



REGULAR MEETING MINUTES

Date: 1/13/2020
Time: 7:00 p.m.
City Council Chambers
701 Laurel St., Menlo Park, CA 94025

A. Call To Order

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

B. Roll Call

Present: Andrew Barnes (Chair), Chris DeCardy, Michael Doran, Larry Kahle, Camille Kennedy, Henry Riggs (Vice Chair), Michele Tate (arrived at 7:03 p.m.)

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

C. Reports and Announcements

Senior Planner Corinna Sandmeier said the City Council at its January 14 meeting would hold a study session at 5:30 p.m. to confirm the approach to updating the Transportation Impact Analysis Guidelines related to vehicle miles traveled and level of service.

Commissioner Michael Doran said a number of legislative bills adopted by the state took effect January 1, 2020 that affected accessory dwelling units (ADU) and purported to preempt local zoning ordinances. He said a notice on the Planning Department's webpage said that the City needed to review its ADU ordinances. He asked about the process for that and what the Commission's role would be for that process.

Planner Sandmeier said staff was reviewing to see what parts of applicable ordinances would need revision. She said she could provide a better update at the next Planning Commission meeting.

Chair Barnes noted for the record that Commissioner Michele Tate joined the Commission at the dais at 7:03 p.m.

D. Public Comment

There was none.

E. Consent Calendar

E1. Approval of minutes from the December 9, 2019, Planning Commission meeting. ([Attachment](#))

Commissioner Chris DeCardy moved to approve the Consent Calendar.

Commissioner Henry Riggs referred to page 11 of the minutes, 3rd paragraph, 3rd line that said *They would purchase the four rows of blocks two-toned*. He said he thought that should read: *They would purchase the fourth row of blocks in the appropriate tone*. He said that the Commission had confirmed with the applicant that there would be no two-toned bricks. He referred to page 12, next to last paragraph, that said *Commissioner Riggs said the intention of the building height was to deal with preferences of public opinion*. He said that should read: *Commissioner Riggs said the intention of the building height code language was to deal with preferences of public opinion*.

ACTION: Motion and second (DeCardy/Riggs7) to approve the minutes with the following modifications; passes 6-0-1 with Commissioner Tate abstaining.

- Page 11, 3rd paragraph, delete 3rd line *They would purchase the four rows of blocks two-toned* and replace with ***They would purchase the fourth row of blocks in the appropriate tone***.
- Page 12, next to last paragraph, revise line to read: *Commissioner Riggs said the intention of the building height code language was to deal with preferences of public opinion*.

F. Public Hearing

F1. Architectural Control, Major Subdivision, Use Permit, and BMR Agreement/Ying-Min Li/ 661-687 Partridge Avenue:

Request for architectural control to demolish seven residences on three lots and construct seven new two-story, single-family residences, and one new two-story duplex, with attached garages on a standard lot in the R-2 (Low Density Apartment) zoning district. The project includes a request for a major subdivision to merge the three existing parcels and create nine condominium units. The project includes a request for a use permit for excavation within the required left side and rear setbacks for basement light wells. One below market rate (BMR) unit and one additional market-rate unit are proposed, per the density bonus provisions in the BMR Housing Program (Chapter 16.96.040), which allows density and FAR bonuses when BMR units are incorporated into the project. As part of the project, a 17-inch diameter heritage-size Fig tree (tree #8) in fair condition would be removed. The City Arborist has approved the heritage tree removal pending final action on the proposed project by the City Council. ([Staff Report #20-001-PC](#))

Staff Comment: Associate Planner Ori Paz said the applicant had provided an updated site plan with the correction reconciling the minor discrepancy in the area calculations. He said a condition of approval was included to capture that correction and it would be incorporated into the plan sets going to the City Council.

Questions of Staff: Commissioner Chris DeCardy referred to page 8 of the staff report and the City Attorney's finding that the Tenant Relocation Assistance requirements outlined in Chapter 8.56 did not apply. He asked if the reason for that finding was because the three existing residential units were on separate parcels. Planner Paz said that was correct. Commissioner DeCardy asked if those requirements would have applied if the three units had been on one parcel. Planner Paz said he would need to confirm that, but he thought it would have applied as the total number of units was above the threshold triggering the requirements. Commissioner DeCardy asked if those current tenants had contacted staff with any concerns about the need to relocate or to receive assistance in relocating. Planner Paz said staff had not received any direct correspondence. He said the Housing Division and the project team met to go over relocation and the Below Market Rate (BMR) program generally before the item went to the Housing Commission. He said at that

meeting and the subsequent Housing Commission meeting, he believed it was noted the tenants were given over a year's notice to vacate.

Applicant Presentation: Rick Hartman, Hometec Architecture, project architect, said this project was entitled for eight units but they were going for nine units to include one BMR unit. He said the footprint and floor area ratio (FAR) were so small with a one car garage that to have the units in the 2,000 square foot size range, they needed to do a full basement on each of them. He said each unit had an attached garage and an open parking space next to the garage. He said next to unit 8 were two open parking spaces required for Menlo Park Fire Protection District (MPFPD) access to unit 9. He said for the nine homes they were using three design styles and three interpretations of each. He said units 7 and 8 at the rear had been detached but the MPFPD wanted a 10-foot separation, which he could not fit. He said those two units were officially a duplex but were only joined at the garages and did not have any adjoining living space.

Commissioner Larry Kahle commented on the MPFPD's requirement for driveway width and paving versus the amount of landscaping provided. He asked if staff had concerns about that or options to provide more landscaping. Planner Paz said the use of pavers would count toward the open space landscaping requirement of 50% as those were permeable. He said the MPFPD's requirement for driveway width was a firm requirement. He said Planning staff met with the applicant, City Engineering staff and MPFPD staff to review the project looking for any flexibility with that, which resulted in the 24- and 18-foot driveways. He said if the Commission saw more opportunities for landscaping that it that was within their architectural control purview to make those recommendations. Commissioner Kahle indicated more greenery was desirable.

Commissioner Kahle said the offset between units 7 and 8 was only six inches. He said he thought if both were the same style they would work better. Mr. Hartman said he wanted the units to look like two separate houses. He said the small offset provided a leading corner that differentiated the two buildings from each other.

Commissioner Kahle referred to fascia and corner boards and asked if the intention was to paint the corner boards in an accent color. Mr. Hartman said some would be accent colors. He said they could blend all of them with the adjacent siding. Commissioner Kahle indicated that was his preference. He referred to unit 1 and the fascia returns at the gable ends. Mr. Hartman said the Colonial style had a fully filled-in soffit overhang. Commissioner Kahle requested that those be detailed carefully otherwise they could be clunky and boxy. Mr. Hartman said they would be smooth to the fascia. He said the soffit underneath was a little above, so the fascia extended a little bit below the soffit. He said he had provided a detail of this in the plans.

Commissioner Camille Kennedy commented on the project's need for more landscaping to enhance the development. Mr. Hartman said the MPFPD's requirement for a wide driveway was bothersome as it precluded landscaping. He said that they could conditionally increase the amount of landscaping as to the number and size of the plants.

Commissioner Riggs said some windows had shutters and asked if those real shutters with hinges. Mr. Hartman said they were not. Commissioner Riggs referred to sheet TM.2 that showed the lines for the condominiums. He said there were two sets of lines with one set outlining the buildings and one set dividing up the property into rectangles and lots. He referred to unit 6 and asked if the rectangle represented the condominium. Mr. Hartman said there was common area and

easements. Commissioner Riggs said that made sense as a condominium owner could not own part of the site. He said that resolved his ultimate question regarding sufficient easements for backing up vehicles.

Commissioner Michael Doran said he had some concern with the light wells encroaching into side setbacks. He asked for elaboration on why light wells in the front and back were not sufficient. He said part of the purpose for the side yard setbacks was to allow for vegetation screening. He said it felt like a lot that the light well would encroach 2.5 feet into the required 10-foot setback. Mr. Hartman said the properties on each side had a 10-foot setback creating a 20-foot separation building to building. He said they expected to landscape around the light wells on the sides. He said most jurisdictions he worked with did not like or even forbade light wells in the front yard. He said he tended to put light wells into the rear and side yards as those were not visible to the public. He said with this site he did not have enough available footprint to put the light wells into the footprint of the houses. He said they could certainly ask the landscaper to put in more privacy trees in the side yard.

Commissioner DeCardy referred to page 8 of the staff report that said the applicant was not requesting exception from the parking requirements to reduce onsite parking, and that reducing onsite parking was staff's preference. He asked if the applicant would also prefer reduced onsite parking noting potentially more space for landscaping would be opened. Mr. Hartman said the homes were four bedrooms and he did not think reducing the parking spaces would work for the residents or neighbors.

Chair Barnes referred to page 8, second paragraph, in the staff report. He said it discussed some of the mechanics of the BMR obligation. He asked if in the future the applicants decided that one unit was rental and not for purchase what would occur. Planner Paz said a project-specific condition of approval had been added regarding that scenario and that the applicant would need to do what was required in that instance. Chair Barnes clarified with staff that once the BMR unit was designated as a for sale unit and the building processes completed that the unoccupied BMR unit was sourced to a third-party entity that proceeded to sell the unit irrespective of the applicant's wishes.

Commissioner Riggs asked if the purchaser of the BMR needed to move out of the area whether there were restrictions on that individual renting the BMR unit to someone else. Planner Paz said he did not think that would be allowed. He said there were restrictions outlined in the BMR program and he believed that was addressed. He said it also could not be used as short-term rental.

Commissioner Kahle referred to unit 1. He noted a two-story wall with a lower roof that stopped on the right coming from the porch. He asked if the lower roof could be connected to break up the two-story mass. Mr. Hartman said that was done intentionally to create a difference between unit 1 and unit 2, the latter having a roof that went straight across. He said as it was just an overhang that he could put a roof across on unit 1. Commissioner Kahle said that would be his preference.

Chair Barnes opened the public hearing.

Public Comment:

- Peter Colby, Menlo Park, said he lived across the street from the project. He said the same

developer had redeveloped the lot next door to him. He said the drawings showed a number of AC units located next to 712 Partridge Avenue and his concern was noise and electricity demand for cooling. He said the drawings indicated five bathrooms in every unit and not 3.5 bathrooms. He said two baths and a laundry room were below ground on each unit. He said page 7 of the staff report said the applicant should comply with all the requirements of the Building Division and Engineering Department. He said the West Bay Sanitary District had a sewer main in the street that caused problems because the neighborhood did not have as much slope as other places in Menlo Park. He questioned that sewer pumps would be able to pump uphill to the main line. He said that was a sanitary health concern. He said he did not have confidence in the developer noting construction at 712 Partridge Avenue by them that informed his opinion.

Chair Barnes closed the public hearing.

Commission Comment: Commissioner Kahle said the project would provide nine homes, which was great and by his quick count increasing bedrooms from 12 to 30. He said the four recommendation items could be considered as one. He noted the major subdivision and asked if that was a direction Menlo Park wanted to go, in which smaller lots combined into larger lots that were then subdivided into condominiums. He said the mixture of three styles was a good approach. He said there was a lot of paving and he would like to see as much landscaping done as possible to soften the project. He said corner boards in his opinion should be painted out to match the main color. He said his preference was to make units 7 and 8 look like one unit and have the lower roofline on unit 1 connected. He said he agreed with the table of materials in the staff report except for the fake shutters, which he would like eliminated. He said the decorative wood railings in the rendering of unit 2 looked too gingerbread and would belong on a Victorian house rather than a farmhouse. He said he agreed that the three Craftsman units should have some consistency with planter boxes on all of them and for the farmhouse units to have consistency on the front doors and garage doors. He said he would recommend approval.

Commissioner Kennedy said she would echo Commissioner Kahle's comments. She said she thought one of the only ways the City would get a significant quantity and quality of housing in this neighborhood and a BMR unit as well was to do something like this proposal. She said she was fine with all of the proposed resolutions. She moved to recommend approval to the City Council on all four items.

Commissioner Doran said the architect indicated they would be open to doing landscaping on the sides. He said as drawn there were two light wells with a deck in between and steppingstones between the light wells and property lines. He asked what would be possible in terms of landscaping without the applicants having to redesign to remove the light wells on the side.

Planner Paz said he would like to direct that question to the architect as he would have a better sense of what was possible from the design side. He said from a zoning ordinance requirement and related requirements standpoint the only really consideration of setbacks for landscaping was for things like heritage tree replacement and tree plantings. He said the City Arborist would need to review a planting plan to ensure that a tree would be planted where it could thrive.

Mr. Hartman said their landscaper did a traditional three-foot, two-and-a-half-foot walkway but that was not needed. He said they could move the steppingstones, so the walkway was only two-feet

wide and closer to the light wells. Commissioner Doran asked if that could be included as a condition. Mr. Hartman said that it would be fine to lessen the walkway area width and increase landscaping space to a four-foot width for privacy screening plants.

Commissioner Doran said with that included in the motion he would second the motion. He said his recommendation was for the architect to modify the plans for a narrower walkway and for plantings between the walkway and the lot line.

Commissioner Kahle asked if Commissioner Kennedy was open to recommending the applicants increase landscaping as much as possible. He said for instance cutting back the two-foot overhang at the front of the uncovered parking space so not every bit of the parking area had to be paved. Commissioner Kennedy said she was fine with that.

Replying to Chair Barnes, Planner Paz asked if the Commission had examples of creative solutions for additional landscaping, noting their direction would be helpful.

Replying to Chair Barnes, Commissioner Kahle said that the entire space for the minimum uncovered parking spaces did not have to be paved so that there would be a two-front overhang between the vehicle tires and the end of the parking space. He said other jurisdictions allowed landscaping in those areas. He said there was a sea of paving so anywhere pockets could be identified to add landscaping was desirable. He noted the back corner of unit 9 that was paved all the way to the far corner. He suggested looking for areas like that where the paving could be cut back to soften the site. Planner Paz said that was helpful.

Commissioner Riggs said the duplex units were different styles. He said he hesitated to accept the logic that this created two different buildings. He said two disjointed styles would be seen as there was a 24-foot wide sight angle. He said also the proportion of those two buildings were identical. He asked if the architect might speak to the possibility of making the two garages the same color or paint scheme, which did not have to be one of the schemes that belonged to the building or to make them architecturally similar but in subtly different colors so it was recognized as a single building.

Mr. Hartman said he was trying not to make it look like a single building. Commissioner Riggs said he understood that, but the project was part of the shared street. He said he would like to hear other solutions. He said the garages could look like a third party and the two units could look independent, but the garages could be a pair of garages. Mr. Hartman said the porches were very different but after that the buildings were very similar. He said he could put the Craftsman style at unit 9 and put the farmhouse style at unit 7. He said the farmhouse had more similar styling and siding, more muted colors, all lighter than what the Craftsman would have. He said with that the two would not be so starkly different. He said he still wanted the two units to have different styles and colors. He said he wanted all nine homes to be unique even though with the two units the garages touched. Commissioner Riggs said that sounded like a potentially good solution and would like to hear Commissioners Kahle and Kennedy's comments on that. He said he also agreed with the request to paint out the corner boards that the architect had been amenable to. He asked if that could be added to the motion.

Commissioner Riggs said he fully supported planting more trees. He said he thought there might be three locations with possibilities for planting. He said one was in the landscape area between

the light well and porch adjacent to the wide driveway. Mr. Hartman said all of the open parking spaces could probably be backed into the driveway more to the limit of the needed turning radius. He referred to A.1. He said he could back each of the open parking spaces towards the driveway, which would open up landscaping space at the nose of parked cars. He said that would reduce paving and free up landscape area. Commissioner Riggs suggested planting a tree wherever there were cars parked face to face. He said that was done at one location already among units 2, 3, 5 and 6 but not among units 5, 6, 8, and 9. He said another potential location was behind unit 8 using a patio tree. He said where there was no planting space such as along the right edge of the property that a vine-like grevillea could be planted that would cling to the fence. He said it got quite woody and if not trimmed got quite tall. He said it also had significant purple flowers almost year-round. Mr. Hartman said the plan indicated a redwood fence with flowering vines along the driveway.

Commissioner Riggs asked if the motion could include painting out the corner boards that the applicant was amenable to and to plant trees wherever possible.

Chair Barnes asked Commissioner Kennedy as the maker of the motion if she wanted to include painting out the corner boards and adding trees as discussed. Commissioner Kennedy said she was amenable to both of those items. She said there was also discussion about swapping house styles. Commissioner Riggs said that the applicant seemed amenable to swapping out the front unit with the rear unit on the left row to minimize the difference between the two units on the end, which would keep three different house styles on the left. Commissioner Kennedy said she was fine with swapping house styles between units 7 and 9. She said she did not want to encumber the properties with anything that would make the unit difficult to sell or would necessitate the owner when the unit was purchased to redo the exterior to have its own personality as that might create a tense profile in the space. She said she was fine with swapping units 7 and 9 styles. Replying to Chair Barnes, Commissioner Kahle said he thought that would help considerably. He said Commissioner Riggs' observation that the two homes would be very visible down the 24-foot wide driveway was apt.

Replying to Planner Paz, Chair Barnes said the motion to recommend approval of the item to the City Council was made by Commissioner Kennedy and seconded by Commissioner Doran with additions to the motion regarding additional landscaping related to the light wells. Planner Paz clarified that included reducing the path around the light well and additional landscaping there. Chair Barnes said Commissioner Kahle had specific landscaping comments. Planner Paz asked that those be restated. Commissioner Kahle said that was to increase the amount of landscaping as much as possible using reduced paving for uncovered parking spaces and areas not specifically needed for fire access, and any pockets of land where it was possible to increase the overall amount of landscaping whether trees, bushes, or anything else. Planner Paz asked if that was meant to include the areas mentioned by Commissioner Riggs near the light well railing but off of the parking area. Commissioner Kahle said yes but deferred to Commissioner Doran. Commissioner Doran said regarding the light wells that he was really looking for trees between the light wells and the property lines for screening.

Planner Paz confirmed that the condition added by Commissioner Doran was to reduce the width of the path on the left side for units 1 and 4 and add landscape trees between the path and the property line on the left.

Chair Barnes confirmed with Commissioners Kennedy and Doran that they accepted the additional recommendation to paint out the corner boards painted. He referred to the discussion to swap out styles on units 7 and 9. He said Commissioner Riggs commented on trees and asked him to clarify again what was wanted. Commissioner Riggs said his comments were largely in support of other comments regarding trees.

Chair Barnes restated the motion as modified made by Commissioner Kennedy and seconded by Commissioner Doran to recommend to the City Council approval of Architectural Control, Use Permit, and Vesting Tentative Map and Below Market Rate (BMR) Housing Agreement per Attachment A with recommended modifications as stated.

ACTION: Motion and second (Kennedy/Doran) to recommend to the City Council approval of the project as stated in the resolutions submitted with the staff report with the following modifications; passes 7-0.

7i. Simultaneous with the submittal of a complete building permit application, the applicant shall submit revised plans showing the following changes, subject to review and approval by the Planning Division:

- a. Reduced width of the path around the light wells in the left side yards of units #1 and #4 and additional landscape screening trees between the path and the property line;***
- b. Onsite landscaping increased as much as possible in:***
 - 1. Areas not required for fire access; and***
 - 2. Areas not required for vehicle movement, such as uncovered parking areas reduced to the minimum allowable area and backup, front and rear yard areas, areas adjacent to light wells and pathways to yards;***
- c. All corner boards painted to match the color of the siding of the walls that they terminate; and***
- d. The craftsman style of unit #7 exchanged with the farmhouse style of unit #9, to soften the distinction between the two units that comprise the duplex (unit #7 and unit #8).***

F2. Conditional Development Permit Amendment and Environmental Review/Ernest Lee/
Facebook West Campus Hotel:

Request for an amendment to a conditional development permit (CDP), approved in November 2016 and amended and restated in November 2017, to increase the number of hotel rooms and decrease the number of parking spaces associated with the previously approved hotel land use. The proposed approximately 90,243 square foot, five-story hotel with a surface parking lot would consist of 240 hotel rooms, a restaurant, and hotel amenities. The modifications to the CDP include a request to increase the approved number of hotel rooms from 200 to 240 rooms and decrease the number of onsite parking spaces from 245 to 118 parking spaces. A shared parking agreement between the hotel use and the other site occupant (Facebook) would be incorporated into the proposed project as part of the parking reduction request. The proposed modifications would

continue to comply with the floor area ratio, building coverage, and maximum height limits of the previously approved CDP. The proposed CDP amendment would also incorporate a request to permit wall-mounted art on specific locations of the proposed hotel building facades. The City Council certified the Environmental Impact Report (EIR) as part of its approval of the project in November 2016 and subsequent project revisions were previously analyzed for consistency with the certified EIR through the Facebook Campus Expansion Project Addendum (First Addendum). The currently proposed revisions have been analyzed for consistency with the certified EIR and First Addendum (Second Addendum). The analysis in the Second Addendum found that the proposed revisions associated with the hotel would not result in new impacts or an increase in the severity of previously identified impacts. ([Staff Report #20-002-PC](#))

Staff Comment: Senior Planner Kaitie Meador said the Commission would be the recommending body to the City Council on the item. She said she did not have anything to add to the written report. She said the applicant had a detailed presentation.

Questions of Staff: Commissioner Doran asked if increasing the number of hotel rooms for this Facebook project would require decreasing hotel rooms for Facebook's other hotel project in Willow Village. Planner Meador said Facebook could choose to go through additional environmental review to increase the cap or to permit the additional hotel rooms beyond the cap, or they could revise their project to meet the current hotel room cap. Commissioner Doran asked what the aggregate number of hotel rooms was between the two proposed hotels. Planner Meador said the total on file was 457 rooms and those were split for three projects – tonight's proposed hotel project, Facebook Willow Village hotel, and Hotel Moxy.

Applicant Presentation: Ernest Lee, CitizenM, said the decision to request amendment of the Conditional Development Permit (CDP) for the project was made after studying hotel demand patterns in the area and factoring in the site's physical limitations. He said since the July 22, 2019 study session on the project that they had worked with staff to revise the project proposal based on the feedback received. He said the Second Addendum to the Environmental Impact Report (EIR) was finalized in December 2019 and no significant impacts were identified. He said they held an open house at the Belle Haven Community Center in October on the project and they met with JobTrain to discuss local hiring strategies. He said feedback at the July study session included looking at some type shared parking arrangement. He said they planned 100 parking spaces onsite for guests and 127 parking spaces in the adjacent parking garage for employee and overflow parking.

Nils Sanderson, CitizenM, said the amendment would increase the hotel rooms from 200 to 240 but within a smaller building than originally approved. He described bicycle, pedestrian, and vehicular access to the site. He discussed solar impact and energy management techniques. He described the modular units that would be used. He said the units would be fabricated while the ground preparation and foundation laying were occurring. He commented additionally on the sustainability import and aesthetic of the modular building and other features of the project including bird safe glass and native plantings.

Commissioner Kahle said it looked like the proposed artwork on the right would face a parking garage. Mr. Sanderson said it was intended to be seen from Chilco Street. Commissioner Kahle referred to the open space of the hotel terrace and backyard, which was noted as one of the amenities. He asked if that was open to the public 24/7. Mr. Sanderson said they would have to

work with the restaurant operator sharing the space as to terms of operations, safety, security and the comfort of their guests to establish appropriate hours for accessibility. He said the terrace and backyard would be open and accessible within those hours noting that accessibility was not limited to coming through the hotel. Commissioner Kahle confirmed the entry to the restaurant was from the Bayfront Expressway side. He said the hotel entry was very understated and would be found mainly through the circulation of the driveway and any signage. He asked if that was intentional. Mr. Sanderson said they did not think they needed a huge sign. He said the one level building acted as its kind of signage.

Commissioner Kahle said part of the project's charm were modules that would be lit up in different areas thus providing visual variety. He asked how the stairs and elevators on the opposite side would look at night. Mr. Sanderson said the main northern and southern exposures where rooms were located would be very activated. He said the east and west sides would be the quiet sides. Commissioner Kahle said his question was more about the north side, the side facing Bayfront Expressway. He said the center section of the upper floors had an elevator, staircase and linen room. He asked if those areas would be lit at night or dark. Mr. Sanderson said those areas would be dark. He said there were opaque walls behind them and only the blinds would be visible.

Commissioner Kennedy asked if the terrace and backyard of the restaurant was a public amenity. Mr. Sanderson said it was publicly accessible subject to hours of operation working in line with the hotel. Commissioner Kennedy noted the small sized rooms and asked if the demand for those would be business-related. Mr. Sanderson said they had found that a large group of travelers did not spend a great deal of time in their rooms. He said they found this an opportunity to create a smaller room that worked very efficiently and met the needs of the guests when they were in it while creating much larger lobby spaces as more public and communal areas within the hotel. He said at this site with the climate that use was extended to the outdoors.

Chair Barnes referred to Commissioner Kennedy's question. He asked whether the space was being provided as a public amenity and was part of the 50% of the value for the gross floor area above base development required as contribution to public benefit. Mr. Lee said it was not a public benefit as defined so but the space was open to the public as an extension of the hotel lobby.

Chair Barnes said in the renderings the views were from the south, southwest and northwest. He said he wanted a rendering that provided a view from the northeast and Bayfront Expressway. He said he had asked the same of staff earlier that day. Mr. Sanderson said that question had been conveyed to them and they put together a couple of views showing the building and the massing as seen when driving by on Bayfront Expressway. He said it did not show the correct materials but showed the correct perspective of the building and orientation on site. He said the setback from Bayfront Expressway was significant due to the PG&E easement and surface parking.

Chair Barnes referred to the Hotel Mia that was built. He said its inward face was very nice but the rear view from Highway 101 was of the service buildings that were a different color from the hotel and an angular parking structure. He said with this proposal the view from Bayfront Expressway was surface parking through deciduous sycamore trees to the service buildings. He said he would have liked a rendering to show the materials that would be used there and that the service buildings would integrate well into the hotel facility building.

Mr. Sanderson referred to the modular construction and said that the buildings from the north

would look essentially like the buildings from the south except for some areas behind the core. He said the upper four floors would look similar and the first floor at the back of the house would be stucco material. He noted landscape buffer that would soften that view. He said the restaurant faced the north, so the north façade had some activation. He said on the other side was the activation of the conference room. Chair Barnes said that was from the northwest view, but he was referring to the view from the northeast. Mr. Sanderson said that view was the back of the restaurant. Chair Barnes said the service building seemed to be the bulk of the view from Bayfront Expressway.

Case Creal, Gensler, project executive architect, said that the layers of plantings and cars would serve to take one's eye to look up higher when driving at 30 to 50 mph along Bayfront Expressway. He said at the pedestrian level it was softened with considerable landscaping and with material sensitivity. Replying to Chair Barnes, Mr. Creal said the first floor was 16-feet in height. He said stucco in two different colors would be used. He said the back of the restaurant was a champagne stucco. Chair Barnes asked what landscaping was contemplated noting the 16-foot first floor height. Mr. Creal said there would be low scale ornamental varieties of grasses leading up to higher shrubs and then taller trees. Chair Barnes said he saw Coast live oaks and sycamores as the proposed tree species. Mr. Creal said the midsize shrubs were not shown in the slide presentation, but they were in the appendix and landscape drawings.

Chair Barnes noted the hotel trip cap was under the trip cap associated with the Facebook expansion project. He asked if a person drove to the restaurant for lunch and parked whether that trip would be counted toward Facebook's trip cap. Someone in the audience answered affirmatively. Chair Barnes asked the person to come forward and asked how they were modeling non-Facebook employees frequenting the restaurant. Robert Eckols, Fehr & Peers, project transportation consultant firm, said a number of trips were put into the original analysis for both the peak hours and the daily trips that were assigned to the hotel. He said it was the responsibility of Facebook as everything got counted coming onto the site. He said in terms of trips generated by people walking over from the other building that was not monitored or measured. He said only people coming in from the driveway at Constitution Drive were.

Chair Barnes said the CDP had required 245 parking spaces and the hotel had been scoped at 174,000 square feet. He said it was now proposed at 90,000 square feet. He asked if parking was linked to the number of rooms or to square footage. Mr. Eckols said hotel parking was based on the number of rooms. He said 245 parking spaces was the City standard for the number of hotel rooms. He said with shared parking they would still have up to 245 parking spaces. He said parking demand for hotels had gone down from 1 to more cars per room to .3 to .6 cars per room. He said their projection for actual parking demand was considerably below the number of parking spaces required. He said midday they expected 130 filled spaces and in the evening 170 to 190 spaces when the restaurant was active and had more people driving to it and from the hotel guests at the hotel. He said it was not known how many of the hotel guests would be visiting Facebook offices as that would help to reduce the overall parking demand.

Chair Barnes said the shared parking agreement referenced that its term was coterminous with the underlying ground lease for the hotel. He asked what the primary term was and what were the options associated with the underlying ground lease. Mr. Lee said the primary term was 99 years with no extensions.

Chair Barnes referred to Amendment K, 6.2, page 4. He said it referenced the Planning Commission's role in considering the proposed artwork. He said it was unclear what the community's role would be. He asked where specifics were noted as to which groups other than the Planning Commission would have roles and what the process would be. Mr. Sanderson said they were looking to develop with staff a plan for how community feedback might be incorporated using a collaborative approach.

Commissioner Riggs said Mr. Eckols noted the parking requirement for hotels had trended downward significantly. He asked whether traffic had a downward trend as well for hotels. Mr. Eckols said traffic had not trended downward for hotels. Commissioner Riggs noted the use of Uber and Lyft and asked whether that might tend to increase traffic. Mr. Eckels said that was a possibility. He said because a trip cap was in place that would have to be managed between Facebook and CitizenM. He suggested that hotel guests whose business was at Facebook would walk or use the tram and that would offset trips.

Commissioner DeCardy confirmed with Mr. Sanderson that both sides of the building would have the iconic red stairwells. He said the side facing Chilco Street would have artwork and asked if the other side would have similar artwork. Mr. Sanderson said it would not.

Commissioner Kahle referred to sheet G.0241 showing artwork next to the stairs on both the northwest and southeast elevations. Mr. Sanderson said that was an error in the drawings. Commissioner Kahle confirmed that there was only one mural or panel proposed. Mr. Sanderson said that was correct and on the exterior of the building. He said an additional artwork was proposed at the entryway.

Chair Barnes opened the public hearing and closed it as there were no speakers.

Commission Comment: Commissioner Riggs said overall that he liked the architecture. He said he had concerns regarding solar gain, but the applicants would make it work noting their LEED Gold construction. He suggested that additional thought be given to landscaping in the large landscaped area on the south side. He said as a word of caution that the proposed Coast live oak would potentially be under stress in that location having full solar gain from two directions at once. He said he was concerned with community input on art selection as he thought the community deserved the most professional, thoughtful and educated presentation of art. He said he hoped that the art selection would move forward with suggestions from a very well thought out position. He said he thought the kind of mural shown on sheet 2.401 could be very successful. He said the stairs, which he described as red ribbon stairs, were very important to the building in making the ends of the building significant and successful. He said they were a wonderful contrast of form with the necessarily rectangular forms of modular construction. He said he shared concern about large expanses of stucco. He said the long landscape wall in the southeast wing had drawn his attention. He said it was a very similar concern as Chair Barnes' concern about the one-story wall and the back of house space. He cautioned there was considerable risk in using stucco in large expanses on an otherwise very crisp and elegant project.

Commissioner Kahle referred to the three modifications the Commission was asked to consider. He said the increase of rooms from 200 to 240 was appropriate. He said the reduced parking seemed to work with the shared parking agreement proposal. He said the artwork seemed like it would be a dynamic and attractive part of the project. He said he thought the modules on the north

side might be a missed opportunity as the center area would be dark and suggested finding a way to light that area. He said following up on some of Chair Barnes' questioning that he thought a rendering of that side of the building in the evening would probably be very helpful. He said he thought the entry was understated and might need signage or something to help draw attention to it. He said otherwise the modifications were very approvable. He moved to recommend approval to the City Council as recommended in the staff report. Chair Barnes confirmed with Commissioner Kahle the two recommendations in addition to the motion to recommend approval as stated were to provide a rendering of the back of the house, the Bayfront Expressway elevation, and to do something to bring more focus to the entry that was not just signage and the driveway circulation. Commissioner Kennedy seconded the motion.

Chair Barnes referred to the architectural control approval process for the large-scale exterior artwork. He said he thought there were people much more qualified to make that call than himself as a Planning Commissioner. He asked if there had been any thought of a committee that would work between the Planning Commission and the applicant for the selection and vetting of what would be appropriate, and to identify who might be appropriate to do the artwork. Planner Meador said they did not have a process in place for that. She said their understanding regarding the design review for the artwork from the study session was that the Commission did not particularly want to approve the specific artwork or dictate what it was, but wanted the community to be heavily involved and for the applicants to work with the community on the type of artwork they wanted to see in that area. Chair Barnes said he agreed with that. He noted 6.2.3 that said: *The applicant shall conduct community outreach to the satisfaction of the Community Development Director for the façade mounted artwork with the goal of ensuring that selected artwork reflects the values and input of the community.* He said he was looking for more specificity beyond that as he still did not know what that meant. He said he would recommend that thought be given to the establishment of a committee that would carry out that process of vetting to the Community Development Director what the probable and good artwork might be. Planner Meador asked in clarification if Chair Barnes would want that committee to review the design instead of the Planning Commission. Chair Barnes said not necessarily. He said he would like a recommending body to the Planning Commission. He said his underlying assumption was there were people who wanted to do the vetting, who wanted to do art, and would be enthused about being part of the selection process.

Principal Planner Kyle Perata said that was something the Planning Commission could recommend that the City Council consider as part of its overview. He said staff would need to look further into the creation of a new committee and how that committee would work according to state law regarding commissions and committees' meetings and the Brown Act. He said that might have more legal implications versus continuing with the recommendation from staff that the applicant team provide documentation of their community outreach and the Planning Commission's review of the general location and parameters as an established commission to review land use applications and entitlements.

Recognized by Chair Barnes, Mr. Sanderson provided background information on processes in other municipalities that had commissions to review development related art proposals, and while suggesting such a committee for this art selection process might serve as a test case for future such proposals, he acknowledged that doing so would add considerable time to accomplish. Chair Barnes said the applicant was doing the informal outreach without the City going through the formalization of this type of committee. He said they certainly would not want to create a commission for one piece of artwork on one building.

Commissioner Tate said she had served on advisory committees that were comprised of residents and other commissioners. She said she definitely would like to see community members as part of whatever committee was organized to vet art as the community needed to have input, noting she had mentioned that in the previous study session. She asked about the community outreach meeting that was held at which about 12 people were present, and what those people said about the project. Mr. Lee outlined the topics presented at the community meeting. He said it was a listening exercise in terms of what worked and did not work within the micro-location and how they could be a good neighbor moving forward. Commissioner Tate said she had seen the bullet points of the topics covered. She asked what the feedback was that they received, details of what type of support or concerns the community expressed about the project and whether the applicant was able to ease initial apprehension on issues of concern. Mr. Lee said a lot of focus was on traffic impacts to the area tied specifically to the increased number of hotel rooms. He said they explained what the current generation of room demand was in the micro-location and how there were upwards from between 450 to 500 room nights that were produced on average on a nightly basis. He said they shared their belief that they would be taking trips off the road through the drop off period, providing the amenities needed during the guest stay, and the number of Facebook related guests being able to walk or bike to that property. He said regarding the restaurant the community members wanted to know how it served the community as their community would bear the impacts. He said they explained that there were conditions in the lease to make sure Facebook's chosen operator would make the restaurant compatible and inclusive and would serve hours of operations that made sense not only for the business traveler but also for the weekend guests. He said community members wanted to know that the commitment for local hiring was not exclusive based on a particular background or certain professional experience level. He said they went over their hiring model, which was largely based on hiring for personality and not technical skills or having service industry experience. He said that resonated well with the community members at the meeting.

Commissioner DeCardy said regarding artwork selection and approval that he would prefer the proposal as currently stated. He said he completely agreed with Commissioner Tate's comment to have local resident community engagement as part of that process. He said the application pointed out that this site was important because it was an entryway. He said it was not just an entryway to the Facebook campus but was an entryway to a part of the City that had a distinct and unique history that deserved to be recognized in the mix as well.

ACTION: Motion and second (Kahle/Kennedy) to recommend approval to the City Council of the item as specified within the resolutions included with the staff report with two additional recommendations, passes 7-0:

- Provide a rendering of the Bayfront Expressway elevations with landscaping details, and
- explore ways to add more emphasis to the driveway and lobby entrance.

Chair Barnes recessed the meeting for a short break at 9:35 p.m.

Chair Barnes reconvened the meeting at 9:41 p.m.

- F3. CEQA Determination/1162-1170 El Camino Real/Chase Rapp:
Review and determination of potential historic significance for the existing buildings at 1162-1170

El Camino Real. (Staff Report #20-003-PC)

Replying to Chair Barnes, Erik Ramakrishnan, Goldfarb and Lippman, said he was acting as Special Deputy City Attorney this evening.

Staff Comment: Planner Sandmeier said since publication of the staff report four additional emails were received by staff in support of Feldman's Books and keeping the existing buildings. She said they also received one email in opposition to designating the buildings as historic resources. She said copies of those were on the back table and distributed to the Commission at the dais.

Questions of Staff: Commissioner DeCardy referred to an attachment from Evans and De Shazo, the top of page 31, E34. He said he did not understand the sentence as it was a run-on sentence and asked whether staff had asked for clarification of it. Mr. Ramakrishnan said it was not his document, but he thought what was intended by the sentence was that in the 1990 survey the resource was given the designation 5S1 which meant that it was listed in a local register. He said however that Menlo Park did not have a local register so he thought the statement was more indicative that it would have been eligible for being considered in a local register.

Chair Barnes thanked the members of the public for attending and apologized for the late hour.

Applicant Presentation: Brady Furst, applicant, said they agreed with staff's recommendation that the subject buildings were not historically significant. He said that was also confirmed in their historic resource evaluation (HRE) report from Evans and De Shazo. He said this was also confirmed in the City's third-party review from Interactive Resources. He asked if after public comment their historic consultants might speak in rebuttal.

Chair Barnes said he would not necessarily allocate time for rebuttal, but the applicant would be able to respond if one of the Commissioners had a question or comment for him.

Public Comment:

- Aidan Stone, Menlo Park, said the California Environmental Quality Act (CEQA) stood in the way of development of the subject property as it was associated with events that made a significant contribution to the City's historic and cultural heritage. He noted its association with the Stanton family, a founding family of Menlo Park, and that it was built by the Weeden brothers, Menlo Park pioneers. He said it was made from the hearts of redwood trees, visited by James Stanford, and by Jerry Garcia of the Grateful Dead in the 1980s. He said it was a bookstore and cultural haven as a 23-year old business in a 120-year old building. He noted inkwells and other historic artifacts found on the property. He said the robust and fruitful avocado tree on the site was 51 years old. He said he hoped the building was evaluated as eligible for a preserved listing at the local level and that Menlo Park would establish and maintain a local register of historical resources with specific criteria for listings. He urged the City to make a finding of no project for the subject property.
- Ellen Shay, Palo Alto, said so many buildings with character were removed and replaced with identically looking projects. She noted two large development projects on the east side of El Camino Real and suggested waiting until they were completed to see how those impacted the Menlo Park community and downtown. She said housing should go up in density and not

spread out and destroy small buildings and old businesses. She said used bookstores, which were disappearing in the Bay Area, were a valuable resource.

- Blake Conway, former resident of Menlo Park, said he was an artist, and founder and executive director of an art and education nonprofit in San Francisco. He said Feldman's Books was important to his life's development and had provided a sense of place. He said he was not against development. He said a used bookstore, by definition, was historic. He noted influential thinking that arose from the Menlo Park area and that was available to read about in books offered by Feldman's. He said he did not have the expertise as to whether the building was historic or not, but he thought relocating the bookstore elsewhere in the City was important as it was an important resource.
- Jeffrey Moore, East Palo Alto, commented on cultural heritage and not creating a cultural dead zone. He referred to a development in Mountain View on what had been a Sears property as soulless and its type could easily be found in Dallas.
- Melanie Austin, Menlo Park, referred to an article in the Daily Post that said the Planning Commission had the ability to determine the significance of historical buildings at the local level even if the building did not meet historically significant standards of the state and federal level. She observed that hundreds of people visited Feldman's monthly looking for data, information, knowledge, entertainment, edification, relaxation, distraction, pleasure, and relief. She said the article also indicated if the building was determined a historic resource to be preserved that did not mean the use was mandated. She said she did not think the two could be separated.
- Chair Barnes called Rod Donnelly, who did not speak.
- Mila Mazur, District 4, Menlo Park resident, said the City was being drastically changed by development and was losing too much, while gaining too little. She said her family was on the BMR apartment list, but she recognized that three BMR units in exchange for a historical building and a small locally owned business with affordable books for the whole community would potentially only help three families like hers. She said the City was in desperate need of a registry of the few historical buildings left and an ordinance to protect them. She said the Downtown Specific Plan left out one of the things that made Menlo Park a special place to live and that was small, independent businesses. She said they were headed toward being a city of chain stores that could be found in any town in the U.S. She said if the building and Feldman's were lost the City was one step closer to being a city with no character. She said they were building a city for her generation, a generation that was rejecting unsustainable business practices and embracing reuse of resources such as books and buildings. She said they saw the value in creating and maintaining sustainability in communities that benefited all people who lived there and not just the rich and powerful. She said developers made millions of dollars on the City and changed how people in the community lived. She said they needed to be accountable to the planners and City Council for the kind of city they were developing for the people who actually lived in the City.
- Lydia Cooper said she was a Menlo Park resident and on the board of the Menlo Park Historical Association. She said the Association was not only involved in the preservation of local history through photos, oral histories, and artifacts, but were also concerned with the

preservation of historical sites that dated back to the late 1800s and early 1900s. She said the two-story building at the subject property was more representative of an era dating back to 1904 and built in the style of the turn of the century office buildings. She said the buildings were similar to buildings on Homer Street in Palo Alto that were preserved. She said its early history was as a laundry operated by a French family. She said Jane Stanford used their laundry. She said later it was a grocery store operated by the McCarthy's for many years. She said both those immigrant families built successful businesses in Menlo Park and were buried at Holy Cross Cemetery. She said they were significant persons to Menlo Park. She quoted from the staff report: The Planning Commission could find that the building at 1170 represents a potential historic resource at the local level. She said the Association would support that.

- Faith Bell, unincorporated Santa Clara County, said she owned Bell's Bookstore in downtown Palo Alto. She said she challenged the CEQA statement that there was no social value in retaining Feldman's Books as part of the importance of the subject building. She said within the purview of CEQA was an assessment of the social significance of a "place." She said Feldman's was a place that has enormous social significance. She said when she began working in her parents' bookstore in 1973 as a teenager there were 27 bookstores between Los Altos and Menlo Park, and today there were only four bookstores within that area. She suggested the Planning Commission give the measure of social significance equal weight to that of architectural significance. She suggested that building a place of cultural and intellectual significance took decades and sometimes centuries to build but destroying one could be done quickly.
- Paloma Szollar, Menlo Park, said Feldman's Books should not be torn down as it was unique. She said going there was an adventure every time as you never knew what book you would find. She said the bookstore was 23 years old and the building 120 years old. She said she had petitioned all her neighbors and kids in her school to keep Feldman's. She said 82 people signed it as they knew how important it was to keep the bookstore and the building. She said she hoped that would change the Commission's mind.
- Ash Jogalekar, Menlo Park, said he moved to Menlo Park from Boston two years previously and he took immediate notice of Feldman's. He said Boston and New York City had great used bookstores. He said Feldman's and the building were unique even compared to great used bookstores around the country. He said he had visited all of the bookstores in the Bay Area and found Feldman's to have the best collection of rare and antique books. He said the vibe of Feldman's had a lot to do with the building and the green space with the avocado tree and birdbath. He said he agreed with another speaker that it would be hard to separate the bookstore and building as each had its own virtues but had combined synergy, which he thought needed to be considered. He said he supported new development and new housing, but thought they needed to be very careful in what could very easily be destroyed especially in a process that could be irreversible.
- Michelle Jia, Palo Alto, said she was a lecturer at Stanford and had been visiting Feldman's Books since 2012, when she was a freshman at Stanford. She said she believed she spoke for herself and other humanities students at Stanford and beyond that spaces in the Palo Alto and Menlo Park area that celebrated the art and craft of critical reading and thinking were tragically few and getting fewer. She said Feldman's was extraordinary precisely because a person could always find a powerful new point of view there. She said it was one of the last curated places

she knew of where the values of craft, thoughtfulness, generous attention and intellectual community were actually practiced. She said to preserve the building was to add a crucial alternative to the techno-futuristic vision that was occurring and to take action in support of a world of those who dared to ask the big questions such as what should technology be in service of, what kind of world do we want to live in, and what kind of world do we want to create. She said Feldman's had always been the place where people who asked such questions could take shelter. She said today as a lecturer at Stanford's Design School she still returned to Feldman's as often as she could to renew her imagination about the futures that were worth building for all. She said when her students asked her where they could go to be inspired, grounded and move thoughtfully toward the future she wanted to send them to Feldman's where she knew they would find nourishment for their questions and fuel for the long road ahead. She said she could not speak from an architectural perspective regarding the building but suggested historical significance might extend beyond bricks and foundations to communities and networks of ideas. She said Feldman's as a local institution had anchored many people and generations of local questioners who then went on to change the world in very special ways.

- Edmundo Torres said he formerly lived in Menlo Park and had a video he wanted to share.

Chair Barnes closed the public hearing.

Commission Comment: Commissioner Kennedy said she appreciated hearing from all of the speakers. She said after hearing speakers she found Feldman's to be a palimpsest and appreciated that it was almost impossible to separate Feldman's the Bookstore from the space that Feldman's inhabited. She said it was clear for generations it had held very deep meaning for members of the community so much so that people returned to it. She said it was a destination. She expressed her understanding of the community's efforts and their passionate advocacy. She said she also understood what it took for a developer to bring a successful project forward.

Commissioner DeCardy said the staff report indicated two options of determinations that the Planning Commission could make. He asked what the further CEQA review would entail if the determination was made for historic significance. Planner Sandmeier said the further CEQA review would be an EIR. She said she could not be precise as to the time and cost involved but at least several months for the process would be needed.

Commissioner DeCardy said the staff report stated that the buildings did not embody any distinctive type, period, or method of construction and asked why they did not embody those relative to other buildings in Menlo Park. Planner Sandmeier said that was one of the findings of the HRE prepared by the applicant's consultants and peer reviewed by the City's consultants.

Mr. Ramakrishnan said for clarification that the HRE looked at national and state significance and did not rule out that there might be some local significance, which was what the Planning Commission was being asked to consider. He said the only evidence on the record to that point was the 1990 survey that said the buildings were typical of their time period. He said if they were the last and best remaining examples of what was typical of that time period, and had elements retaining integrity such that they truly represented the architecture of that time period then the Commission could consider that in weighing whether the buildings were locally significant. He said integrity was an important factor. He said the HRE pointed out a number of modifications made to

the building over the years that might affect that integrity.

Commissioner DeCardy asked if the Commissioners were supposed to independently know how many examples of buildings of a particular era were left in Menlo Park or if that was additional information that might contextually be helpful for the Commission to understand.

Planner Sandmeier said if the Commission did not feel it had enough information it could direct the applicant to provide further information on other buildings in the City. She referred to the HRE, page 35, Attachment E. She said it talked about if the buildings had distinctive character of a type, period or method of construction as well as when a building was built and the integrity of the remaining architecture.

Commissioner DeCardy referred to the fifth bullet in the staff report: *The buildings have been modified through the years and lack historic integrity*. He referred to D3 and item 7 where it stated that based on older photographs it appeared the building had changed very little over the years. He asked if any changes made were structural or cosmetic. He asked about the pretty significantly different opinions in the information provided and the staff report finding the building had been modified and lacked historic integrity. He asked what the definition of historic integrity was.

Mr. Ramakrishnan said if enough of the original building was still intact that it still exemplified what it was that was being tried to preserve then it had historical integrity. He said to the point that there seemed to be a discrepancy that D3 was a 1990 report. He said it was not considered a presumptive resource as the survey had not been kept up to date. He said he understood from the HRE report that some of the building modifications might have been made in the time period since 1990.

Commissioner DeCardy said he was compelled by the first speaker and Ms. Mazur, another speaker. He said the City had no local register and no specific criteria for historic significance. He said without a great deal more contextual detail there was no way he could vote to find the subject property did not have historic significance at this time. He said he thought it seemed completely unreasonable to ask that of the Planning Commission and was something the City Council had to clean up. He said he could not support the other option for historic significance either at this time for the same reason and the additional CEQA analysis that would be needed. He said the applicant had brought the project forward several times and had been very thoughtful in what was being offered. He said the City needed BMR units and having those on the transit corridor was a benefit. He said he would prefer a third option that the Commission had no finding and would recommend to the City Council that it was the Council's responsibility to either develop a local registry with specific criteria or determine themselves what the criteria were and hear directly from City residents and handle this matter.

Commissioner Kennedy said she agreed with Commissioner DeCardy. She said these conversations were pertinent to how local historic resources and structures were preserved. She said the challenge now was there was nothing in place.

Chair Barnes asked about the Park Theater and if that had been a question of historic significance. Planner Sandmeier said that was before her time. She referred to page 4 of the staff report and information provided there on typical criteria used by other cities with local registers. She said the Commission could use that criteria.

Commissioner Riggs commented on the difference between buildings with historic significance and buildings that were just old. He said he felt strongly that it was not the building that needed protection but Feldman's Books, the business, that needed preservation so it would continue. He said he could not make the finding that the building was historic.

Commissioner Doran said he generally concurred with Commissioner Riggs. He said Feldman's was worth saving and he hoped it would be but saving the building would not save Feldman's Books. He said the business owner did not have a long-term lease and market rents in Menlo Park were a problem. He said there was retail space in the downtown that he thought would be suitable for the business. He said they needed to keep distinct the question of the historical significance of the buildings and the significance of Feldman's Books. He said he did not see the historical value of the buildings. He noted the four criteria mentioned by staff from other cities. He read: *Whether the resource is associated with events that have made a significant contribution to the broad patterns of the City's historical and cultural heritage.* He said he heard no evidence to support making the finding for this criterion. He read the second: *Whether the resource is associated with lives or persons important to the City's past.* He said he thought the association with Stanford was tangential. He read the third: *Whether the resource embodies locally distinctive characteristics of a type, period, or method of construction.* He said in examining that they heard it was made from redwood. He said a number of buildings in the Bay Area and Menlo Park were made out of redwood. He said he did not know if that was distinctive. He said the look of the buildings did not seem distinctive to the area and such buildings could have been found in New York or any place else in the U.S. around the same time period. He read: *Represents the work of a creative individual who was important locally.* He said the Weedons were important locally, but it was a separate question whether there was anything creative about the buildings. or if they possessed high artistic values in the opinion of local residents. He said he did not see any artistic interests in the building. He read: *Whether the resource has yielded, or may be likely to yield, information important in the prehistory or history of the local community.* He said they had seen some bottles and inkwells from the site, but he did not see the historical significance of those to the local community.

Commissioner Doran said he would like to see the bookstore preserved and continue but the path for that he thought had to be some other way. He said stretching the definition of a historical business to accommodate Feldman's Books did violence to the actual rules, statutes and procedures but he thought also if done it would not save Feldman's Books as the landlord was able to increase the rent, which would put it out of business. He said he could not make the findings of historic significance.

Commissioner Kahle said he was very impressed with the members of the public that spoke. He said the Commission was tasked with reviewing the historic significance of the buildings separate from the bookstore. He said as an architect he wished there was something significant about the buildings worth saving, but unfortunately, he agreed with staff that there really were no distinctive features and that so many modifications had been done that any historical significance had been lost. He said they had previously explored conditioning the project to find another location for Feldman's Books. He said inkwells and bottles were mentioned and suggested it would be useful if the project was conditioned for careful deconstruction.

Replying to Chair Barnes, Mr. Furst said they were fans of Feldman's Books and had made that clear to the business owner. He said the business was on a month to month lease with a 30-day

termination notice. He said they could have done that already, but that was not what they wanted to do. He said they had provided the business owner information on multiple locations available to lease within a three-block radius of the current location. He said they knew of upcoming vacancies on Santa Cruz Avenue closer to the square footages he thought the business owner wanted. He said they totally supported finding a new home for Feldman's Books and doing it the right way.

Commissioner DeCardy said he loved Feldman's Books and loved used bookstores. He said he would defer to the architects' comments that there was no historic significance to the buildings. He said the City however did not have any guidance, rules, procedures or criteria related to making such a finding which made such a finding a subjective conversation. He noted the common style of ranch homes in the community and a time when all of those homes might be gone. He suggested that the Council should really consider establishing a framework for evaluation of historic significance of buildings in Menlo Park and rules and processes to do that.

Chair Barnes referred to the criteria used for state and federal listing. He said he did not see the subject buildings meeting any of those findings. He said from a Planning Commission standpoint he could not find evidence of the overriding conditions that would support the historic significance of the buildings. He said should Menlo Park adopt a local registry and should that local registry have some other criteria then he thought the discussion would be subject to a different set of parameters. He said as provided here he could not make the finding that these buildings had potential historic significance for purposes of CEQA.

Commissioner Doran said for the record that he met with Mr. Feldman and the applicant.

Commissioner Tate said there was a mention of a BMR unit being tied to a project on Merrill Street and asked for clarification. Mr. Furst said as part of the BMR agreement for their project on Santa Cruz Avenue and Merrill Street that they were moving two of that project's three BMR units to this project. He said they had to have the BMR units online and leased, two years after close of application on the Santa Cruz Avenue and Merrill Street project. He said estimated close of application would be June 2020.

Commissioner Riggs said he hoped everyone present realized the Commission's hesitation to make a motion was because individually their hearts were not in it. He said it was tough being asked to make a judgement about bricks and mortar that would fail to help a cause you believed in. He said he reached out on three different properties he thought would be viable for Feldman's and struck out on all three. He offered his assistance in the future with that. He moved per the staff report to make a determination that the buildings at 1162-1170 El Camino Real do not possess potential historic significance. Commissioner Doran seconded the motion.

ACTION: Motion and second (Riggs/Doran) to determine that the buildings at 1162-1170 El Camino Real do not possess potential historic significance for the purposes of CEQA; passes 4 to 3 with Commissioners Barnes, Doran, Kahle and Riggs supporting and Commissioners DeCardy, Kennedy and Tate opposing.

G. Informational Items

- G1. 2020-21 Capital Improvement Plan (CIP) Budget Development. ([Attachment](#))

G2. Future Planning Commission Meeting Schedule

- Regular Meeting: January 27, 2020

Planner Sandmeier said the agenda for the January 27 meeting would have EIR scoping and study session for the Menlo Portal project, annual review of the Menlo Gateway development agreement, and a single-family residential development project.

- Regular Meeting: February 10, 2020
- Regular Meeting: February 24, 2020

H. Adjournment

Chair Barnes adjourned the meeting at 11:13 p.m.

Staff Liaison: Corinna Sandmeier, Senior Planner

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on February 10, 2020