



REGULAR MEETING DRAFT MINUTES

Date: 01/25/2021
Time: 7:00 p.m.
GoToWebinar.com – ID #763-269-963

A. Call To Order

Chair Henry Riggs called the meeting to order at 7:03 p.m.

B. Roll Call

Present: Andrew Barnes (arrived at 7:07 p.m.), Chris DeCardy, Michael Doran (Vice Chair), Larry Kahle, Henry Riggs, Michele Tate

Absent: Camille Kennedy

Staff: Kaitie Meador, Senior Planner; Ori Paz, Associate Planner; Kyle Perata, Principal Planner; Leo Tapia, Planning Technician

C. Reports and Announcements

Principal Planner Kyle Perata said the City Council at its January 26, 2021 meeting would consider design elements for the pool related to the Menlo Park Community Center project. He said the City Council had approved the Menlo Park Community Center project at its January 12, 2021 meeting. He said the Council would also at the same meeting consider modifications to the Downtown Street Closure on Santa Cruz Avenue that might or might not be affected by the recent lifting of the Stay at Home Health Order. He said the City Council on January 30 would conduct a goal setting workshop.

D. Public Comment

(Commissioner Andrew Barnes joined the meeting.)

Kim Novello, Menlo Park, asked in general how residents were made aware of development projects and how their input on whether those projects were wanted or not was enabled. She asked if projects were being looked at through an “equity” lens. She said she was becoming more civically involved and wondered how best to get issues resolved. She said it would be great if the City could have some type of nature walk connecting all of the communities in Menlo Park. She said regarding projects coming before the Commission such as the one later on the agenda that she did not understand why it was 85% rental and only 15% was below market rate and why it was rental and not for sale noting enabling people to be able to afford housing in the area. She said she did not understand why more office was being built as that would increase the demand on housing and more housing was needed.

Chair Riggs said that residents could be on the email list for development project notifications. He said the City’s website also had other areas of interest for which residents could receive information.

He said that issues raised by the speaker had been addressed by the City although not everyone agreed with how.

Planner Perata said the website had information on all of the projects going on in Menlo Park. He said people could be added to notification lists for projects requiring California Environmental Quality Act (CEQA) analysis. He said that the speaker was welcome to contact him by phone or email and he could answer many of her questions noting his contact information was on the website. He said the Housing Element update process would begin this year and there would be time to get on the notification list and to participate in community outreach meetings.

Chair Riggs closed public comment.

E. Consent Calendar

- E1. Approval of minutes and court report from the December 7, 2020, Planning Commission meeting. ([Attachment](#))
- E2. Approval of minutes from the December 14, 2020, Planning Commission meeting. ([Attachment](#))

ACTION: Motion and second (Chris DeCardy/Michael Doran) to approve the consent calendar including the minutes and court report for the December 7, 2020 Planning Commission meeting and minutes for the December 14, 2020 Planning Commission meeting; passes 6-0 with Commissioner Camille Kennedy absent.

F. Public Hearing

F1 and G1 are associated items with a single staff report

- F1. Environmental Impact Report (EIR) Scoping Session/The Sobrato Organization/119-127 Independence Drive, 1205 Chrysler Drive, and 130 Constitution Drive:
Request for environmental review, use permit, architectural control, heritage tree removal permits, below market rate (BMR) housing agreement, and vesting tentative map for a proposed mixed use development in the R-MU (Residential Mixed Use) Zoning District. The proposed project would consist of a major subdivision for 67 for-sale town homes, construction of a 316-unit rental apartment building, and an 88,750 square foot office building. The applicant is requesting a use permit for bonus-level development in exchange for the provision of community amenities. The project also includes a hazardous materials use permit request to allow for a diesel generator to operate in the event of an emergency. The proposed floor area ratio (FAR) would be 143 percent where a maximum of 148 percent is allowed with community amenities. The proposed project would consist of 15 percent below market rate housing units, and the proposed project will be required to comply with the city's BMR program. Environmental review is required to assess the potential environmental impacts of the project. The proposed project is considered a housing development project pursuant to the Housing Accountability Act. The California Environmental Quality Act (CEQA) requires this notice to disclose whether any listed hazardous waste sites are present at the location. The project location does not contain a toxic site pursuant to Section 6596.2 of the Government Code. ([Staff Report #21-004-PC](#))

A Court Reporter transcribed item F1.

G. Study Session

- G1. Study Session for Use permit, Architectural Control, Vesting Tentative Map, Heritage Tree Removal Permits, Below Market Rate (BMR) Housing Agreement, and Environmental Review/The Sobrato Organization/119-127 Independence Drive, 1205 Chrysler Drive, and 130 Constitution Drive: Request for a use permit, architectural control, vesting tentative map, heritage tree removal permits, BMR housing agreement, and environmental review for a mixed use development in the R-MU (Residential Mixed Use) Zoning District. The proposed project would consist of a major subdivision for 67 for-sale town homes, construction of a 316-unit rental apartment building, and an 88,750 square foot office building. The applicant is requesting a use permit for bonus-level development in exchange for the provision of community amenities. The project also includes a hazardous materials use permit request to allow for a diesel generator to operate in the event of an emergency. The proposed floor area ratio (FAR) would be 143 percent where a maximum of 148 percent is allowed with community amenities. The proposed project would consist of 15 percent below market rate housing units, and the proposed project will be required to comply with the city's BMR program. Environmental review is required to assess the potential environmental impacts of the project. The proposed project is considered a housing development project pursuant to the Housing Accountability Act. ([Staff Report #21-004-PC](#)).

Staff Comment: Planner Meador presented key topics for the Commission's consideration for feedback during the study session including site and building design, open space and paseo design and activation, possible incorporation of public-serving commercial space, community amenity preferences and Below Market Rate (BMR) units.

Questions of Staff: Chair Riggs said this project under the Housing Accountability Act limited the Commission's purview. He asked about bonus level development and community amenities and the Commission's purview in its review. Planner Meador said the Commission could provide guidance on community amenities.

Chair Riggs opened the public comment period.

Public Comment:

- Kim Novello said a comment was made that the design was urban but Menlo Park was suburban, and questioned if the building had to be five stories. She said she did not see a park in the plans referring to open space. She questioned how many bedrooms were in the townhomes and apartments and whether the BMR units were both apartments and townhomes. She suggested a grocery store would be a better commercial use than offices. She suggested for community amenities to provide more nature, more trees and spaces for families to go on nature hikes. She said she did not see any yard space or privacy for families. She said it seemed the type of housing was geared toward dormitory style and that would perhaps house workers, which would impact housing and traffic even more.
- Pamela Jones, Menlo Park, said she liked that 10 of the townhomes were for sale to moderate income level buyers. She said 84.5% of the apartments were studios and one bedrooms and to her that meant people would be just in and out of those spaces. She said she would like to see at least 20-25% low income BMRs at all affordability levels and that was doable as there was nothing prohibiting it. She said she appreciated the outreach being done in the community

regarding community amenities. She said if all the developers in the area put their money together they could build a nice bicycle/pedestrian bridge that would connect the area that would have five new developments over to the new Menlo Park Community Center and the neighborhood services it would provide.

Chair Riggs closed the public comment period.

Commission Comment: Commissioner Barnes said he thought this proposal was informed by the projects that came before it and improved through previous discussions. He said it was great how parking was integrated into the structures. He said the project worked within the ConnectMenlo design standards and made really good use of materials. He said the for sale townhomes were warm and inviting. He said the materials for the multi-family building were a good mix. He said regarding the EIR and campus corporate housing that was part of the Facebook Classic campus design when the City was doing the ConnectMenlo General Plan Amendment. He said with the limited number of stakeholders in this zoning district the development of ConnectMenlo was very progressive in its sustainability requirements, its abilities to connect the paseos, and its transportation outlook.

Commissioner Barnes referred to the first bullet point for discussion *Site Layout and Building Design*. He said the question posed was whether the proposed layout of the building in relation to the proposed Menlo Portal project was acceptable. He asked if staff could show something that visualized the question being asked. Planner Meador showed a slide noting on the left far side of the townhomes was a proposed driveway on this project site and on the adjacent parcel a service driveway for Menlo Portal. Commissioner Barnes indicated he did not have an opinion on that question. He referred to the BMR housing and the applicant's proposal to do a mix of very low, low and moderate income levels and asked if that mix was the crux of the question posed by staff. Planner Meador said the main question was about paying an in-lieu fee or providing an additional BMR unit as proposed by the applicants and related to community amenities whether the Commission wanted to see more BMR units proposed as part of the project. She said rather than doing all low income BMRs the project was proposing a mix of income levels for the apartments. She said that was allowed but the Commission could comment on that if it thought it was more appropriate to do all low income level BMRs. She said the for sale townhomes were treated slightly differently.

Commissioner Barnes said he was fine with the extra BMR unit being located in the apartment part of the project and he would prefer that to payment of an in-lieu fee. He said he preferred having a mix of very low, low and moderate income levels for the BMR units. He said it was very difficult to get very low income BMRs in any project that were not tax credit funded projects and it would support housing allocation needs for the City. He said regarding the question of the project providing public-serving commercial space that he thought the area was doing well for community space. He said he never recalled any discussion about Bayfront Bedwell being park space for this project. He said Facebook put funds into the existing park as an amenity for their employees.

Commissioner Doran said regarding the site layout and building design that it was a very handsome project and laid out well. He said the parking garage for the apartment building was very well executed and completely hidden from the street on all four sides. He said he did not really have an opinion on the office building parking garage as he had not had enough time to fully review the plans. He said regarding the interaction between this project and Menlo Portal he did not have an opinion on that without seeing the adjacent plan for Menlo Portal next to this project plan. He said he

was happy with the public open space and found the paseos well done. He said regarding public-serving commercial space that there would be a lot residents in the project itself as well as with all the other projects being built in the area and community serving amenities would be needed such as restaurants and takeout food services, and shops of all kinds. He said he would really encourage the applicants to use some of the ground level commercial space for those community serving retail uses. He said regarding community amenity that he liked the one speaker's idea about a bicycle/pedestrian bridge. He said it was probably out of budget for this project itself but was a great idea worth consideration. He said he would encourage the Sobrato Organization to see about getting the Sobrato philanthropic organization interested in contributing to that idea. He said regarding BMR housing that he agreed with Commissioner Barnes and would like to see a mix of income levels and that was good for the community as a whole. He said regarding an additional BMR unit rather than paying an in-lieu fee his definite preference was for an additional BMR unit built. He said he would like to see the BMR units integrated with market rate units and that was good for the community as a whole.

Commissioner Kahle said he agreed with much of what Commissioner Doran said and had some other comments. He said he appreciated the housing and especially the BMR units as that was great for the City and the area. He said even more BMR units would be appreciated. He said for the siting the design was appropriate. He said the paseo worked really well noting it was wide and connected where it was supposed to. He said a minor point was the swimming pool on level 2 with a five-story building around it as he expected the pool would be completely shaded much of the time. He said in general he was tempted to ask for less office space and more housing but just looking at the number of units and the site it was a very dense project with 316 apartments mostly one-bedroom units and not much open space in the immediate area for people living there except inside the courtyard. He said he thought that also would have a lot of shadow. He said as he understood it there was no commercial space planned other than office. He said having some other services would be useful for those living in the area. He said the contemporary design fit the area well and it was a handsome project. He said a couple of minor things were that the apartments and townhomes were very linear and even boxy and although there was nothing wrong with that it seemed the units were missing some residential elements whether it was roof slopes or curves, something that said residential, particularly for the townhouses. He said the office building worked very well although the entry was very deemphasized, which he thought would be appropriate to highlight more.

Commissioner Tate said she liked the look of the project. She said regarding housing that she liked to see very low income level BMRs as other Commissioners had noted. She said rather than another BMR rental unit she would like a BMR for sale unit and definitely at a low income level. She said that was important to allow people the access to purchase. She said also those units were bigger which was generally what low income people needed. She said regarding community amenities she also liked the idea of a bicycle/pedestrian bridge and pooling resources with other developers to try to make it happen. She said she wanted people to be mindful regarding community amenities that when ConnectMenlo was implemented the amenities were supposed to be tied to Belle Haven residents.

Commissioner DeCardy asked about the green open space on top of the parking garage and if that was accessible by residents. Peter Tsai, Sobrato Organization, said the green space above the parking was meant to be exclusively for the office users. Commissioner DeCardy asked Mr. Tsai how much more outreach they planned to do to determine community amenity. Mr. Tsai said community outreach was ongoing and had no stop date. He said with Covid and the pandemic they had to be creative to conduct the community outreach. He said the Commission was welcome to

contact them by phone or email if they had suggestions about people or groups to reach out to. He said the bridge idea mentioned was something they had brought up with community members and it would be hard to pull together. Commissioner DeCardy said traffic was a huge issue and noting TDM plans were developed more fully post-Commission project review asked how traffic impacts might be mitigated. Mr. Tsai said the best thing was to offer alternate modes of transportation whether walking or biking. He said they had explored using a company called Envoy for the residential building. He said rather than tenants having multiple cars there would be a fleet of electric cars within the complex that could be rented. He said they were trying to find creative ways to resolve some of the concerns they were hearing from the community.

Commissioner DeCardy said he echoed comments on the site and design that it was nicely designed and fit the site well. He noted Commissioner Kahle's comment on residential language and said that something to highlight the residential as residential would be nice. He said it was a shame that the green space on the office building garage was not accessible to residents in the apartments as tenants would see the green space from the upper stories. He said it would be nice if that could be integrated more with the residential space. He said in general the public open space layout made sense. He said it was a good idea to have the widest open space between sections of town homes activated so it was friendly for families and children. He said he agreed with other Commissioners about getting BMR units at a very low income level as much as possible and with the one speaker's comments about getting a greater percentage of BMR units in the project. He said regarding public-serving commercial space and community amenity that they needed to hear from the community. He said the list of community amenities was designed a while ago and some things on it were moot at this point and some were not the highest priority. He encouraged drilling down on that and to hear from people what they wanted. He said he agreed with comments that it would be nice to look more holistically at community amenities over projects. He encouraged the applicants to look at a battery operated alternative, the cost of which had gone down, rather than the proposed backup diesel generator and before they locked down all the uses and spaces as battery backup units might need larger housing than a diesel generator. He said the project would require removal of a number of heritage trees. He said he appreciated the replacement onsite of trees and would also encourage the applicant to work with the City, perhaps the Environmental Quality Commission, to plant trees elsewhere, in Belle Haven for instance.

Commissioner Barnes said regarding the community amenities list that an important category was jobs and training by M2 companies, including job opportunities for residents, education and enrichment programs for young adults, job training and education centers, and paid internships and scholarships for young adults. He said this was important in light of the economic inequities being seen in the pandemic due to differences in education and skills. He said Sobrato was uniquely positioned to make some of that community amenity happen. He said he would wholeheartedly add his support for any mix of the items under jobs and training on the community amenities list rather than a coffee shop or another amenity that might make life easier for residents of an apartment building. He said jobs and training were a critical need and a good fit for what Sobrato uniquely might bring to the table considering its influence in Silicon Valley.

Commissioner Barnes asked to see the drawing of the commercial building as he had a question about what they were going for in the proposed style. Ted Korth said they were going for a modern, airy and light style with a lot of open visual access both in and out. He said the intent was a modern crisp harmless design that would provide very nice collaborative space for those working within it; and a design that made a nice gesture to the street and provided a pedestrian scaled base both along Independence Drive and Chrysler Drive.

Commissioner Barnes asked how they saw the interior space being used. Mr. Korth asked Mr. Tsai to correct him if he spoke in error. He said recently most office buildings had more collaborative spaces and fewer private offices. He said the building had window mullions to create private office space or conference spaces wherever wanted, but generally people were drawn to more open and collaborative spaces. Mr. Tsai said one of the things they thought was happening in the office market related to Covid was the greater possibilities to work from home with employers allowing staff to work one to two days from home. Commissioner Barnes indicated he was thinking whether having collaborative working space allowed for more people going in and out of the building.

Commissioner Tate said she appreciated Commissioner Barnes' comments on jobs and training and how important during the pandemic that was. She said Commissioner Barnes and she had sat on an advisory board during the ConnectMenlo process and one of the conversations had been about having a training center somewhere in the subject general area, but no one ever stepped up to own that. She suggested perhaps that was something this project's commercial space could be used for and that would actually lead to sustainable employment, something equitable and sustainable so people could afford to live here. She said if Sobrato with their long arm of philanthropy wanted to take that on and incorporate in part of their space that would be great.

Commissioner Doran said regarding his previous comments endorsing the idea of public-serving commercial space with retail and neighborhood amenities that he did not mean to imply that would count as community amenity. He said community amenity qualified bonus level development was a separate category. He said he was just thinking about appropriate uses of the commercial spaces in this project. He said with the number of residents and the office workers at that site and on other sites nearby that there would be a demand for neighborhood services. He said people would not have to drive elsewhere if they could get what they needed locally.

Chair Riggs said the architecture and massing of the proposed project were very amenable and as described by others it was a handsome project. He said he agreed with the idea of getting another BMR for sale unit rather than payment of a partial in-lieu fee. He said he agreed with the comments about tree plantings. He said he supported the comments on job training. He said regarding the site and building design that he had some specific comments and asked staff to show a view of the office building parking garage. He asked if it was correct that the parking area was not defined by any screening at this time. Mr. Korth said their thought was to use a stenciled metal panel there to provide natural ventilation and to have an attractive interesting wall there with that image shown on the slide as a wetlands. He said it was an early concept at this point.

Chair Riggs said he agreed with comments about the vernacular for the townhomes particularly and the residential sense of that. He said the most challenging aspect of the townhome designs were not that they were modern and used blocks and forms but the form that was the inverted "U." He said the mass seemed heavy and a bit awkward and that might be making it difficult for the sense of residential space to come through. He said he thought the apartment building was quite attractive but the identification of the entry was not strong in the images presented. He said he recalled an earlier comment about the entry to the office building. He said an entry really needed to draw a person into a space. He noted that what was occurring with the office building was very much the result of the City's own requirements for modulation and design guidelines. He said designers were pushed to recess the middle of a large façade at the first level and recess it further at the second level. He said he did not know how much better of an integration of the long façade was possible but having a stronger entry at the pedestrian (five foot above grade) first floor level would help a great

deal. He said he thought that was sheet A7.03. He asked about the reference to large shade trees on the paseo. He said he saw a lot of patio or decorative trees on the list. Mr. Samuelson said an Australian evergreen with dense canopy was proposed as more of a buffer along the edge as it would grow tall and cast a good shadow over parts of the paseo. He said they had some oaks going along the edges in between the townhomes and apartments. He said they would use larger canopy trees like oaks and elm tree but in tighter spaces taller, more columnar trees.

Chair Riggs said the change in aesthetic in the fly through down the paseo between residential units and office building was sharp. He said he wanted to see some type of transition from the residential area to the massive five-story wall and asked how that would be seen from the residential area and if they were counting on tree growth to screen or what to address the transition. Mr. Samuelson said in the transition between the two they had larger canopy trees as a buffer on the back side. Replying to Chair Riggs, Mr. Korth said he did not think they had a rendering of the view from the residential or fly through. He said they had discussed a potential for having a green wall at the edge of the deck which was at a lower elevation. He said they thought that maybe part of that deck could have a green wall on it and that then back into landscaping as well, but that was not shown in the packet of drawings. Mr. Tsai asked if staff could pull up the presentation at one minute, 35 seconds as he thought that was the view Chair Riggs was referring to. Chair Riggs suggested that a row of trees at the edge of the residential component next to the service road between it and the office building might help create a smoother transition.

Chair Riggs said as mentioned traffic was the large issue and he appreciated Commissioner DeCardy's comments regarding TDM plans and solutions. He said as Mr. Tsai commented a viable alternative had to exist to get people out of their cars. He thanked the applicants for a very nice project and said he looked forward to seeing it again.

H. Regular Business

- H1.** Determination of Substantial Conformance/333 Marmona Drive:
Review of staff determination that changes to the roofing material and window and door alterations are in substantial conformance with the previous approvals. Review requested by Commissioner Riggs. ([Attachment](#))

Chair Riggs asked for a description of the changes. Planner Paz said as part of the conditions for approval the applicant was required to reduce the overall height by one foot and so the proportions of the windows changed during the building permit stage. He said those changed again and a number of window changes were highlighted on the slide that showed the approved version on the right and the proposed changes on the left with the building permit application. He said the most substantial change was from the standing seam metal second floor roof to comp shingle. He said there was also an increase in height of the metal door to the garage. He showed a second slide of the rear and right elevation showing window changes on the first floor and roof material change on the second floor.

Chair Riggs opened the public comment period. He asked if any of the applicant team were available and wanted to speak.

Anna Felver, Thomas James Homes, said the requirement to lower the overall height by one foot affected window configurations, which were highlighted on the slides shown. She said a door was adjusted to be a bit larger and that happened during the building permit application review. She said

their main concern was that their building submittal match the approved planning submittal. She said their major request related to the standing seam metal roof was due to a potential buyer with concerns about noise on standing seam metal roofs and who also wanted to install solar. She said solar could be installed on a standing seam metal roof but it was just a little more involved to do that than on an asphalt shingle roof. She said since the metal roof was only on the second floor and more hidden from the main view they were requesting it switch to an asphalt shingle roof to allow easier solar installation and address noise potential.

Chair Riggs closed public comment.

Commission Comment: Chair Riggs said he had asked that the Commission review the substantial conformance of the proposed changes. He said he had no issue with the window changes and he liked the higher door into the garage. He said the change in the roof specification concerned him. He said the Commission had seen a pattern with developers changing Commission approved materials to less expensive ones. He said a standing seam metal roof was quite a different quality level material than asphalt shingle roof. He said he did not find this in substantial conformance with the approved project. He said he recently managed the completion of two roughly 10,000 square foot, wood sided buildings with standing seam metal roofs both of which had solar panels across the south face and there were no issues. He said when mounting solar to a standing seam metal roof all the parts needed for that were available off the shelf and any penetrations to the roof were made neatly with a metal to metal connection to ensure waterproofing.

Commissioner Kahle said he agreed. He said all the proposed changes except the roof were acceptable. He said it might be a little easier to install solar on an asphalt shingle roof but he thought it was a mistake to make the change. He said the roof needed to be all asphalt shingles or all metal.

Commissioner Barnes said project changes happened and he fundamentally agreed with staff's finding that the change on the top roof to asphalt shingle was okay. He said while the aesthetic might not be the preference of some individuals that did not necessarily change the spirit of the project. He said he lived around the corner from the project and it was beautiful. He said the photos had not shown the vertical wood siding on the house. He said everything worked well together. He said the second floor roof would be hard to see and he thought it was in substantial conformance and was not such a change that required a use permit revision.

Chair Riggs moved to find that the roof change was not substantially in conformance with the previously approved project. Commissioner Kahle seconded the motion.

Chair Riggs called the vote and the motion failed.

Commissioner Barnes moved to find the changes substantially in conformance with the previously approved project. Commissioner DeCardy suggested that another motion was not needed. Planner Perata said another motion was not necessary. Commissioner Barnes' motion died for lack of a second.

Discussion ensued between the applicant, commissioners and staff as to what would be allowable related to the applicant's request to modify the roof materials within the scope of the item notification with additional clarification.

ACTION: Motion and second (Riggs/Kahle) to find the proposed roof material changes were not in

substantial conformance with the previously approve project; fails 3-3 with Commissioners Barnes, DeCardy and Tate opposing and Commissioner Kennedy absent

Commission clarified with the applicant to proceed with revisions as shown in the substantial conformance memo and that they might revise the lower floor roof to be composition shingle consistent with the second floor roof while maintaining the standing seam metal roof accents over the bay features.

I. Informational Items

I1. Future Planning Commission Meeting Schedule

- Regular Meeting: February 8, 2021

Planner Perata said the architectural revision request for the 1540 El Camino Real project was the only item on the February 8 agenda. He said they did not have set agendas yet for the other meetings after the 8th. He said that he just noticed the City Council's January 26 agenda would have a proclamation honoring Katherine Strehl, a former Planning Commissioner.

- Regular Meeting: February 22, 2021
- Regular Meeting: March 8, 2021

Chair Riggs said the study session this evening reinforced for him the challenge of having their entire meeting packet in digital form. He said pre-Covid there were a number of 11 by 17-inch pages that were very useful to refer to. He asked if staff could make available to interested Commissioners those architectural plans, renderings and elevations as hard copies. Planner Perata said he would check on that noting it would be difficult as most staff was working remotely and also staff was not getting hard copies from applicants. Chair Riggs noted that businesses like Staples could do the printing and collating and those three to seven copies could be picked up from there and dropped off at Commissioners' front steps contactless. He said it was his request to have those made available.

J. Adjournment

Chair Riggs adjourned the meeting at 10:55 p.m.

Commission Liaison: Kyle Perata, Principal Planner

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on February 22, 2021