry monuments by linking the paseo to a new, speed reducing crosswalk adjacent to these homes and new landscaping so that this more tranquil community path could continue as an alternate to traversing directly along El Camino Real. He introduced Mark Womack, Director of Architecture, EID Architects.

Mr. Womack noted changes to the southern end of El Camino Real in Menlo Park by the scale of the Stanford project and creation of a predominant architectural style of Spanish revival. He said the intention of their project was to enhance that emerging El Camino Real streetscape and consequently for their project were drawing from the Spanish revival precedence. He said their project also needed to create a transformation from the scale and intensity of El Camino Real down to the residential character of Cambridge Avenue. He said in their design the Spanish revival architecture was expressed in massing, fenestration and detailing that had been developed to reflect a more human scale. He said this could be seen most clearly in the pattern and rhythm of the façade on Cambridge Avenue.

Mr. Womack said the project would combine three separate parcels with Alto Lane into a more cohesive design. He said Alto Lane currently primarily functioned as a vehicular route to access parking but was also used as a pedestrian path and was unattractive and featureless. He said it served a purpose but lacked safe and accessible sidewalks and it did not provide a continuing path to travel beyond the end of it. He said the ground floor retail was designed for flexibility by fronting on both El Camino Real and Cambridge Avenue and would offer good visibility for prospective tenants through glazing that opened on both streets. He said numerous entrances offered flexibility for the retail space to be subdivided if desirable. He said the primary entrance on El Camino Real was accentuated with a two story gable that was the dominant feature. He said that was flanked by large storefront windows. He said two entrances on Cambridge Avenue were nestled under large overhanging balconies and were contained within deep and wide alcoves to emphasize the entries. He said in the building break another entry provided access from Cambridge Avenue through the building to areas beyond. He said past this element a second commercial element was located toward the rear of the mixed use building. He said they envisioned this space could accommodate a small restaurant or deli. He said this commercial space also opened out on the opposite side to an inviting public plaza. He said the plaza was connected to an attractive and safe pedestrian paseo that would run through the project. He said it was southwest of the current location of Alto Lane to align with a new raised, concrete walkway that accentuated the existing Cambridge Avenue pilasters to announce the entrance into the Allied Arts neighborhood. He said the paseo always visually connected to the interior of the space and that would encourage the community to come into and through the site.

Mr. Womack said two townhomes to be located at the rear would provide a buffer between the commercial buildings and the Allied Arts neighborhood. He said the homes had been designed and detailed to reflect the character and size of the homes beyond while the Spanish revival detailing created continuity with the mixed-use project. He showed an overview of the project and how it was designed to nestle between the heritage trees and provide an attractive public space around the entire project. He said there were no blank walls facing any neighbors and high quality materials would be used.

Steve Atkinson, Land Use Attorney for the applicant, said they had not had time to review the BMR agreement before it was included in the staff report packet. He said they were nearly completely in agreement with the document as drafted with one exception. He said the BMR agreement as presented by staff indicated that the BMR units would not only be low income at the rental stage but also at low income at the selling phase. He said their understanding of the City's standard policy was that when BMRs were sold that they could be sold at the moderate income level. He said they discussed this with staff today and believed there was a useful compromise to consider. He said that was when the project was going to be converted to sale that the low income renters in the property would be given an opportunity to purchase the units at a low income price. He said if the low income residents chose not to purchase the units, then the property owner would have the opportunity to sell those units at a moderate income price. He said they discussed this with staff this morning and did not get a negative response. He said this issue was still under discussion and not fully resolved.

Commissioner Barnes asked if the BMR units had to be put up for purchase at some point or whether they could continue as rentals even if the other units were sold. Planner Pruter said his understanding was that eventually a full conversion of the residential units would be for purchase, including the BMR units.

Leigh Prince, Assistant to the City Attorney, said the project included a condo map that allowed all of the units including rental units to be sold when the property owner decided they would like to sell them. She said it would be difficult for the City to require that the BMR units remain as rentals noting as well the matter of administration if the property owner was trying to sell all of the units to a third party.

Replying further to Commissioner Barnes, Ms. Prince said it was correct that the BMR Guidelines allowed for-sale affordable units to be sold at the moderate income level whereas rental affordable units were specifically required to be at the low income level. She said this had been looked at from the perspective of a proposal for the community bonus development and the great difficulty for a low income rental tenant even if given the right of first refusal to purchase a moderate income unit. She said they had considered consistency and equity. She said another consideration from the City's perspective was RHNA (Regionals Housing Needs Allocation) and whether units were a low income or moderate income towards its RHNA requirements. She said it was far simpler for the City for RHNA calculations if it was low income rental and low income for-sale as opposed to low income rental and moderate income for-sale.

Commissioner Kahle asked if the clay roof tile was one or two-piece noting it was shown differently in the details and materials board. Mr. Welte said they were keeping their options open with this noting either version would work well. He said their intent was for the scale of the tile to be smaller and look handmade.

Commissioner Kahle asked about the upper level and why they went in the direction they had. Mr. Womack said direction from the Commission on their previous proposal was that the upper floor competed too much with the dominance of the two-story façade on the front elevation and that they needed to simplify and reduce the detailing on the upper floor in an effort to make that element recede visually. Commissioner Kahle asked about the reason for the metal roof. Mr. Womack said the choice they made there was to keep the edge and line work on the upper story crisper and cleaner and to contrast it from the structure below it. He said they could have a tile roof there with the effect that the elements would blend and would have less of a distinction between those two elements.

Chair Riggs opened the public hearing.

Public Comment:

- Peter Edmonds, District 3, said his colleague Ms. Judy Roccio was also online and donating her three minutes of speaking time to him. He noted he had made a written submission that was out of date already. He said he would try to summarize a shorter version. He said he was advocating for a small change to the position of the mixed-use building along Cambridge Avenue that would preserve redwood tree #1 currently on Cambridge Avenue and scheduled for removal. He said this was not a formal appeal and he knew that process had closed. He said instead he was bringing to the Commission's attention the consequence that the applicant's current plans had for heritage tree #1 that its removal as it pertained to the Heritage Tree Ordinance that became effective July 1<sup>st</sup>. He said his second paragraph in his written letter excerpted a number of very significant phrases and criteria from the current Heritage Tree Ordinance. He said he wanted to point out that the emphasis was very strongly on preserving heritage trees with very specific criteria on allowing exceptions. He said he thought the attitude of many applicants was provided they went through the motions the heritage tree preservation requirements could be evaded and he thought that was the case with this application. He said approaching the situation from the premise that the heritage tree stayed then it would be necessary to make provisions for its root structure also.

Chair Riggs confirmed that Ms. Roccio was online and allocated her three minutes to Mr. Edmonds.

Mr. Edmonds said he claimed that there were one or more financially feasible and reasonable design alternatives for preserving heritage tree #1 and such an alternative existed. He said it was to optimize the position of the building in relation to the tree and its root structure, which was immovable and represented by a cylindrical space 24-feet, eight-inches in diameter, which was a root protection zone, and with a depth which he would like the Commission to assume for purpose of this discussion was the depth of the first parking level below grade. He said that as he believed redwood trees have a shallow root structure and no taproot and therefore only the first below grade level would be affected. He said what was needed was to optimize the position of the underground structure's parking and the ramp that served it to minimize the impact on loss of parking spaces or clearance in the approach. He said he had not done that in detail but he had considered one specific change, which would be to locate the center line of the entrance to the building on Cambridge Avenue in line with the present position of tree #1. He said he believed that would entail moving the building 16-inches west along Cambridge Avenue. He said in addition the entrance patio would need to be broadened in width by 10 feet to encompass the diameter of the root zone and move the foundations outside that protection zone. He said of course there would be other consequences and irrigation of the roots would be necessary and root control essential. He said the other consequences as written in his submission held pretty well as presented.

Planner Pruter read into the record two comment letters received after publication of the staff report noting the first was from a representative of Caltrans, District IV, in response to the CEQA document sent to them for review and the second was the comment letter referred to by Peter Edmonds.

- Dear Matthew Pruter:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the 201 El Camino Real and 612 Cambridge Avenue Project. We are committed to ensuring that impacts to the State's multimodal transportation system and to our natural environment are identified and mitigated to support a safe, sustainable, integrated and efficient transportation system. The following comments are based on our review of the September 2020 IS/MND.

### ***Project Understanding***

The proposed project would construct a new, approximately 25,283-square-foot, three-story, 38-foot tall, mixed-use development over two levels of subterranean parking on 201 El Camino Real and two detached townhouses on 612 Cambridge Avenue. The mixed-use building would include 12 residential units (totaling approximately 17,951 square feet, including allocated common area), two of which would be below market rate (BMR) units.

### ***Hydrology***

Any increase in storm water needs to be treated and contained on the project site to have no impact on State drainage systems. Please ensure that any runoff to State Facilities shall be metered to pre-construction levels.

### ***Transportation Demand Management***

Caltrans commends the Lead Agency in developing the Transportation Demand Management (TDM) Plan to reduce project-generated VMT, therefore working towards meeting the State's goal of a 15-percent reduction. Using a combination of strategies appropriate to the project and the site can reduce VMT, along with related impacts on the environment and State facilities. The proposed measures identified in the TDM plan should be documented with annual monitoring reports to demonstrate effectiveness. If the project does not achieve the VMT reduction goals, the reports should also include next steps to take in order to achieve those targets.

Please reach out to Caltrans if the Lead Agency would like further information about TDM measures and a toolbox for implementing these measures in land use projects. Additionally, Federal Highway Administration's Integrating Demand Management into the Transportation Planning Process: A Desk Reference (Chapter 8). The reference is available online at: <http://www.ops.fhwa.dot.gov/publications/fhwahop12035/fhwahop12035.pdf>.

### ***Permits***

Please be advised that any permanent work or temporary traffic control that encroaches onto the ROW requires a Caltrans-issued encroachment permit. If any Caltrans facilities are impacted by the project, those facilities must meet American Disabilities Act (ADA) Standards after project completion. As part of the encroachment permit submittal process, you may be asked by the Office of Encroachment Permits to submit a completed encroachment permit application package, digital set of plans clearly delineating the State ROW, digital copy of signed, dated and stamped (include stamp expiration date) traffic control plans, this comment letter, your response to the comment letter, and where applicable, the following items: new or amended Maintenance Agreement (MA), approved Design Standard Decision Document (DSDD), approved encroachment exception request, and/or airspace lease agreement. Your application package may be emailed to [D4Permits@dot.ca.gov](mailto:D4Permits@dot.ca.gov).

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Laurel Sears at [laurel.sears@dot.ca.gov](mailto:laurel.sears@dot.ca.gov).

Additionally, for future notifications and requests for review of new projects, please contact LDIGR-D4@dot.ca.gov.

Sincerely,  
Mark Leong District Branch Chief  
Local Development - Intergovernmental Review

cc: State Clearinghouse

- Good evening, Chair Riggs and Commissioners, Oct. 5, 2020

*I am Peter Edmonds, a resident of District 3. I expect you remember me from last year's appeal against the destruction of 7 Heritage redwood trees at 1000 El Camino Real (ECR). This evening I'm advocating for changes to the mixed-use building at 201 ECR now under review, which would preserve Heritage redwood tree #01 on Cambridge Ave. Of course, you are all aware that the appeal period from 6/25/2020 to 7/10/2020 has closed but that is not relevant. I am seeking no formal appeal. Instead, I am bringing to your particular attention your obligation, which I have no doubt you always respect, to consider this evening the consequences that the Applicant's current plans have for Heritage Tree (HT) #01, as they pertain to the new Heritage Tree Ordinance (HTO), #1060.*

*In its opening para. 13.4.010, Intent and Purpose, the HTO lists numerous community benefits of mature trees, ranging from "(1) shade" to "(12) enhancement of property values." [Who doesn't like that one?] In para. 13.4.030 (a) property owners are obligated to "use reasonable effort to maintain & PRESERVE" existing HTs in good health; in (b) construction work ... "shall not threaten the health or viability OR CAUSE REMOVAL" of HTs, except in emergency or as permitted under para. 13.4.050, including subpara. (5) "FOR GOOD CAUSE" related to proposed Development and when "there is no financially feasible and reasonable design alternative that would permit preservation of the heritage tree while achieving the applicant's reasonable development objectives or reasonable economic enjoyment of the property." For 201 ECR, the property owners have a permit but the Planning Commission is now exercising its authority to review the record, I believe. Both the letter and intent of the HTO apply.*

*I submit that a "financially feasible and reasonable design alternative that would permit preservation ..." etc. of HT#01 does exist. It is to move the entrance on Cambridge Ave. of the mixed-use building 1' 4" to the west, i.e., away from ECR, and to broaden the entrance patio by 10'. Doing so would align the midline of the entrance with HT#01, where it would become a feature of the property and ensure that the foundations of the entrance patio walls lie outside the 24'8"-diameter Root Protection Zone (RTZ).*

*Of course, there will be other consequences:*

*An extended roof of the entrance patio could embrace the trunk of HT#01, from which any lower branches would be removed; thus, the trunk would emerge through that roof (another feature). A waterproof seal at the patio roof is not required; a small central earthen bed at its base should suffice for confining and absorbing rainwater trickling down the trunk.*

*Irrigation of HT#01 root system will be essential.*

*The second floor might need a set-back to accommodate branches of appropriate length to the north.*

*On the first level above grade, the Residents' Lounge would become 1'4" narrower and the double doors of the entrance would no longer be aligned with the double doors on the north side of the lobby.*

*The RPZ would define a cylindrical space, possibly extending no deeper than the roofline of the second parking level below grade, which would probably eliminate 2 parking spaces on the first level below grade and restrict 1 space opposite some stairs to a mini-space, suitable for a Fiat 500 EV.*

*Parking spaces lost on the first level below grade could be compensated on the second level by providing 17 (instead of 14) stacked spaces. By "tunneling" to full height under the RPZ, no parking spaces should be lost on the second level.*

*All the above are "reasonable" changes within the letter and intent of the HTO, I submit. "Financially feasible" should be determined by comparing the estimated costs of redeveloping the property from its existing status to (i) the Applicants' currently proposed configuration with (ii) the final configuration I am now proposing, NOT by figuratively converting from the current status to (i) and then to (ii).*

*I rest my hasty case and will be very interested in your assessment of this submittal.*

*Thank you.  
Peter Edmonds*

Chair Riggs asked Planner Pruter to show Heritage Tree #1 on the site plan. Planner Pruter began a search for that site plan and the civil drawings.

Chair Riggs closed the public hearing.

Commission Comment: Replying to Chair Riggs, Planner Pruter said that Heritage Tree #1 was not clear on the civil drawings and displayed the site plan that showed the location of the referenced tree. Chair Riggs confirmed that the planting strip on the outside and sidewalk on the inside was consistent with the Specific Plan. Planner Pruter said the Specific Plan had a 12-foot overall sidewalk width that included four feet for tree wells for street trees and a minimum of eight feet for sidewalk access. He said at every interval where a street tree was proposed the sidewalk narrowed to eight feet and elsewhere it was 12 feet along the frontages of El Camino Real and Cambridge Avenue for the project.

Chair Riggs asked if some of the London Plane (Sycamore) trees on El Camino Real were proposed for removal. Planner Pruter said in agreement with the City Arborist two street trees would be removed and replanted in the appropriate sequence of the setback and at a more appropriate distance and three street trees would remain. Planner Pruter noted street tree #16 to be replaced was currently a 2.8-inch diameter Sycamore.

Commissioner Doran referred to the architectural question raised by Commissioner Kahle. He said he recalled the study session and Commissioner Riggs' concern about the tile roof floating above the tile roof below and how awkward that looked. He said he had not seen that as strongly on the side street but on the El Camino Real side it was very noticeable when it was pointed out by Commissioner Riggs. He said he thought the revised design worked very well from that perspective and that it fixed the problem of the roof floating above the other roof and made it appear lighter.

Chair Riggs said he agreed with Commissioner Doran. He said he thought the architects had solved the roof concern and that made the project look nicer with detailing that really enhanced. He said the project was well done.

Commissioner Kahle said the proposal was a great improvement for the area and he liked the mixed use with the residential and retail space. He said the paseo worked very well and he liked the added sidewalk next to the existing brick pilasters. He said the two BMRs were great and he thought a third BMR would have been a much more approvable public benefit. He said he was surprised that in the staff report a note said that BAE (Bay Area Economics) concluded that none of the other scenarios provided additional profit for the developer. He said the two non-street elevations were very successful, the ones facing the paseo and the former Oasis side. He said his point of view was that the two-piece clay tile was much more authentic looking tile than the one piece. He said he appreciated Commissioners Doran and Riggs' input on the third floor. He said it seemed like a disconnect at first with the metal roof. He said it was much improved over the previous elevation noting before it looked somewhat like a hotel. He said it was the metal roof that was throwing him off the most as he did not know if that worked with the Spanish Monterey style but other Commissioners thought it did. He said he thought all of the elements of the recommendations were supportable to the City Council.

Commissioner Barnes said he recalled the study session and expressing his disappointment that the design was not more innovative and was just another Mediterranean Spanish building. He said the efforts put into the different elevations, into the back paseo and use of the space now were a wonderful use of Spanish Revival. He said it had really clean lines that worked very well for the project. He asked whether the architect team would have preferred a tile roof on the upper floor.

Replying to Chair Riggs, Mr. Welte said Mr. Womack and he had strong opinions about that element. He said Commissioner Riggs' comments spurred them forward after the study session to find a way to make the building honor the neo-traditional elements and bring it into the 21<sup>st</sup> century and create clean lines. He said in bringing in a bit of modern flavor, they realized the metal roof had a lower profile. He said there was also precedence in Spanish, French and even some Italian architecture, particularly more modern Italian, where there was a juxtaposition of the traditional older buildings that had been renovated and the new additions utilized a lot more glass and metal. He said they thought that worked as long as it was not overdone and if it was colored in a way that allowed it to recede and not become too powerful of an element. He said they were very happy with the metal roof. He said they would not be ashamed if they had to put a tile roof on it either but he personally really liked the metal roof's lightness and airiness that it conveyed and the ability for it to recede.

Mr. Womack said with the simplification of all the other design elements on the third floor that reverting back to a tile roof would just dilute the concept of contrasting the upper floor from the main body of the building.

Commissioner Barnes referred to the elevation showing the facade going south on El Camino Real and . the use of the different color palette, the darker brown, on the third floor. He asked it that worked well in terms of what they were saying. Mr. Womack said he thought some differentiation in color as needed to differentiate between the two elements more strongly.

Commissioner Barnes said in regard to the five areas requested for the Commission's recommendations to the City Council that the Initial Study and Mitigated Negative Declaration was fine. He said regarding Architectural Control Review for compliance with Specific Plan standards and

guidelines that was predicated on Consultant Mammarella's review and the project seemed to conform with that. He said regarding architectural review that he thought the project worked well. He said regarding the use permit request he recommended its approval. He said the Vesting Tentative Map to merge the existing SP-ECR/D lots, abandon a portion of Alto Lane, and create a two-lot subdivision for condominium purposes was fine. He said the Below Market Rate (BMR) Housing Agreement for compliance with the City's Below Market Rate Housing Program was fine with him. He said he would support the project and recommending its approval to the City Council.

Commissioner Barnes said he would move to make the recommendations to approve to the City Council as per the staff report. Commissioner Kahle seconded the motion.

Planner Sandmeier asked if the motion included the finding that the abandonment of Alto Lane was consistent with the General Plan. Commissioner Barnes said that was correct.

**ACTION:** Motion and second (Barnes/Kahle) to make the following recommendations to the City Council as outlined in Attachment A of the staff report; passes 4-1-2 with Commissioner Kennedy recused and Commissioners DeCardy and Tate absent.

- A. Adopt a Resolution of the Planning Commission of the City of Menlo Park Determining that Abandonment of Alto Lane Adjacent to the Property at 201-211 El Camino Real and 239-251 El Camino Real is Consistent with the General Plan (Attachment E).
- B. Make recommendations to the City Council regarding the following:

**Environmental Review**

- 1. Adopt a Resolution of the City Council of the City of Menlo Park Adopting Findings Required by the California Environmental Quality Act, the Initial Study and Mitigated Negative Declaration and the Mitigation, Monitoring, and Reporting Program, and Adopting for the Project Located at 201-211 El Camino Real and 612 Cambridge Avenue (Attachment B).

**Architectural Control, Use Permit, and Vesting Tentative Map**

- 2. Adopt a Resolution of the City Council of the City of Menlo Park Approving Findings and Conditions for the Architectural Control, Use Permit, and Vesting Tentative Map for the Project Located at 201-211 El Camino Real and 612 Cambridge Avenue (Attachment C).

**Below Market Rate (BMR) Housing Agreement**

- 3. Adopt a Resolution of the City Council of the City of Menlo Park Approving the Below Market Rate Housing Agreement and Declaration of Restrictive Covenants between the City of Menlo Park and HuHan Two, LLC for the Project Located at 201-211 El Camino Real and 612 Cambridge Avenue (Attachment D).

Chair Riggs noted the time and asked Deputy City Manager Justin Murphy to address item G1.

Mr. Murphy suggested they might want the Facebook team make the presentation and then discuss options to hold a special meeting on the item.



Chair Riggs adjourned the meeting for a short break.

Chair Riggs reconvened the meeting at 10:44 p.m. noting unless they moved otherwise to extend that the meeting would conclude at 11 p.m.

Mr. Murphy said he spoke with the Facebook team and they thought having this item on a special meeting agenda on October 12, 2020 was viable for the overall construction project timing.

Chair Riggs confirmed with the attending Commissioners that they could commit to a special meeting on October 12, 2020.

Fergus O'Shea, Facebook, indicated they would hold their presentation until the special meeting on October 12, 2020 and do the study session all in one meeting.

## **G. STUDY SESSION**

- G1. Architectural Control and Use Permit/City of Menlo Park/100-110 Terminal Avenue: Request for a study session review for future architectural control to demolish the existing Onetta Harris Community Center, Menlo Park Senior Center, Belle Haven Youth Center, and Belle Haven Pool, and construct a new multi-generational community campus incorporating all of the existing facilities and a relocated branch library on a lot in the PF (Public Facilities) district. The proposal includes a future request for a use permit for the use and storage of hazardous materials including pool chemicals and diesel fuel for a backup generator. ([Staff Report #20-043-PC](#); [Informe del Personal #20-043-PC](#))

## **H. Informational Items**

- H1. Future Planning Commission Meeting Schedule

Planner Sandmeier noted the special meeting now scheduled for October 12 and that the regular meeting agenda for October 18 would have a single-family residential project and annual review of the development agreement for 1300 El Camino Real.

Chair Riggs said he would like to reconsider reading late letters into the record particularly when the letter writers were present and requesting to speak. He suggested that it was the Commissioner's responsibility to read any letters that came in before Monday. He said if the letter came in late Monday that it either be read into the record or addressed by its writer at the time of the meeting but not do both.

Planner Sandmeier said a concern was making the letters available to the public as well as to the Commission. She said perhaps those could be posted somewhere on the website with a link for people to look at the document(s).

Chair Riggs suggested they look into resolving some of the technological difficulties experienced with this evening's meeting. Planner Sandmeier said they would look into solutions.

- Regular Meeting: November 2, 2020
- Regular Meeting: November 16, 2020

**I. Adjournment**

Chair Riggs adjourned the meeting at 10:53 p.m.

Staff Liaison: Corinna Sandmeier, Senior Planner

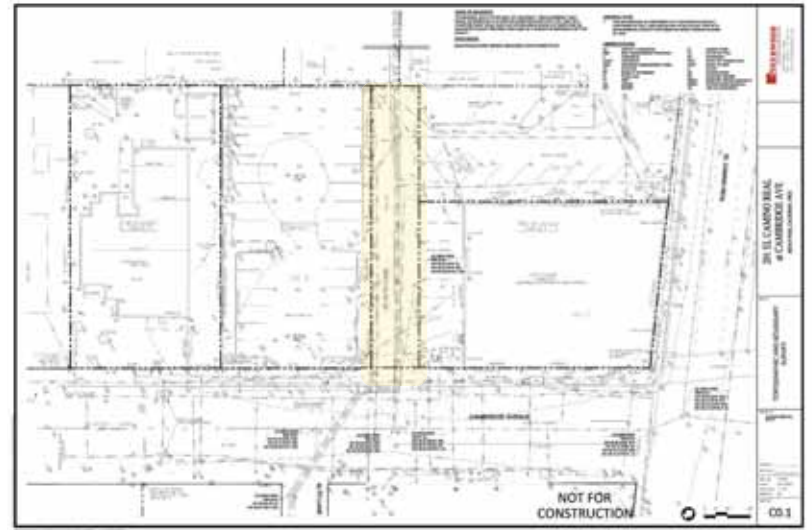
Recording Secretary: Brenda Bennett

Approved by the Planning Commission on November 2, 2020

201 El Camino Real,  
612 Cambridge Avenue













Thank You







## 201-211 EL CAMINO REAL & 612 CAMBRIDGE AVENUE

October 5, 2020 Planning Commission Meeting



### ACTIONS

- Recommendations to the City Council for the following entitlements and environmental review components:
  - Initial Study and Mitigated Negative Declaration
  - Architectural Control and Determination of a Public Benefit
  - Use Permit
  - Vesting Tentative Map
  - Below Market Rate (BMR) Housing Agreement
- Determination that Alto Lane, a public right-of-way adjacent to 201-211 El Camino Real and 239-251 El Camino Real, is consistent with the General Plan



### PROJECT AREA



### PROPOSED PROJECT

- 12 residential units, one restaurant space and no more than three retail spaces on one lot, and two townhouses on the second lot
- 25,283 SF mixed use building
- Two detached townhouses (3,564 SF)
- Paseo





## PROPOSED PUBLIC BENEFIT

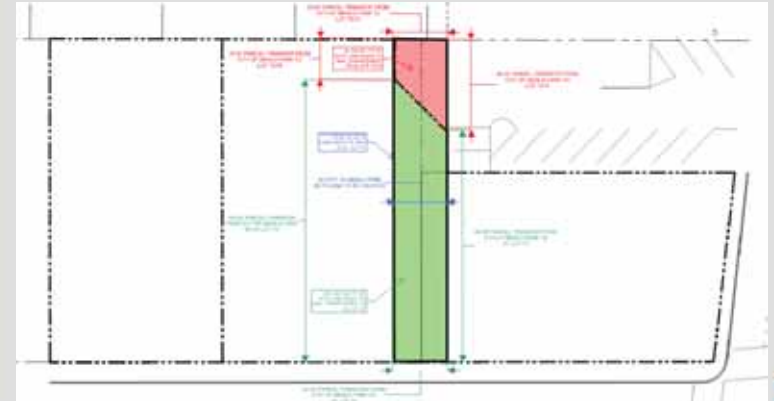


- In the El Camino Real/Downtown Specific Plan, Bonus level development allows exceedance of maximum gross floor area and density, if a public benefit is provided
- The project is required to provide 10 percent of the 14 residential units as BMR, or 1.4 units.
- The project is proposing 2 BMR units, which is 0.6 more than required.
- The 0.6 BMR units are the proposed public benefit for the project.
- Additionally, the BMR units would be reserved for low income during the rental and for sale stages

5



## ABANDONMENT OF ALTO LANE



6



## STAFF RECOMMENDATION



- Provide a recommendation of approval to City Council
  - Visually refined architectural style; modern connection to Spanish/Monterey façades
  - Underground parking having a positive impact
  - Vehicular and bicycle parking requirements would be met
  - The two BMR units, rented or sold as low income, would provide an adequate public benefit
- Determine Alto Lane abandonment would be consistent with General Plan.

7



THANK YOU



Good evening, Chair Riggs and Commissioners,

Oct. 5, 2020

I am Peter Edmonds, a resident of District 3. I expect you remember me from last year's appeal against the destruction of 7 Heritage redwood trees at 1000 El Camino Real (ECR). This evening I'm advocating for changes to the mixed-use building at 201 ECR now under review, which would preserve Heritage redwood tree #01 on Cambridge Ave.

Of course, you are all aware that the appeal period from 6/25/2020 to 7/10/2020 has closed but that is not relevant. I am seeking no formal appeal. Instead, I am bringing to your particular attention your obligation, which I have no doubt you always respect, to consider this evening the consequences that the Applicant's current plans have for Heritage Tree (HT) #01, as they pertain to the new Heritage Tree Ordinance (HTO), #1060.

In its opening para. 13.4.010, Intent and Purpose, the HTO lists numerous community benefits of mature trees, ranging from "(1) shade" to "(12) enhancement of property values." [Who doesn't like that one?] In para. 13.4.030 (a) property owners are obligated to "use reasonable effort to maintain & PRESERVE" existing HTs in good health; in (b) construction work ... "shall not threaten the health or viability OR CAUSE REMOVAL" of HTs, except in emergency or as permitted under para.13.4.050, including subpara. (5) "FOR GOOD CAUSE" related to proposed Development and when "there is no financially feasible and reasonable design alternative that would permit preservation of the heritage tree while achieving the applicant's reasonable development objectives or reasonable economic enjoyment of the property." For 201 ECR, the property owners have a permit but the Planning Commission is now exercising its authority to review the record, I believe. Both the letter and intent of the HTO apply.

I submit that a "financially feasible and reasonable design alternative that would permit preservation ..." etc. of HT#01 does exist. It is to move the entrance on Cambridge Ave. of the mixed-use building 1' 4" to the west, i.e., away from ECR, and to broaden the entrance patio by 10'. Doing so would align the midline of the entrance with HT#01, where it would become a feature of the property and ensure that the foundations of the entrance patio walls lie outside the 24'8"-diameter Root Protection Zone (RTZ).

Of course, there will be other consequences:

An extended roof of the entrance patio could embrace the trunk of HT#01, from which any lower branches would be removed; thus, the trunk would emerge through that roof (another feature). A waterproof seal at the patio roof is not required; a small central earthen bed at its base should suffice for confining and absorbing rainwater trickling down the trunk.

Irrigation of HT#01 root system will be essential.

The second floor might need a set-back to accommodate branches of appropriate length to the north.

On the first level above grade, the Residents' Lounge would become 1'4" narrower and the double doors of the entrance would no longer be aligned with the double doors on the north side of the lobby.

The RPZ would define a cylindrical space, possibly extending no deeper than the roofline of the second parking level below grade, which would probably eliminate 2 parking spaces on the first level below grade and restrict 1 space opposite some stairs to a mini-space, suitable for a Fiat 500 EV.

Parking spaces lost on the first level below grade could be compensated on the second level by providing 17 (instead of 14) stacked spaces. By "tunneling" to full height under the RPZ, no parking spaces should be lost on the second level.

All the above are "reasonable" changes within the letter and intent of the HTO, I submit.

"Financially feasible" should be determined by comparing the estimated costs of redeveloping the property from its existing status to (i) the Applicants' currently proposed configuration with (ii) the final configuration I am now proposing, NOT by figuratively converting from the current status to (i) and then to (ii).

I rest my hasty case and will be very interested in your assessment of this submittal. Thank you.

Peter Edmonds, (650) 328-0859

**DEPARTMENT OF TRANSPORTATION**

DISTRICT 4  
OFFICE OF TRANSIT AND COMMUNITY PLANNING  
P.O. BOX 23660, MS-10D  
OAKLAND, CA 94623-0660  
PHONE (510) 286-5528  
TTY 711  
www.dot.ca.gov



*Making Conservation  
a California Way of Life.*

October 1, 2020

SCH # 2020090058  
GTS # 04-SM-2020-00328  
GTS ID: 20478  
SM/82/0.177

Matthew Pruter, Associate Planner  
City of Menlo Park  
701 Laurel Street  
Menlo Park, CA 94025-3469

**201 El Camino Read and 612 Cambridge Avenue Mixed Use Project- Initial Study/ Mitigated Negative Declaration (IS/MND)**

Dear Matthew Pruter:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the 201 El Camino Real and 612 Cambridge Avenue Project. We are committed to ensuring that impacts to the State's multimodal transportation system and to our natural environment are identified and mitigated to support a safe, sustainable, integrated and efficient transportation system. The following comments are based on our review of the September 2020 IS/MND.

***Project Understanding***

The proposed project would construct a new, approximately 25,283-square-foot, three-story, 38-foot tall, mixed-use development over two levels of subterranean parking on 201 El Camino Real and two detached townhouses on 612 Cambridge Avenue. The mixed-use building would include 12 residential units (totaling approximately 17,951 square feet, including allocated common area), two of which would be below market rate (BMR) units.

***Hydrology***

Any increase in storm water needs to be treated and contained on the project site to have no impact on State drainage systems. Please ensure that any runoff to State Facilities shall be metered to pre-construction levels.

### ***Transportation Demand Management***

Caltrans commends the Lead Agency in developing the Transportation Demand Management (TDM) Plan to reduce project-generated VMT, therefore working towards meeting the State's goal of a 15-percent reduction.

Using a combination of strategies appropriate to the project and the site can reduce VMT, along with related impacts on the environment and State facilities. The proposed measures identified in the TDM plan should be documented with annual monitoring reports to demonstrate effectiveness. If the project does not achieve the VMT reduction goals, the reports should also include next steps to take in order to achieve those targets.

Please reach out to Caltrans if the Lead Agency would like further information about TDM measures and a toolbox for implementing these measures in land use projects. Additionally, Federal Highway Administration's Integrating Demand Management into the Transportation Planning Process: A Desk Reference (Chapter 8). The reference is available online at:

<http://www.ops.fhwa.dot.gov/publications/fhwahop12035/fhwahop12035.pdf>.

### ***Permits***

Please be advised that any permanent work or temporary traffic control that encroaches onto the ROW requires a Caltrans-issued encroachment permit. If any Caltrans facilities are impacted by the project, those facilities must meet American Disabilities Act (ADA) Standards after project completion. As part of the encroachment permit submittal process, you may be asked by the Office of Encroachment Permits to submit a completed encroachment permit application package, digital set of plans clearly delineating the State ROW, digital copy of signed, dated and stamped (include stamp expiration date) traffic control plans, this comment letter, your response to the comment letter, and where applicable, the following items: new or amended Maintenance Agreement (MA), approved Design Standard Decision Document (DSDD), approved encroachment exception request, and/or airspace lease agreement. Your application package may be emailed to [D4Permits@dot.ca.gov](mailto:D4Permits@dot.ca.gov).

Matthew Pruter, Associate Planner  
October 1, 2020  
Page 3

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Laurel Sears at [laurel.sears@dot.ca.gov](mailto:laurel.sears@dot.ca.gov). Additionally, for future notifications and requests for review of new projects, please contact [LDIGR-D4@dot.ca.gov](mailto:LDIGR-D4@dot.ca.gov).

Sincerely,

A handwritten signature in black ink that reads "Mark Leong". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

Mark Leong  
District Branch Chief  
Local Development - Intergovernmental Review

cc: State Clearinghouse

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