



## REGULAR MEETING MINUTES

**Date:** 8/17/2015  
**Time:** 7:00 p.m.  
**City Council Chambers**  
**701 Laurel St., Menlo Park, CA 94025**

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

### Roll Call

Present: Combs, Ferrick, Goodhue, Kadwany, Kahle, Onken (Chair), Strehl (Vice Chair)  
Staff: Thomas Rogers, Senior Planner; Kyle Perata, Associate Planner, Corinne Sandmeier, Associate Planner

### A. Reports and Announcements

Senior Planner Rogers said the City had started the six week trial of the Chestnut Paseo. He said the ConnectMenlo General Plan Update project would host a community event there on September 2. He said another ConnectMenlo meeting with the same agenda would be held on September 9 at the Senior Center. He said there would also be a General Plan Advisory Committee meeting on August 24.

### B. Public Comment

No public comments were made.

### C. Consent Calendar

- C1. Approval of minutes from the July 20, 2015 Planning Commission meeting. ([Attachment](#))

Chair Onken noted some corrections have been provided by Commissioner Goodhue.

Commission Action: M/S Strehl/Goodhue to approve the minutes with the following modifications.

- Page 4, 6<sup>th</sup> paragraph, 2<sup>nd</sup> line: Replace “827 square feet” with “1,486 square feet”
- Page 4, 2<sup>nd</sup> to the last paragraph, 1<sup>st</sup> line: Replace “nei8ghborhood” with “neighborhood”

Motion carried 5-0 with Commissioners Ferrick and Kahle abstaining:

### D. Public Hearing

- D1 **Use Permit/Ying-Min Li/860 Partridge Avenue:** Request for a use permit to demolish a single-story, single family residence and detached accessory building, and to construct two two-story, single-family dwelling units and associated site improvements on a substandard lot with regard to lot width in the R-2 (Low Density Apartment) zoning district. ([Staff Report # 15-009-PC](#))

Staff Comment: Planner Perata said staff had no updates to the report.

Public Comment: Mr. Rick Hartman, Hometec Architecture, Inc., project architect, said they tried to stay within the regulations and mentioned a similar home they had done in this neighborhood. He apologized for the mix up on the olive tree that had been removed prior to this meeting. He said it was at the end of its life, which was why the arborist approved its removal.

Commissioner Kahle noted stone drawn on the columns and chimney, and asked if it was intended to be bubbly river rock or Eldorado stone. Mr. Hartman said they were planning a veneer stone from Eldorado.

Commissioner Kahle said both houses facing the street had a gable over the second floor window but there was no wall projections setting those up. He asked if they would be willing to remove those gables from the design and put a straight hip as there were two other dominant gables. Mr. Hartman said he was okay with that. He said this originally had been a box window projection but because it was over the porch it counted against the floor area limit (FAL).

Planner Perata said bay windows did not count toward FAL if they were less than seven feet in length and had at least one foot separation between grade. He said the same rule applied to the second level of grade separation. He said the box windows didn't have a one-foot separation from the porch roof.

Chair Onken closed the public hearing.

Commission Comment: Chair Onken said he shared the concern about the front window but he didn't want to give the applicant the right to put a bay window in those spots. He said the project did not have any large windows facing sideways to the neighbors and didn't present a large garage door in the front which was good.

Commissioner Kahle said he thought it was a good project. He said he would just like to remove the small gable on the second floor or make the whole end a gable. He said he would like the use of field stone in horizontal placement rather than river rock, and he would like to see the corner boards disappear.

Commissioner Kadvany said he agreed about the corner boards. He said he appreciated that there was siding for the entirety of the building.

Commissioner Ferrick said she appreciated the conforming aspects of the project. She said the river rock was a problem for her as she understood 99% of it came from China, and that was an environmental issue.

Chair Onken moved to approve the project as recommended with the modifications that the corner boards on the shingle end are removed, that the upper front gable be either removed or modified with staff review and approval, and that the choice of stone be something other than bubbly river rock. Commissioner Combs seconded the motion. He asked staff what the applicants' options were regarding the gable window.

Planner Perata said the FAL was set by the General Plan not the zoning ordinance and unless the

Plan was amended the applicant could not exceed the FAL. He said they could raise the lowest horizontal member of the window 12 inches above the roof below or modify the roof to remain below the FAL.

Commission Action: M/S Onken/Combs to approve the item with the following modifications.

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 CEQA Guidelines.
2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
3. Approve the use permit subject to the following **standard** conditions:
  - a. Development of the project shall be substantially in conformance with the plans prepared by Hometec Architecture, Inc., consisting of 21 plan sheets, dated received August 10, 2015, and approved by the Planning Commission on August 17, 2015, except as modified by the conditions contained herein, subject to review and approval by the Planning Division.
  - b. Prior to building permit issuance, the applicants shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.
  - c. Prior to building permit issuance, the applicants shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
  - d. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval by the Planning, Engineering and Building Divisions. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
  - e. Simultaneous with the submittal of a complete building permit application, the applicant shall submit plans indicating that the applicant shall remove and replace any damaged and significantly worn sections of frontage improvements. The plans shall be submitted for review and approval of the Engineering Division.
  - f. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a Grading and Drainage Plan for review and approval of the Engineering Division. The Grading and Drainage Plan shall be approved prior to the issuance of grading, demolition or building permits.
  - g. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance.
4. Approve the use permit subject to the following **project-specific** conditions:

- a. Prior to building permit issuance, the applicant shall pay a Traffic Impact Fee (TIF) at the rate for single-family dwellings, subject to the Municipal Code Section 13.26. The fee rate is subject to change annually on July 1 and the final calculation will be based upon the rate at the time of fee payment. The TIF rate is adjusted each year based on the ENR Construction Cost Index percentage change for San Francisco. The current estimated fee is \$3,139.49.
- b. Simultaneous with the submittal of a complete building permit application, the applicant shall remove the corner boards adjacent to the shingled siding on both units, subject to review and approval of the Planning Division.**
- c. Simultaneous with the submittal of a complete building permit application, the applicant shall modify the front, right gable by either 1) removing the gable, 2) designing a bay window that does not increase the Floor Area Limit (FAL), or 3) redesigning the overall roof ridge as a gabled end in that location. This change shall be made to each unit, subject to review and approval of the Planning Division.**
- d. Simultaneous with the submittal of a complete building permit application, the applicant shall modify the plans to clarify that the proposed stone will be stacked field stone, such as El Dorado stone, and not a round river rock style, for each unit, subject to review and approval of the Planning Division.**

Motion carried 7-0.

- D2. **Use Permit/Bright Angel Educational Center, LLC/687 Bay Road:** Request for a use permit to expand an existing Montessori school located at 695 Bay Road to a portion of the existing building on 687 Bay Road, in the C-2-A and R-1-U zoning districts. At full capacity the portion of the school at 687 Bay Road would have five employees and 42 students. ([Staff Report # 15-010-PC](#))

Staff Comment: Planner Sandmeier said staff had received two more support emails and additional information from the Transportation Division in response to the email expressing traffic concerns. She said Transportation staff indicated this was the first comment they received about this particular issue on this portion of Bay Road, and they would flag this area for the Police Department's targeted enforcement since the email indicated that people were passing in the bicycle lanes.

Commissioner Kahle said the email also indicated there was a bus stop and no cross walk. He asked if Transportation had addressed that concern. Planner Sandmeier said she had not received any information about a crosswalk.

Commissioner Ferrick asked if the applicant was able to provide a circulation plan and if certain spaces were used for certain grade level drop offs. Planner Sandmeier said that spaces were not flagged for drop off for particular classes. Commissioner Ferrick asked if there were staggered drop offs for different grade levels.

Public Comment: Mr. Joe Wiffles, applicant, said arrival was from 7:30 to 9 a.m. He said some children went home at noon, some at 3 p.m. and others between 3 to 6 p.m. He said at the new location they would have a maximum of 42 children. He said at their current location they have 48 children and they did not have more than seven parents dropping off at any time. Commissioner Ferrick asked if school and/or child care was year round. Mr. Wiffles said their schedule matched the Menlo Park School District calendar except they were open during the summer. He said they also close for a week around the 4<sup>th</sup> of July holiday.

Chair Onken asked about bicycle parking. Mr. Wiffles said the children's bikes were left on the side of the building.

Commissioner Ferrick asked if there was a way to have people have enter on one side and exit on another side so it was one way. Mr. Wiffles said that was the plan.

Chair Onken closed the public hearing.

Commission Comment: Commissioner Ferrick said that if the traffic was changed to create a one way flow she thought that would address the neighbors' concerns. She said childcare in this part of town was needed.

Chair Onken moved to approve as recommended in the staff report. Commissioner Goodhue seconded the motion.

Commission Action: M/S Onken/Goodhue to approve the item as recommended in the staff report.

1. Make a finding that the project is categorically exempt under Class 1 (Section 15301, "Existing Facilities") of the current California Environmental Quality Act (CEQA) Guidelines.
2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use would not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
3. Approve the use permit subject to the following *standard* conditions:
  - a. Development of the project shall be substantially in conformance with the plans prepared by Kornberg Associates Architects, consisting of 10 plan sheets, dated received August 10, 2015, and approved by the Planning Commission on August 17, 2015 except as modified by the conditions contained herein, subject to review and approval of the Planning Division.
  - b. Prior to building permit issuance, the applicants shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.
  - c. Prior to building permit issuance, the applicants shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
  - d. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval of the Planning, Engineering and Building Divisions. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
4. Approve the use permit subject to the follow *project specific* conditions:

- a. Prior to building permit issuance, the applicant shall pay the Transportation Impact Fee per the direction of the Transportation Division in compliance with Chapter 13.26 of the Municipal Code. The current estimated transportation impact fee is \$49,380.13 although the final fee shall be the fee in effect at the time of payment. The Transportation Impact Fee escalates annually on July 1.
- b. If the 695 Bay Road portion of the school stops operating, the use permit for 687 Bay Road is subject to review and potential revocation.

Motion carried 7-0.

- D3. **Use Permit and Architectural Control/John Tarlton/1315 O'Brien Drive:** Request for a use permit and architectural control to partially convert, expand, and architecturally update an existing warehouse and general office building into a Research and Development (R&D) and warehousing building, located in the M-2 (General Industrial) zoning district. The proposal includes a traffic demand management (TDM) plan, which is intended to reduce potential vehicle trips from the project site. As part of the project, the applicant is requesting a parking reduction based on the land uses within the building, the proposed tenant's operations, and its TDM plan. Approximately 375 parking spaces would be provided, where 735 parking spaces would be required by the M-2 square-footage-based parking requirements. The project also includes a request to remove up to 27 heritage trees. The applicant is also requesting a use permit for indoor use and indoor and outside storage of hazardous materials for the R&D and manufacturing of single molecule, real time (SMRT) chips and reagents for use in association with genome sequencing. All hazardous materials would be stored within the building, with the exception of diesel fuel for a proposed emergency generator, chemicals within fire-rated chemical storage containers, or within tanks designed specifically to hold compressed gases. The applicant is also requesting approval for the outside storage of non-hazardous materials and equipment. The project includes a Below Market Rate (BMR) Agreement for the payment of an in lieu fee or the delivery of equivalent off-site units. ([Staff Report # 15-011-PC](#))

Staff Comment: Planner Perata said the color and materials board was being distributed to the Commission for review. He said after the publication of the staff report a piece of additional correspondence was received that was sent directly to the Commission today about the TDM program and monitoring trips to the site. He said copies were also available for the public. He said staff would like to add a project-specific condition 5.j requiring the applicant to enter into a frontage improvement agreement.

Public Comment: Mr. John Tarlton, applicant, said they were pleased to retain Pacific BioSciences in the area. Mr. Ben Gong, Pacific BioSciences, said their company has been in Menlo Park for 11 years and they make DNA sequencing equipment and supplies used by that equipment. He said researchers use this equipment for many different applications. He said they were in five different buildings and this proposal was the opportunity to be in one building and grow their presence. He said they generated \$60million in revenue in 2014 and they expected to grow that by over 40% in 2015.

Chair Onken asked how the parking number was determined. Planner Perata said the zoning requirement started with one space per 300 square feet and then land use recommended parking guidelines as part of the parking reduction policy. He said the applicant proposed a parking number in combination with a TDM program and staff found it to have basis.

Mr. Tarlton said their tenants on a broad basis tended to use or need less parking than required in

the zoning code, which required three spaces per 1,000 square feet. He said their tenants on average needed about two spaces per 1,000 square feet in terms of employee density. He said additionally they have been employing a TDM program and this application factored in all of these things. He noted the email from the concerned citizen regarding enforcement and said there were measures built into the application and conditions to address that concern.

Commissioner Kadvany asked given the typical working population during the day what fraction they expected to be ridesharing or bicycling. Mr. Tarlton said they expect a 20% participation level.

Commissioner Combs asked about the number of single-person vehicular trips and what ride sharing options the company offers. Mr. Gong said they have about 300 employees today and recently did a survey with about a two-thirds response rate. He said about 76% of them said they were driving single in their cars every day and the other 24% said they were doing something else. He said they have shower facilities and encourage people to bicycle to work. He said he bikes once a week and he would like to go to two times a week. He said they were talking to Facebook about doing some ridesharing with their bus service. He said they have assigned a transportation coordinator recently and they intended for this person to track a series of metrics to show how they were doing with different incentive programs. He said in response to Commissioner Combs that they would grow their employee number about 20%. Commissioner Combs asked about the number of visitors to the site during the day. Mr. Gong said they do not have a lot of visitors as their clients were spread around the world. He said their lobby accommodates three people.

Commissioner Strehl asked about employees who lived in Menlo Park and how they get to work. Mr. Gong said he did not have that data but he knew one person walks. He said most live at least 10 miles away.

Commissioner Ferrick said she was pleased they were talking to Facebook about sharing buses. She said Caltrain go passes for employees was an incredible value. She said with the different measures and the fact that the area was congested she expected the TDM program rates to improve. Mr. Gong said over the last five years the commute time from the south Bay had doubled. He said it was getting more convenient for people to do something different than drive in their own cars.

Commissioner Kadvany asked about building energy consumption and efficiencies. Mr. Tarlton said they were doing adaptive reuse of an existing building. He said there would be all new energy efficient glass, the building has an energy efficient roof, and it would get an all new state of the art air conditioning system. He said LEED did not have great provisions for manufacturing/R&D facility. He said as a company they were focused on sustainability and looking at ways to live in the intersection between green sustainability and green return on investment.

Commissioner Kahle said he was shocked to read that 27 trees were being removed. He said most of those were in the entry area. Mr. Tarlton said his father wanted this to be a tree filled place to replace what was once a field that people used as a dump. He said that there had been overgrowth over the years.

Ms. Susan Eschweiler, principal and architect, DES Architects and Engineers, said this was an exciting project as she was the architect on the original project at the site. She said for this project they were creating a very gracious entry centered on the building. She said they also wanted to bring people in from both sides and were creating a plaza to do this. She said they would take out ailing trees in that zone and then replace them with over 70 new trees to provide accents in the

spring and fall.

Commissioner Ferrick asked about the energy efficiency of the glass. Ms. Eschweiler said they were designing to be compliant with Calgreen. She said it was a double glazed glass that was blue toned and has reflective coating on the inside that would reflect rays out. Commissioner Ferrick asked if it was bird safe. Ms. Eschweiler said that bird safe glass had etchings and their glass would not. Commissioner Ferrick asked about water reuse. Ms. Eschweiler said they had not talked about that. Commissioner Ferrick asked about lighting. Ms. Eschweiler said it would all be LED and they would use the latest occupancy sensors and interior telemetries to dim lights based on light from the outside.

Chair Onken closed the public hearing.

Commission Comment: Chair Onken said he appreciated the development of the building and thought the new structure would look great. He said energy efficiency and sustainability were important and he thought good efforts were being made.

Commissioner Kadvany said there was a concern about spillover parking and asked if that was something that could be monitored by the City. Planner Perata said there would be an annual trip monitoring and reporting program. He said regarding spillover the curbs were red in the near area. He said all of the parcels in the area had one owner which also helped.

Mr. Tarlton said there was a wall between the residential area that adjoined Menlo Business Park. He said they assessed how many empty parking spaces they have in the Park on a daily basis and on average they have 600 empty spaces.

In response to questions from Commissioner Ferrick, Planner Perata said 21% of the employees would need to use alternative transit for the project to be in compliance with the daily trip cap. He said this permit sets up a particular land use for this building and any future attempt to convert to office on this site would require a new use permit.

In response to questions from Chair Onken, Planner Perata said this site would benefit from the changes being looked at by the General Plan update. He said this use permit was separate from the General Plan update.

Commissioner Combs said that this was built as an office park originally and intended to be driven to. He said he would like a greater percentage of employees using alternative transit.

Commission Action: M/S Goodhue/Onken to approve the item as recommended in the staff report.

1. Make a finding that the project is categorically exempt under Class 32 (Section 15332, "In-Fill Development Projects") 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. Adopt the following findings, as per Section 16.68.020 of the Zoning Ordinance, pertaining to architectural control approval:

- a. The general appearance of the structure is in keeping with the character of the neighborhood.
  - b. The development will not be detrimental to the harmonious and orderly growth of the City.
  - c. The development will not impair the desirability of investment or occupation in the neighborhood.
  - d. The development provides adequate parking as required in all applicable City Ordinances and has made adequate provisions for access to such parking.
  - e. The property is not within any Specific Plan area, and as such no finding regarding consistency is required to be made.
  - f. The general appearance of the structure is in keeping with the character of the neighborhood.
  - g. The development will not be detrimental to the harmonious and orderly growth of the City.
  - h. The development will not impair the desirability of investment or occupation in the neighborhood.
  - i. The development provides adequate parking as required in all applicable City Ordinances and has made adequate provisions for access to such parking.
  - j. The property is not within any Specific Plan area, and as such no finding regarding consistency is required to be made.
4. Approve the use permit and architectural control subject to the following **standard** conditions:
- a. Development of the project shall be substantially in conformance with the plans prepared by DES Architects and Engineers consisting of 50 plan sheets, dated received August 11, 2015, and approved by the Planning Commission on August 17, 2015, except as modified by the conditions contained herein, subject to review and approval by the Planning Division.
  - b. Prior to building permit issuance, the applicant shall comply with all Sanitary District Park, Fire Protection District, and utility companies' regulations that are directly applicable to the project.
  - c. Prior to building permit issuance, the applicants shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
  - d. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval by the Planning, Engineering and Building Divisions. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.

- e. Simultaneous with the submittal of a complete building permit application, the applicant shall submit plans indicating that the applicant shall remove and replace any damaged and significantly worn sections of frontage improvements. The plans shall be submitted for review and approval of the Engineering Division.
  - f. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a Grading and Drainage Plan for review and approval of the Engineering Division. The Grading and Drainage Plan shall be approved prior to the issuance of grading, demolition or building permits.
  - g. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance and the Project Arborist's recommendations.
5. Approve the use permit and architectural subject to the following **project-specific** conditions:
- a. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a heritage tree replacement plan identifying the number, size, and species of the proposed heritage tree replacements, subject to review and approval by the City Arborist and Planning Division.
  - b. Concurrent with the submittal of a complete building permit application, the applicant shall submit a plan showing the location of the shuttle stop and signage, and apply for an encroachment permit if applicable. The shuttle stop location and signage would be subject to review and approval of the Engineering, Transportation, and Planning Divisions.
  - c. The property owner shall retain a qualified transportation consulting firm to monitor the trips to and from the project site and evaluate the effectiveness of the TDM program one year from commencement of operations within the subject building and shall submit a memorandum/report to the City reporting on the results of such monitoring for review by the City to determine the effectiveness of the TDM program (Attachment F). This report shall be submitted annually to the City subject to review by the Planning and Transportation Divisions. If the subject site is not in compliance with the anticipated trip reductions from the TDM program the applicant shall submit a detailed mitigation and monitoring plan identifying steps to be taken to bring the project site into compliance with the maximum Daily, AM and PM trips identified in the trip generation analysis and TDM program.
  - d. Prior to building permit issuance, the applicant shall pay a Transportation Impact Fee (TIF) at an R&D rate of \$3.33 per square foot of gross floor area, at a warehousing rate of \$1.00 per square foot of gross floor area, and a manufacturing rate of \$2.28 per square foot gross floor area, for a total estimated TIF of \$121,186.68, subject to the Municipal Code Section 13.26. The fee rate is subject to change annually on July 1 and the final calculation will be based upon the rate at the time of fee payment. The TIF rate is adjusted each year based on the ENR Construction Cost Index percentage change for San Francisco.
  - e. Prior to or concurrent with the submittal of a complete building permit application, the applicant shall execute the Below Market Rate (BMR) Housing Agreement. Within two years of building permit issuance, the applicant shall comply with the terms of the BMR Agreement, which include the payment of the in lieu fee of approximately \$422,699.35 (as of July 1, 2014), provision of two units, or a combination thereof. The BMR fee rate is subject to change annually on July 1 and the final fee will be calculated at the time of fee payment.

- f. Concurrent with the submittal of a complete building permit application, the applicant shall include construction details in the plan set identifying a two-hour fire rated wall between the two tenant suites, subject to review and approval of the Building Division and Fire District.
- g. When chemical quantities exceed the reportable limits as defined by the California Health and Safety Code, the tenant shall provide a Hazardous Materials Business Plan (HMBP), or equivalent document to the San Mateo County Environmental Health Division and Fire District.
- h. If the tenant modifies the types and/or quantities of chemicals used and stored at the site, the tenant shall obtain a revised Fire Permit from the Menlo Park Fire District.
- i. The use permit for hazardous materials used and stored at the site shall only be permitted for Pacific Biosciences or subsequent tenants within the front suite of the building. If the tenant in the rear space proposed to use and store hazardous materials, a suite specific use permit for the storage and use of hazardous materials through the Menlo Park Planning Division would need to be applied for. The building design would allow for the tenant to request to use the Maximum Allowable Quantities (MAQs) for its limits.
- j. *Prior to issuance of the building permit, the applicant is required to enter into a Deferred Frontage Improvement Agreement (DFIA) with the City, which requires posting cash or check payment in the amount equal to 100% of the cost estimate of the frontage improvements, design, and construction management. The cost estimate shall be based on conceptual streetscape designs being contemplated as part of the ConnectMenlo General Plan Update, with the understanding that the estimate could change in the future as the streetscape designs are formalized. The cost estimate shall be reviewed and approved by the Public Works Director prior to execution of the DFIA. The agreement shall stipulate that the funds be dedicated solely for improvements along this project frontage and the applicant is responsible for construction of the improvements at such time as any required improvements outside the frontage of the property are constructed as determined by the Public Works Director and that the Public Works Director will refund the money to the applicant if applicant constructs the improvements in the ultimate street configuration. Alternatively, the City may construct improvements itself utilizing the funds provided by the applicant or provide a reimbursement of the funds to another party to construct once the construction has been completed as determined by the Public Works Director.***

Motion carried 7-0.

## **E. Regular Business**

- E1. **Architectural Control/Mohammad Mortazavi/1283-1295 El Camino Real:** Request for architectural control to demolish two existing commercial buildings and construct a new, three-story mixed-use building in the SP-ECR/D (El Camino Real/Downtown Specific Plan) zoning district. The new building would consist of 15 dwelling units and approximately 2,000 sf of commercial uses (non-medical offices, retail, personal services). The proposal includes a request to remove a

heritage catalpa tree at the middle-right side of the property, which is in poor/fair condition. (*Staff Report # 15-012-PC*)

Staff Comment: Senior Planner Rogers said a full colors and materials board was being provided for review. He said there were storefront materials, window samples, and vinyl windows for the rear elevation. He said a condition for the vinyl windows was that they needed to be the same color as the front elevation windows. He noted Attachment H was the environmental checklist, Attachment I was the Mitigation Monitoring and Reporting Program, and Attachment F the standards and guidelines project compliance worksheet.

Public Comment: Mr. John Thatch, Dahlin Group, introduced his clients, Pinnacle Homes, noting they had done 10 homes in Menlo Park. He said this mixed-use project was .2 miles from the train station, .5 miles from Safeway, and there were various neighborhood services in the area. He said all of the retail would be in the front and the townhouses would be above with the parking for the commercial use to the left. He said they were slightly above the parking standards. He said the units were designed as townhouses. He said 10 of the units would have backyards. He said they were trying to use a variety of materials and articulation. He said they agreed with all of the conditions and were in agreement about the window colors mentioned.

Commissioners asked a number of clarifying questions about the project details.

Mr. Mohammad Mortazavi, the property owner, said that the apartments which would be fully furnished would be rented for corporate housing. He said the building would be called Pinnacle. He said depending upon budgeting they would use all aluminum windows in black.

Commissioner Ferrick said she thought in the Specific Plan that personal services were not considered retail. Senior Planner Rogers said that the Santa Cruz Avenue part of the Plan had a requirement for only retail services but that was not the case in this area. He said the applicant had designed and parked it for retail/personal services and non-medical office.

In reply to a query from the Chair, Senior Planner Rogers said this application was submitted in June 2014. He said much of the time since was spent discussing the standards that had to be met and the more subjective guidelines such as activating the street front and de-emphasize parking.

Chair Onken closed the public comment period.

Commission Comment: Commissioner Kadwany said this project was a great model of what could be developed under the Specific Plan.

Chair Onken said he thought this was a great example of getting housing into the area and what the Specific Plan was about. He said he found the human scale of the project more attractive in the back of the project than the front.

Commissioner Kahle said it was a handsome project and fit the site well. He said he thought the colors were a bit too muted and would like something a little brighter. He said there was a two-story element above the left commercial space with two windows and it seemed massive with just two windows and could maybe use another pair of windows. He said the cap of the parapet was galvanized sheet metal and four vertical elements. He said he wanted something to finish those off besides just a sheet metal cap. He said on the two center towers on either side of the opening had grid work where mullions extended all the way up to the roof which he would like treated differently.

Commissioner Combs said this project was a great blend of commercial and residential uses and was not over ambitious. He said his one critique about this related to the City's desire for housing and questioned how the residents of these apartments would contribute to the vitality of the community.

Chair Onken said corporate residents would support their residents and businesses downtown.

Commissioner Ferrick said she liked the creative way the project adhered to the Plan and that it would bring housing stock to the market. She said some of the units were two and three bedrooms which seemed a bit odd for corporate housing. She said if there was more than one tenant per unit she had some concern about cars and parking.

Commissioner Goodhue said she thought this project would greatly enhance the look and feel of El Camino Real. She said she did not think the design was muted or busy. She said she liked the materials and the color palette.

Commissioner Kadvany said he agreed with Commissioner Kahle about the grids on the topmost parts and that could be safely removed as those panels stood out as unfilled.

Chair Onken moved to approve the item as recommended in Attachment A1 to the staff report. Commissioner Combs seconded the motion.

Commissioner Kahle said he would like some project refinements. Chair Onken said those would have to agree to the checklist. Commissioner Ferrick asked how those project changes would be reviewed. She said this was a notable project developed under the Specific Plan and also it would be a disincentive if the project had to come back before the Commission.

Senior Planner Rogers said he would recommend that the Commission indicate the items they thought should be open for flexibility with some specificity. He said Commissioner Kahle's discussion on some flexibility with the color, discontinuing the grid pattern, allowing a different cap for the vertical elements, and potentially adding windows on the left side were recommendations he thought that staff would be comfortable balancing with the discussion and approving administratively.

Mr. Thatch said he liked what Planner Rogers said and what the Commission had said. He said they could look at the color again, the panels, the cap, and the windows.

Chair Onken said these were minor architectural refinements that they would leave open for submission to staff for review and approval. Commissioner Combs said that they were giving them the opportunity to look at those elements and have some flexibility in their choices. Chair Onken said that the staff would then send a substantial conformance email to the Commission.

Commission Action: M/S Onken/Combs to approve the item with the following modification.

1. Make findings with regard to the California Environmental Quality Act (CEQA) that the proposal is within the scope of the project covered by the El Camino Real/Downtown Specific Plan Program EIR, which was certified on June 5, 2012. Specifically, make findings that:

- a. A checklist has been prepared detailing that no new effects could occur and no new mitigation measures would be required (Attachment H).
  - b. Relevant mitigation measures have been incorporated into the project through the Mitigation Monitoring and Reporting Program (Attachment I), which is approved as part of this finding.
  - c. Upon completion of project improvements, the Specific Plan Maximum Allowable Development will be adjusted by 15 residential units and negative 4,474 square feet of non-residential uses, accounting for the project's net share of the Plan's overall projected development and associated impacts.
2. Adopt the following findings, as per Section 16.68.020 of the Zoning Ordinance, pertaining to architectural control approval:
- a. The general appearance of the structure is in keeping with the character of the neighborhood.
  - b. The development will not be detrimental to the harmonious and orderly growth of the City.
  - c. The development will not impair the desirability of investment or occupation in the neighborhood.
  - d. The development provides adequate parking as required in all applicable City Ordinances and has made adequate provisions for access to such parking.
  - e. The development is consistent with the El Camino Real/Downtown Specific Plan, as verified in detail in the Standards and Guidelines Compliance Worksheet (Attachment F).
3. Approve the architectural control subject to the following **standard** conditions:
- a. Development of the project shall be substantially in conformance with the plans prepared by Dahlin Group, consisting of 46 plan sheets, dated received August 3, 2015, and approved by the Planning Commission on August 17, 2015, except as modified by the conditions contained herein, subject to review and approval of the Planning Division.
  - b. Prior to building permit issuance, the applicants shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.
  - c. Prior to building permit issuance, the applicants shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
  - d. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval of the Planning, Engineering and Building Divisions. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.

- e. Simultaneous with the submittal of a complete building permit application, the applicant shall submit plans indicating that the applicant shall remove and replace any damaged and significantly worn sections of frontage improvements. The plans shall be submitted for the review and approval of the Engineering Division.
  - f. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a Grading and Drainage Plan for review and approval of the Engineering Division. The Grading and Drainage Plan shall be approved prior to issuance of a grading, demolition or building permit.
  - g. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance.
  - h. Concurrent with the submittal of a complete building permit application, the applicant shall provide documentation indicating the amount of irrigated landscaping. If the project proposes more than 2,500 square feet of irrigated landscaping, then a detailed landscape plan documenting compliance with the Water Efficient Landscape Ordinance (Municipal Code 12.44) will be required, subject to review and approval of the Engineering Division.
4. Approve the architectural control subject to the following **project-specific** conditions:
- a. Simultaneous with the submittal of a complete building permit application, the applicant shall submit an updated LEED Checklist, subject to review and approval of the Planning Division. The Checklist shall be prepared by a LEED Accredited Professional (LEED AP). The LEED AP should submit a cover letter stating their qualifications, and confirm that they have prepared the Checklist and that the information presented is accurate. Confirmation that the project conceptually achieves LEED Silver certification shall be required before issuance of the building permit. Prior to final inspection of the building permit, the project shall submit verification that the development has achieved final LEED Silver certification.
  - b. Concurrent with the submittal of a complete building permit application, the applicant shall submit a lot merger for this project, subject to review and approval of the Engineering Division. Said lot merger shall be recorded prior to the issuance of building permit.
  - c. Concurrent with submittal of a complete building permit application, the applicant shall submit revised plans specifying that the windows on the side/rear/interior elevations will have a color that matches the windows on the front elevation, subject to review and approval of the Planning Division.
  - d. Concurrent with submittal of a complete building permit application, the applicant shall submit revised plans specifying that a minimum of one residential parking space shall be equipped with an electric vehicle charger, subject to review and approval of the Planning Division.
  - e. Concurrent with submittal of a complete building permit application, the applicant shall submit revised plans clearly specifying that a minimum of five short-term bicycle parking spaces shall be provided near the front of the development, not in conflict with any other site improvements or the eight-foot clear walking zone, subject to review and approval of the Planning Division.

- f. Concurrent with, or prior to, the submittal of a complete building permit application, the applicant shall submit a draft Public Access Easement (PAE) along the property frontage to accommodate the full eight-foot clear walking zone. Said dedication shall be accepted by the City Council prior to the issuance of building permit. Said PAE shall be recorded prior to building permit final inspect, subject to review and approval of the Engineering Division.
- g. Refuse bins shall not be left on the property frontage or in other visible areas overnight.
- h. The applicant shall address all Mitigation Monitoring and Reporting Program (MMRP) requirements as specified in the MMRP (Attachment I). Failure to meet these requirements may result in delays to the building permit issuance, stop work orders during construction, and/or fines.
- i. Prior to issuance of the building permit, the applicant shall submit all relevant transportation impact fees, subject to review and approval of the Transportation Division. Such fees include:
  - i. The citywide Transportation Impact Fee (TIF) is currently estimated at \$8,190.68. This was calculated by multiplying the fee of \$1,927.02 per multi-family unit by 15 units and the fee of \$4.63/square feet per retail space by 1,997 square feet for new uses and a credit for 6,471 square feet of existing commercial uses. This fee is updated annually on July 1st based on the Engineering News Record Bay Area Construction Cost Index.
  - ii. The Specific Plan EIR requires fair-share contributions for additional intersections not included in the citywide TIF. The City has adopted a Supplemental Transportation impact fee for the infrastructure required as part of the Downtown Specific Plan. The fee is calculated at \$379.40 per PM peak hour vehicle trip. The proposed project is estimated to generate zero net new PM peak hour trips, so there is no supplement TIF due.
- j. Prior to building permit issuance, the applicant shall pay the El Camino Real/Downtown Specific Plan Preparation Fee, which is established at \$1.13/square foot for all net new development. For the subject proposal, the fee is estimated at \$26,470.25 (\$1.13 x 23,425 net new square feet).
- k. Simultaneous with the submittal of a complete building permit application, the applicant may submit revised plans that address the following areas, subject to review and approval of the Planning Division. If any such changes are made, the Planning Division shall notify the Planning Commission via a “substantial conformance” email that describes and shows the changes, and allows any individual Planning Commissioner to request that the revisions be reviewed by the full Planning Commission.**
  - i. Remove the extended grids at the upper portion of the central “tower” elements;**
  - ii. Modify the proposed color scheme;**
  - iii. Change the parapet cap from sheet metal to an alternate treatment; and**
  - iv. Add windows on floors two and three, in the left-hand vertical siding area.**

Motion carried 6-1 with Commissioner Ferrick opposing.

Commissioner Ferrick said she did not like the aesthetic of the style and she was not comfortable with making changes and the subsequent approval process.

Commissioner Goodhue said she supported the project but was hesitant to support opening the project for change as it might potentially create confusion.

**F. Commission Business**

There was none.

**G. Informational Items**

Commissioner Ferrick said the new staff report format did not provide the data sheet upfront, and that was needed. Commissioner Strehl agreed.

**H. Adjournment**

The meeting was adjourned at 9:25 p.m.

Staff Liaison: Thomas Rogers, Senior Planner

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on September 21, 2015

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