



REGULAR MEETING MINUTES

Date: 3/12/2018
Time: 7:00 p.m.
City Council Chambers
701 Laurel St., Menlo Park, CA 94025

A. Call To Order

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

B. Roll Call

Present: Andrew Barnes, Drew Combs (Chair), Susan Goodhue, Larry Kahle (Vice Chair), John Onken, Henry Riggs, Katherine Strehl

Staff: Cecelia Conley, Contract Assistant Planner; Arnold Mammarella, Consulting Architect; Kaitie Meador, Associate Planner; Ori Paz, Assistant Planner; Thomas Rogers, Principal Planner

C. Reports and Announcements

Principal Planner Thomas Rogers said the City Council at its March 13, 2018 meeting would review and potentially take initial action on the Facebook East Campus Development Agreement and Conditional Development Permit Amendments. He said they would conduct a study session on the City's Below Market Rate Housing (BMR) including the potential of implementing the City's BMR requirements to rental development and addressing the question of state law and City BMR requirements for bonus level development of properties rezoned in the former M-2 zoning district. He said the City Council at its March 27, 2018 meeting would hold a study session on the Facebook Willow Village project.

D. Public Comment

There was none.

E. Consent Calendar

Commissioner Larry Kahle said he had a correction to the February 26, 2018 minutes on page 24, bottom paragraph, "...he appreciated where the street labeled cross street was located..." to show "cross street" as the name of a street.

Commissioner Henry Riggs moved to approve the Consent Calendar as recommended with edits to the minutes recommended by Commissioner Kahle and those he had sent in an email to staff, copies of which were at the dais. Commissioner Susan Goodhue seconded the motion, clarifying that she would abstain on the February 26 minutes as she was absent from that meeting.

E1. Approval of minutes from the February 26, 2018, Planning Commission meeting. ([Attachment](#))

ACTION: Motion and second (Riggs/Goodhue) to approve the February 26, 2018 minutes with the following edits; passes 6-0-1 with Commissioner Goodhue abstaining.

- Page 3, 2nd paragraph, revise the line to read: “Commissioner Henry Riggs said he was ~~hoping~~ **for expecting** a gray terracotta...”
- Page 16, 2nd paragraph, revise sentence to read: “Senior Planner Perata said the project would have four phases. ~~basically with occupancies between Buildings 20 and 21 and Buildings 20 and 25.~~”
- Page 20, 4th paragraph, revise the line to read: “He said they anticipated lifting all the campus buildings’ finished floor elevations to 14 **foot** ASL. He said the mixed use was 15 **foot** ASL but one way of reducing ~~importer~~ **imported**...”
- Page 20, 5th paragraph, revise sentence to read: “Mr. Tenedes said to clarify that the ruling grade on the site was currently between nine **foot** or 13 **foot** ASL”
- Page 24, 2nd full paragraph, revise the 4th line to read: “He said he did **not** see any reason to retain the specificity...”
- Page 24, bottom paragraph, revise the line to read: “...he appreciated where the street labeled ~~cross-street~~ **Cross Street** was located...”

E2. Architectural Control/Maria Carty/23 Hallmark Circle:

Request for architectural control for exterior modifications to an existing single-family residential townhouse in the RES(X) (Residential Estate Suburban, Conditional Development) zoning district. ([Staff Report #18-021-PC](#))

ACTION: Motion and second (Riggs/Goodhue) to approve the item as recommended in the staff report; passes 7-0.

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. 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.

3. Approve the architectural control subject to the following **standard** conditions:
 - a. Development of the project shall be substantially in conformance with the plans provided by Woodland Construction Builders, Inc., consisting of six plan sheets, dated received March 5, 2018, and approved by the Planning Commission on March 12, 2018 except as modified by the conditions contained herein, subject to review and approval of the Planning Division.
 - b. Prior to building permit issuance, the applicant shall comply with all Sanitary District, Menlo Park Fire Protection District, Recology, and utility companies' regulations that are directly applicable to the project.
 - c. Prior to building permit issuance, the applicant 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. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance.

F. Public Hearing

- F1. Use Permit/David Crouch/1049 Almanor Avenue:
Request for use permit to demolish an existing two-story, single-family residence and detached garage and construct a new two-story single-family residence and an attached garage on a substandard lot with regard to lot width in the R-1-U (Single-Family Urban) zoning district. The project includes a proposal to remove three heritage trees, one of which is dead. In addition, the Planning Commission will review the City Council recommendation to abandon the public utility easement (PUE) as referenced in the January 16, 2018, City Council Staff Report (#18-003-CC). The Planning Commission will determine whether the proposed abandonment is consistent with the City's General Plan and will forward its recommendation to the City Council. ([Staff Report #18-022-PC](#)) **Continued from the meeting of February 26, 2018**

Staff Comment: Contract Assistant Planner Cecelia Conley said the staff report had been updated since the one prepared for the February 26 Planning Commission meeting.

Applicant Comment: David Crouch, David Crouch Custom Homes, said the project would be his home. He said the street had a variety of house styles and some two-story remodels and new

homes. He said the street had a dedicated sidewalk and many of the lots were very small. He said this lot was made up of three different parcels including two small ones that were created by rezoning when Highway 101 was widened. He said with that rezoning the lot inherited four different easements with two of those running down the right side, one crossing the rear, and also an access easement, which was a shared driveway. He said the lot was pie shaped and at the front of the lot the minimum width was 56 feet. He said subtracting the 12-foot right side setback required for a corner lot and subtracting the nine-foot, 10-inch left side setback from the access and actual setback, the frontage was only 34-foot wide. He said he would need 21 feet in width for a two-car garage. He said the needed turning radius for a rear, detached garage was not met by the shared driveway. He said he split the two parking spaces with one space in the rear yard, and a one-car attached garage in the front. He said the proposed second floor was smaller than the first floor with a lower roofline to reduce mass and was well within the daylight plane. He said the house sat on a corner and its right side would face Van Buren Avenue and Highway 101. He said he designed the master bedroom on the second floor with high windows, where they would face the left side neighbor's rear yard.

Mr. Crouch said he requested a relocation of a street tree that he believed was planted fairly recently. He said the City in turn requested that some other trees on the lot be removed. He said oak tree #1 was on the right side close to the property line and leaned towards Van Buren Avenue. He said the tree condition was okay but its form was poor. He said the City Arborist had noted some health issues with the tree. He said that caused him concern as it hung over a City sidewalk and street regarding liability. He said also it was planted directly above a sewer main line. He said the proposed first floor plate height would sit below the tree and would not require the tree to be trimmed. He said the second story would be offset from the first story. He said only 10% pruning of that side of the tree would be needed to accommodate the second story. He said for the record that the City Arborist had indicated it would need more than 25% pruning. He said that was not the case and he requested multiple times to meet with the City Arborist onsite but was declined. He said another question asked was whether he could build close to the tree. He said for the record that they would be building three-feet and four-inches away from the tree. He said they had hand dug 12-inches down where the fence had been located on the old parcel and found no significant roots. He said they did find that one root had been cut and another damaged, and from further discovery they found concrete where the old fence line had been. He said his foundation would be a slab on grade to minimize excavation in this area. He said he would only need to excavate six inches of dirt and from their discovery they would not impact the roots of the oak tree at all. He said there were a number of the trees down the right side of the property that he intended to keep except for oak tree #3 that was too close to his proposed footprint and tree #2 that would sit right on the footprint. He said to have the street tree relocated the City Arborist requested that a number of trees on the right side be removed. He said a neighbor did not want tree #7 removed. He said in summary that his design minimized impact on the daylight plane, had a low mass due to the low level roofline, a setback second story, and he would keep oak tree #1, if required.

Chair Combs asked staff about the approval or disapproval of the heritage tree removals and if that was within the Commission's purview or the City Arborist's. Principal Planner Rogers said the City Arborist had the discretion regarding street tree removals or relocations as well as heritage tree removals, which have an appeal process. He said staff had spent considerable time on the topic and the recommendation to the Commission was that of both the City Arborist and the Planning Division.

Commissioner John Onken said he did not see a proposed landscape plan. Mr. Crouch said based

on his previous experience before the Planning Commission he had thought it had more authority to direct decisions about trees. Principal Planner Rogers said that single-family residential development project applications were not required to provide a landscape plan. He said the site plan for this project Sheet A1.3 showed the location and size of the new plantings.

Chair Combs said the Commission could make a recommendation regarding trees but was not the final arbiter for the tree concerns.

Commissioner Kahle said the applicant had noted different design styles in the neighborhood and the staff report indicated the style in the neighborhood was traditional. Mr. Crouch said it was a stucco house with exposed soffits with some leaning toward Mediterranean but with a simpler modern element. Commissioner Kahle said other than the wood doors and columns that the entire house seemed to be stucco. Mr. Crouch said he was using integral color coat and changes in planes on the vertical side to create interest with a roof line breaking up the first and second floor mass. He said the house would have trees on the right side and a seven-foot fence on the left side between the shared driveway and the house. Commissioner Kahle asked if the entry hip could be changed to a entry gable to have more focus on the entry noting the two dominant second-story gables. Mr. Crouch said he considered both but thought the gable was too much for this lot with little frontage. Commissioner Kahle said the roof stepped down in two places, which made sense on the left side. He asked why on the right side as that was all one wall plane. Mr. Crouch said it was needed to change the roof plane for the laundry room area.

Chair Combs opened the public hearing.

Public Comment:

- Carolyn Ordonez, neighbor, said she would like the three oak trees at the subject property saved. She said oak tree #3 was slated for removal and that the applicant's arborist had rated the tree in fair condition. She said it was a 35-foot oak that bent in the picturesque way oaks do, but it did not lean, and the City Arborist said it was not in imminent danger of falling. She said the applicant indicated he designed the project to save the trees without modification if removing the trees was not allowed. She said tree #7 provided most of the screening at the rear of the property if tree #3 was removed. She said if both trees were removed, the property would have no landscape screening. She said Van Buren Road did not have houses facing the road which was lined with side yard fences and a right-of-way. She said the right-of-way was mostly an oak woodland. She said marching street trees in a row was not consistent with the existing streetscape. She said she had lived on Almanor Avenue for 34 years and there had been no street trees there or in the right-of-way until recently. She said if all the heritage oak trees remained there was still room for a street tree in the right-of-way. She noted the pollution and noise associated with the freeway as well as from low flying aircraft and asked that the heritage trees that helped abate pollution and noise, and provide visual screening be protected.

Chair Combs closed the public hearing.

Commission Comment: Commissioner Kahle said the dominant use of stucco was overwhelming and other materials were needed to balance it. He said the entry hip could be attractive as a gable. He said the applicant wanted a steep roof pitch but in approaching the maximum height had then cut it off and made it a flat roof. He said it could work but it was problematic. He said the different roof planes gave three different head heights on the second floor and that needed to be thought

through better. He said the design was not as refined as it could be and he was having trouble supporting the project.

Commissioner Riggs said he thought a gable roof to the entry would most easily and immediately help the street elevation, and once built would help the house's appearance.

Commissioner Onken said oak tree #1 at the end of Van Buren provided visual relief from the sound wall and highway. He said he would recommend keeping the tree and pruning as needed, noting the applicant had shown success building next to trees. He said if the tree was removed he would like the Commission to get a landscape plan showing some significant type of replacement tree on the corner but not on top of the sewer to hopefully have the same effect as the existing oak. Chair Combs said the staff recommendation was to keep oak tree #1. Commissioner Onken said he would want a commitment to a landscape plan with a significant tree replacement should oak tree #1 fall.

Commissioner Andrew Barnes thanked the applicant for working with the easements and going through the arduous process of improving the lot. He said he tended to agree with other Commissioners about the gable roof entry. He said he saw the other design pieces as the applicant's preference. Mr. Crouch said he designed a gable roof entry but had decided a hip roof would look better. He said if the Commission thought it should be a gable roof entry he could do that.

Commissioner Katherine Strehl moved to approve the project with the modification to have a gable roof entry.

Chair Combs said he could support the project without a change to the entry roof. He said he appreciated Commissioner Kahle's critique of the dominant material but similar to Commissioner Barnes would defer to some extent to the applicant on that matter.

Commissioner Barnes said the Commission was asked to take action on the use permit and make a recommendation on the proposed PUE abandonment's consistency with the General Plan update. He asked if that would take two motions.

Replying to Chair Combs, Principal Planner Rogers said staff's recommended action included both the use permit approval and the recommendation to the City Council of the consistency of the proposed PUE abandonment with the General Plan. He said if Commissioner Strehl's motion to approve with the gable entry modification was as recommended in the staff report, then all necessary actions would be included.

Commissioner Strehl said her motion was to approve as recommended in the staff report with the modification to the entry roof from hip to gable. Commissioner Goodhue seconded the motion.

Commissioner Barnes asked if the motion should include Commissioner Onken's recommendation regarding the oak tree #1 on the corner of Van Buren. Chair Combs said the recommendation in the staff report included preservation of oak tree #1. He said if something happened to the tree Commissioner Onken was requesting the Commission see a landscape plan of what the tree would be replaced with. Ms. Conley said the Commission could make that recommendation but ultimately it was the decision of the City Arborist. She said to clarify that the City Arborist recommended keeping oak tree #1 and had provided protection measures to be followed and one

of the project-specific conditions was a qualified arborist would have to be on site for any below ground work within 10 feet of any heritage tree.

Commissioner Onken said his concern was if the tree fell that a significant tree be used as replacement but not in the same location over a sewer line, which he thought would need Commission's review of a landscape plan. Principal Planner Rogers said procedurally when a heritage tree was removed whether in advance of approval or it just fell that it would not have to be replanted exactly where it was located. He said the general advisement was it would be planted within the vicinity of the tree it was replacing. He said if this particular tree fell during construction the City Arborist would visit the site to determine if there was any evidence indicating the liability of the applicant, and if that was the case, a financial penalty would apply and a replacement tree required. He said if the tree fell on its own then a replacement tree would be required but no financial penalty. He said the Commission in this case could state for the record its preference for the size, type and location of a replacement tree if for whatever reason the tree fell.

Recognized by the Chair, Mr. Crouch said on the site plan, D3, the City Arborist requested three new street trees. He said one of those he was positioning toward the corner to bookend the house and street as described by Commissioner Onken.

Commissioner Strehl said she believed that West Bay Sanitary District had regulations prohibiting tree planting over sewer mains should tree #1 come down.

Commissioner Goodhue said she was required to build her house between two heritage trees. She said one of those, a redwood, died because of the drought. She said she had to remove it and then she was able to replant a very large tree but not right next to the house. She said the applicant would be better off keeping the tree and pruning it as replacement trees of the size required were very expensive.

ACTION: Motion and second (Strehl/Goodhue) to approve the item as recommended in the staff report with the following modification; passes 6-1 with Commissioner Kahle voting in opposition.

1. Make a finding that the project is categorically exempt under Class 3 (Section 15303, "New Construction or Conversion of Small Structures") of the current California Environmental Quality Act (CEQA) Guidelines.
2. Make a finding that the PUE abandonment is categorically exempt under Class 5 (Section 15305, "Minor Alterations in Land Use Limitations") of the current California Environmental Quality Act (CEQA) Guidelines.
3. Approve Resolution No. 2018-01, determining the abandonment of the Public Utility Easements (PUEs) is consistent with the General Plan.
4. 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.
5. 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 David Crouch Homes, consisting of 16 plan sheets, dated received February 15, 2018, and approved by the Planning Commission on March 12, 2018, 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 and street trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance and the arborist report by Mayne Tree Expert Company, Inc. dated June 28, 2018 (Revised February 13, 2018).
6. Approve the use permit subject to the following **project-specific** condition:
- a. Prior to issuance of a building permit, the applicant shall submit documentation of the recordation of the lot merger (as detailed in the staff report and Attachment G), subject to the review and approval of the Planning Division and Engineering Division.
 - b. Prior to the lot merger recordation, the applicant shall submit documentation of the recordation of the PUE abandonment, subject to the review and approval of the Planning Division and Engineering Division.
 - c. Prior to issuance of building permit, the applicant shall note on the plans that a certified arborist will be on site to oversee and document any below-ground work within 10 feet of any heritage tree during demolition and construction of the project, subject to review and approval of the Planning Division.
 - d. Prior to building permit final inspection, the applicant shall relocate the street tree on Almanor Avenue (tree #15), plant three street trees on Van Buren Road, and remove the

four recommended trees on the Van Buren Road side of the lot (trees #4, 5, 6, and 7), as outlined in the staff report, arborist report, and on the Site Plan (Plan Sheet A1.3), subject to review and approval of the City Arborist.

- e. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a landscaping plan which documents the details of the tree relocation, planting, and removal noted in condition 6d, subject to review and approval of the Planning Division and City Arborist.
- f. ***Simultaneous with the submittal of a complete building permit application, the applicant shall submit revised plans showing the hipped roof front entryway replaced with a gabled roof front entryway, subject to review and approval of the Planning Division.***

F2. Use Permit/Keith Rocha/312 Durham Street:

Request for a use permit to remodel and construct first- and second-story additions to an existing single-story single family residence that would exceed 50 percent of the replacement value of the existing nonconforming structure in a 12-month period. The proposal would also exceed 50 percent of the existing floor area and is considered equivalent to a new structure. The subject parcel is located on a substandard lot in the R-1-U (Single-Family Urban) zoning district ([Staff Report #18-023-PC](#))

Staff Comment: Assistant Planner Ori Paz said he received an email at 6:10 pm today from the applicant's representative Daniel Warren with additional letters of support. He said he was not able to open the attachment and print the letters.

Applicant Presentation: Daniel Warren, project applicant and designer, said the project owners, Keith and Janine Rocha, had lived at the property for about eight years. He said they were proposing a second story to the home as the best solution for the increased living space needed for their growing family. He said the style was Craftsman but with a more modern element including square rather than tapered columns, and with the traditional Craftsman-style siding and stone. He said the property owners reached out to all of the surrounding neighbors and received support responses from all property owners and two renters.

Commissioner Riggs noted the size of the home with just a one-car garage. He said a complaint made in this neighborhood was about cars parked on front yards, and asked how that could be prevented with this proposal. Assistant Planner Paz said when a property had a nonconforming parking situation typically that nonconformity was allowed to continue. He said the City required a garage door to be setback 20 feet from the street so parking could occur in the driveway. Principal Planner Rogers said there was a separate municipal code section about parking in yards. He said it was written that the violation occurred when the parking happened and not when the paving happened. He said in this case the pavement was shown and would not violate that section of municipal code of additional parking in yards. He said however if that did occur in the future that was a violation that would go through Code Enforcement.

Commissioner Riggs said he saw a reference to divided light windows and asked if those were true divided lights or simulated divided lights with internal glass dividers. Mr. Warren said they specified the simulated divided lights. Commissioner Riggs said the Commission preferred the simulated divided lights with external and internal grids. Mr. Warren said he would confirm use of that type.

Commissioner Riggs asked about the master suite side windows and how privacy for the neighboring house was addressed. Mr. Warren said there were some trees and the windows were quite some distance, about 75 feet, from the rear of the neighboring home.

Replying to Commissioner Strehl, Mr. Warren confirmed the roof would be metal and the windows were vinyl clad.

Commissioner Kahle asked if they had considered upgrading the windows to wood and not doing the standing seam metal roof. Mr. Warren said they had discussed that and the property owners' preference was for the proposed roof and window materials. Commissioner Kahle asked about the horizontal siding material. Mr. Warren said it would either be wood or Hardie siding. Commissioner Kahle said the elevations showed a vertical corner board that was painted a different color and asked if that was to emphasize the corners. Mr. Warren said the trim would have white accent for the gable batten board, the corners, window trim and garage door. Commissioner Kahle said he did not like the white corners. He noted a large two-story house further down the project street that had the white painted corner boards and that seemed to emphasize the verticality too much. He noted the small gable over the bedroom #1 shower and asked if that could be removed and the window made flat. Mr. Warren said it was intended to break up the roofline and allow for the bathroom in the bedroom.

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

Commission Comment: Commissioner Onken moved to approve as recommended in the staff report. Commissioner Riggs seconded the motion. He said he agreed with Commissioner Kahle that a house looked much better without corner boards and particularly corner boards painted in contrast, and that the front elevation for the project would look much better without that. He asked staff if the corner boards were absent or painted out whether that raised issues of substantial conformance with the project approval. Assistant Planner Paz said it would be most straight forward to have a condition requiring it either be changed or allow for the flexibility to change at the building permit stage. Commissioner Riggs said if Commissioner Onken agreed as the maker of the motion he would like a condition to allow the applicant to either paint out or remove the corner boards. Commissioner Onken accepted the modification to the motion.

ACTION: Motion and second (Onken/Riggs) to approve the item as recommended in the staff report with the following modification; passes 6-1 with Commissioner Kahle voting in opposition.

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 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 consisting of nine plan sheets, dated received March 7, 2018, and approved by the

Planning Commission on March 12, 2018, 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 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 project subject to the following project-specific conditions:

- a. Simultaneous with the submittal of a complete building permit application, the applicant may submit revised plans that remove the lightly colored vertical corner boards from the elevations, or specify that they are painted to match the siding, subject to review and approval by the Planning Division.**

G. Regular Business

- G1. Architectural Control/Charlie Troglia/840 Menlo Avenue:
Request for architectural control to construct a new, three-story mixed-use building on a vacant lot in the SP-ECR/D (El Camino Real/Downtown Specific Plan) zoning district. The building would consist of parking and lobby entrances on the ground floor, non-medical office on the second floor, and three dwelling units (with terraces) on the third floor. ([Staff Report #18-024-PC](#))

Staff Comment: Associate Planner Kaitie Meador said since the publication of the staff report an email from a neighbor expressing concerns with the scale and design of the building was received.

She said copies of it and a letter and email from the applicant regarding the loading zone were at the dais.

Commissioner Riggs noted he had done concept planning for this project six or seven years ago.

Applicant Presentation: Ken Hayes, Hayes Group Architects, project architect, said he was presenting on behalf of the Troglia family, noting Charlie Troglia and his sister Gloria were present. He provided a slide presentation noting the project site was about 6,900 square feet on the corner of Menlo Avenue and Evelyn Street. He said it was located in the Specific Plan downtown area and was allowed 2.0 FAR, a 30 foot wall height at the street, a 38 foot overall height, and zero setback. He said the surrounding properties including public parking lots #4 and #5, two-story office buildings, a multi-family complex, homes converted to office space, and Draeger's Market. Mr. Hayes said the project would have two ancillary pedestrian entrances, one going to public parking plaza #4 and one to Menlo Avenue. He said those would also serve as an exit for the upper stories and the garage level. He said accent spaces using a special pattern of masonry that would be either planters and/or seat walls would be placed around the perimeter of the building to activate the side walk and provide interest to the building. He said the window mullions were very deep for shading purposes and although placed in a seemingly random pattern, those windows would view the tops of the trees on Menlo Avenue. He said materials were brick base, dark bronze anodized window frames, clear high performance glass as transparent as possible, glass railings along the second floor office on second floor to create the terraces on the third floor, residential units set back about eight feet and wrapped in cement plaster with metal sun shading device that tied the façade together bringing some of the second floor to the third floor.

Commissioner Goodhue asked about the width of the sidewalk on the short side of the building and along Draeger's. She said currently from that parking lot walking into Draeger's there was a sidewalk, and asked if it was the same. Mr. Hayes said it would be the same width as the existing sidewalk. Commissioner Goodhue confirmed with Mr. Hayes that the sidewalk would be distinct separating it from the parking plaza.

Chair Combs said the staff report indicated this item was coming to the Commission as a regular business item for approval instead of a study session because of the long administrative process the project had had. He asked staff to provide some detail about that. Principal Planner Rogers said the Troglia's applied for a permit in 2014 with a different architect, with a proposal that programmatically was similar to the current one but which had had design-related issues complying with Specific Plan requirements. He said the applicants decided to go with another architect. He said the Specific Plan did not require study sessions except for public benefit bonus projects. He said as a matter of practice that if the project was not a public benefit bonus project under the Plan and one that staff saw was on the right track, staff would not plan to bring the project for a study session, since part of the Specific Plan objectives were to provide greater certainty and clarity.

Commissioner Onken said the Commission had received a letter questioning today the ownership of the loading zone. He asked about Draeger's current loading practices and how this project might affect that. Mr. Hayes said there were options on the table regarding that. He introduced John Hanna.

John Hanna, the applicants' attorney, said he sent a couple of letters, which he thought were in the Commission's packet, indicating that the agenda item tonight was the architectural control approval of this project, and had nothing to do with Draeger's loading zone and loading zone issues. He said

the City Council in 2002 said that if and when the 840 Menlo Avenue came up for development that the loading zone frontage on Evelyn Street would need to go. He said the minutes for that meeting indicated that Draeger's was given two years to come up with some alternate location for the loading zone, which did not occur. He said the applicants were seeking architectural control approval for their project and it seemed neither the time or place to go into Draeger's issues and problems with loading zone.

Commissioner Kahle asked if the project's first floor next to two City public parking plazas might have been retail space with parking offsite. Associate Planner Meador said the area was zoned as P or Parking, which meant the applicants had to replace existing parking on the lot to the project's base parking requirement. She said with that and the somewhat narrow and small lot, there had been no room to fit retail on the first level. She said under the Specific Plan the project was required to provide parking and there was no mechanism under the Plan to provide parking off-site, until such time as a parking structure is developed. Commissioner Kahle said the window mullions on the second floor overhang the property line, which he did not know was allowed. Associate Planner Meador said under the Plan there was a certain distance a project might cantilever over the property line into the right of way with requirements that they had to be at least eight feet above the sidewalk for clearance.

Commissioner Kahle said there appeared to be a gap between this new building and Draeger's Market. Mr. Hayes said an eight-inch space was code-mandated for building drift based on the type of construction. He said they would design an expansion joint from the sidewalk level so the gap would not be visible. He confirmed with Commissioner Kahle that would also be at the top to prevent debris from accumulating. Commissioner Kahle said an eight-foot acoustic wall was on top and confirmed with Mr. Hayes that was because of the roof mounted equipment on Draeger's building. Commissioner Kahle asked if Draeger's roof was used for anything other than mechanical. Mr. Hayes said that was all they had seen on the maps they had reviewed. Commissioner Kahle asked if the brick was intended to match that on the Draeger's building. Mr. Hayes said that a sample was on the materials board and was not intended to match. Commissioner Kahle said he appreciated Mr. Hayes' comment about the lobby facing downtown but he felt the other corner was very unwelcoming. Mr. Hayes said they had designed the recesses around the perimeter with perforation in areas relative to how the parking was configured in the interior. He said they needed the full depth of the lot to get wall thickness and vehicle spaces and required backup so there was no opportunity for plant material. He said they had originally shown plant material, a planter, along that frontage that was basically on the right of way, which they were told they could not do. Commissioner Kahle noted the nice brick lattice work on other parts of the building and asked if they had thought about doing the same treatment at the corner. Mr. Hayes said they found the lattice was most effective between solid ends. Commissioner Kahle said he was not quite sold on the mullions and the randomness of those. Mr. Hayes said the goal was a pattern that felt more organic. He said traditional construction materials such as window mullions tended to be straight and they wanted to avoid a grid-look appearance. He said the randomness created more of a non-orthogonal feel that did not seem like typical office space. He said they were located in order to line up office walls in a coherent manner inside the building. Commissioner Kahle asked what the smallest spacing was. Mr. Hayes said he thought the smallest space was a foot. Commissioner Kahle said the sloping metal roof over the staircase was a different piece of all the elements and the sloping part of it was bothering him. He asked if they had considered not sloping it or using skylights or windows to help with the stair tower. Mr. Hayes said they were trying to work within the façade plane of 45 degrees at 30 feet which led to the sloping form, and there was no reason for the stairs to be another six to eight feet on the outside edge. He said they also

thought the materiality of it would tie in with the material of the window frames to bring that back inside. He said it then turned and ran down the other side of the building where the units were accessed on the Draeger's side of the building. Commissioner Kahle said it was a nice design.

Chair Combs opened public comment. He noted he had nine speaker cards with six of the speakers having the last name Draeger. He said staff indicated some speakers would have donated time. He said he would need clarity on who was donating time to whom. He noted the speaking time for an individual was three minutes and with donated time from two speakers was a maximum of nine minutes per person.

Ms. Camas Steinmetz, Draeger's attorney, said there was a coordinated presentation with four speakers with each speaking slightly more than three minutes with donated time from other speakers. She said no speaker for this presentation would speak more than four to five minutes.

Replying to Chair Combs, Ms. Steinmetz said the order of speakers was Tony Draeger, Richard Draeger, Magnus Barber of Nelson/Nygaard Consulting, and Camas Steinmetz. She said speaking time was being donated by Francis Draeger, Mary Claire Draeger, Peter Draeger, and Victoria Draeger.

Mr. Hanna asked if the applicant would have the opportunity to respond depending on what was said by Draeger's as he did not think it would be about architectural control approval. Chair Combs said he would need to hear what the speakers had to say.

Public Comment:

- Tony Draeger, Menlo Park, said they were requesting the Commission's help for Draeger's to be allowed to continue receiving their groceries from Evelyn Street. He outlined the history of Draeger's noting in 1991 the two-story marketplace opened. He said grocery business was hard for independent, family-owned operations in a landscape mainly dominated with international chain stores. He listed other local grocery business independently owned that no longer operated. He described Draeger's niche market featuring locally sourced packaged foods, produce, local produced artisan bakery, and their own kitchens creating bakery and delicatessen products. He noted their philanthropy including contributions to local schools and non-profits. He noted the awards their grocery has won. He said Draeger's Menlo Park served 12,000 customers per week which averaged to 6,000 unique households with an average of two shopping visits per week, and the majority of the customers were from Menlo Park. He said those weekly visits often included visits to other merchants downtown. He said that Evelyn Street was not a busy street and safely accommodated truck activity. He said since that location was approved for their deliveries in 2001 there had been zero complaints. He said moving the loading zone into the public parking plaza would compromise their much needed customer parking and moving it to Menlo Avenue would require expensive capital improvement upgrades and ongoing costs for receiving. He said their traffic consultant would explain why their receiving did not need to be relocated to accommodate the new development.
- Richard Draeger, Woodside, said that relying on the public parking plaza without any loading zone would cripple their business. He said parking plaza #4 was among the heaviest utilized parking plazas in the central business district with capacity utilization beyond 100% from October through December. He said also it was beyond 100% at peak shopping hours such as lunch and dinner time, and peak days of Friday, Saturday, and Sunday. He said this was when

Draeger's derived its most revenue and profitability. He said to operate the store's loading zone in parking plaza #4 would require the elimination of nine to 10 parking spaces due to the 65-foot length of semi-delivery trucks. He said a nine parking space reduction for receiving represented more than 9% of the unrestricted parking and would translate into at least a 10% reduction in Draeger's sales and potentially sales of other businesses. He said mixing heavy truck delivery during daytime shopping hours with high volume customer auto and pedestrian traffic increased the probability of accidents and other unsafe conditions. He said Menlo Avenue receiving was not the preferred option as it was closer to the residential neighborhoods, and there were possible traffic conflicts that could occur there. He said the changes to their store to receive from Menlo Avenue would require an expenditure of approximately \$50,000. He said keeping retail viable in the central business district was tenuous enough already and since the 2008 financial crisis, it took over six years for the downtown to recover. He said with online shopping threats the retail district needed the City's support.

- Magnus Barber, Nelson/Nygaard Consulting, San Francisco, said his firm had worked on the General Plan Update, Specific Plan Update, and numerous development projects in Menlo Park for transportation and parking management. He showed a slide representing the size of delivery trucks and explained the concern with adding trucks of this size in the parking plaza. He said they looked at the City's guidelines for driveway design and the intent of the guidelines was to keep all user groups safe including bicyclists, pedestrians, drivers and loading personnel. He said the main issue was to keep good visibility for people entering and exiting the driveway and passing traffic. He said the Menlo Park guidelines suggested a 30 feet minimum from the corner plus a radius for the driveway entrance. He said nearby the Trader Joe's had approximately 22-foot between their driveway and the adjacent street. He said another block along at 628 Menlo Avenue that property had less than 35 feet between its driveway and the adjacent street, and that this was next to El Camino Real with higher volume of traffic and speed. He said he looked at the collision history at these locations for the past five years, and found that none of those were related to driveway ingress and egress. He said based on the guidelines and general street design principles that from a transportation perspective there were no reasons why the driveway for this project should not be located on Menlo Avenue. He said Draeger's preferred option for the proposed project was to locate the driveway on Menlo Avenue so it was 30 feet from the intersection plus five foot for the driveway radius. He said that would work fine with internal circulation in the garage and would provide the space for loading used today. He said a second option was to locate the driveway on Evelyn Street except slightly closer to Menlo Avenue to provide space for one semi on Evelyn Street allowing existing Draeger's operations to continue. He said national guidelines suggested a 30-foot clearance was preferable but also recognized an existing built up environment, and that you can work with what you have. He said this option presented a more centrally placed driveway that might be easier for the architect to incorporate into the design.
- Camas Steinmetz said she was a land use attorney, engaged by Draeger's to represent them as this project could have a crippling impact on their loading and delivery. She said they were not asking the Commission to take action on the loading zone but requesting the Commission consider changes to the project design that would minimize the impact on loading. She said all five findings needed to be made for the discretionary architectural control permit and they questioned whether the three highlighted findings could be made with the driveway location as proposed as it would require elimination of the loading zone on Evelyn Street or losing parking plaza space to loading. She said loss of customer parking would directly translate into lost

sales for nearby retailers including Draeger's, She said increased truck deliveries in the parking plaza would increase the potential for conflicts between the delivery trucks, customers, vehicles, and pedestrians. She said the project as proposed would also conflict with one of the Specific Plan's guiding principles to sustain Menlo Park's village character. She said the recommended condition of approval 4.f in their opinion could not be satisfied unless agreed to by Draeger's. She said as explained in the staff report, condition 17, for the original approval of the Evelyn Street loading zone, required the City Council to reconsider the placement, design and use of this loading zone when development at 840 Menlo Avenue was actively pursued. She said it did not as Mr. Hanna alluded require elimination of the loading zone. She said not mentioned in the staff report was condition 18 that limited the Council's discretion to modify the loading zone. She said as proposed by Mr. Barber there were two alternative driveway configurations that Draeger's could support, and both would require revisions to the proposed plans. She said they requested the Commission either deny the permit as proposed or continue the hearing and allow the applicant to return with revised plans that relocated their driveway to Menlo Avenue pursuant to Option A presented, their preferred alternative.

- Joyce Schmidt said she worked at 830 Menlo Avenue and had been there since 1991. She requested the Commission not approve the project as presented without further study. She said her concern was a 39-foot tall and 11,471 square feet building on a lot she thought was barely the size of a tennis court. She said its appearance, a space age building, would destroy the character of the neighborhood. She said the project would have parking for 13 cars but with loading zone issues nine or 10 parking spaces could be lost in the public parking plaza. She said there were times of year where her clients could not park and were late to their appointments. She said new offices brought new traffic. She questioned the housing being provided and the number of parking spaces. She said the project needed a parking and traffic study and those needed to happen at different times of the year particularly between October and January. She requested that the Commission not approve the project tonight or until further study had occurred.
- Richard Poe said Lydia Cooper and Gloria Walker were donating time to him. He said the issue was loading zones and the City's statutes did not vest jurisdiction in the Planning Commission over loading zones. He said staff had designed a process pursuant to law whereby this meeting would be followed with a hearing before the City Council about the loading zone. He showed a map of two loading zones in public parking plaza #4 that Draeger's was given free of charge by the City 17 years ago. He said Council spent one year from 2001 to 2002 on this topic and came up with a plan to have it come back to them in two years and that never happened. He said John Hanna's statement that the loading zone issue for Draeger's was to have been solved by them long ago was true. He showed slides showing the prevalence of trucks being unloaded in what would be the entire frontage of the applicants' proposed project. He said 910 trucks a month brought deliveries to Draeger's and only one third of those trucks were using the two loading zones in parking plaza #4. He said Draeger's use permit required them to provide 45-spaces of parking across Menlo Avenue. He said he had visited that lot during peak periods of the day and it was agreed at the Complete Streets Commission hearing when this was discussed in January that there was ample parking during peak periods in that lot. He said he and Mr. Troglia measured and found that lot was actually closer to the front door of Draeger's than the spaces where the City has provided loading zones in public parking plaza #4. He showed photos of those loading zones empty while trucks were lined up on Evelyn Street to unload. He showed a cover letter dated March 22, 2002 to Arlinda Heineck, City Planning, from Carol Dylan, an attorney for the Draeger's, regarding the Council's decision

made on March 5, 2002, stating “attached to this letter is the revised plan for the loading zone on Evelyn Street which reduces the loading area so that the curb cut is no longer included in the loading zone. Draeger’s will continue to work toward complete elimination of the loading zone on Evelyn, and expects to deliver a further revision to the plan in the near future.” He said the staff report from March 5, 2002 said “We recommend against any frontage of the Troglio property which they acknowledged would be developed off Menlo Avenue because it is unsafe on Menlo Avenue.” He showed a photo of Evelyn Street from 2015 which showed 90 minutes parking. He said they believed at the time this application was made, all through the process until May 2017 and so did staff in good faith that the Draeger’s loading zone on Evelyn Street had disappeared years ago as they promised it would. He said the Draeger’s never said anything about the fact those spaces had been converted to parking. He said since 2014 there had been four notices to Draeger’s, two they sent out noticing public meetings regarding their projects and two notices mailed by the City inviting Draeger’s to call, write letters, visit the staff, to discuss anything with their project and at no time since 2014 said anything until tonight’s meeting.

Chair Combs asked for other speakers who had provided slips to speak. Dave Walker and Alexandra Walker declined to speak. Chair Combs asked if anyone else wanted to speak or if anyone had provided a comment card that he had missed. There being none, he closed the public comment period.

Commission Comment: Commissioner Barnes said that with the architectural control before them the Commission might make recommendations for modifications. He asked staff what areas they considered germane to this project from its perspective. Principal Planner Rogers said he would respond initially as the question was directed to him but noted that Associate Planner Meador was the project planner with knowledge of all the project details. He said in general the recommendation from staff held and they did not have a different recommendation after hearing tonight’s presentations. He said Draeger’s has been a very important part of Menlo Park for many years, and staff had had a number of meetings with them to try to evaluate some alternatives, and if not getting to a perfect solution for the alternative loading at least getting to an acceptable solution. He said he certainly understood the applicants’ perspective as well. He said it was true the City had sent notices on three different occasions. He said the first was in February 2014 for the original proposal, which had the driveway on Evelyn Street a bit farther toward Menlo Avenue, but generally in the same location as now proposed. He said there was another notice in December 2016 when a revised application was submitted, as well as the notice for tonight’s meeting. He said he had had a number of conversations with Michael Draeger about the project but he did not recall the loading zone being brought up in those discussions. He said to that extent he felt for the applicant as they might have missed a chance to agree on something mutually beneficial at an earlier point. He said he believed the proposal before the Commission was approvable as presented. He said regarding the schemes shown this evening for alternate garage locations that those were worth discussing if those might address other issues the Commission might have with the proposed project, and it could consider continuing the project to a later date. He said from staff’s perspective the proposed project was something that could be approved by the Planning Commission. He said the City Council would then consider the loading zone issue. He said it was not explicit in the staff report but if the City Council said it would not change the loading zone from Evelyn Street in such a way that the project became infeasible, then the project as approved by the Planning Commission would have to be revised and resubmitted to comply with that. He said the Commission could focus upon what was in front of them with an acknowledgment that a reevaluation of the loading zone by the City Council was required.

Commissioner Barnes asked staff to confirm that the proposed location of the loading zone on Menlo Avenue was considered a viable option. Associate Planner Meador said after reviewing the options with the applicants, Draeger's and the Transportation Division, staff did not see any foreseeable negative impacts from locating the loading zone on Menlo Avenue and considered it a viable option.

Commissioner Barnes said he liked what had been done for this project architecturally with its cubist form and random placement of fins. He said it was lighter than other projects recently seen proposed for the downtown. He said the use of materials was well done in relation to what was north and south, with a lot of the glass on the building going towards the north and Draeger's to the south. He said they had done a good job of at-grade parking creating interest to what was effectively a podium parked building. He said he liked the materials and the lightness of the structure. He said it seemed less formulaic even within the very prescriptive downtown Specific Plan guidelines, and felt it worked well for Menlo Park.

Commissioner Onken said he would support Commissioner Barnes' sentiments. He said regarding the design and the architecture that Menlo Avenue, but not in a bad way, was very much the back side of the downtown. He said this project when built would be the best building along Menlo Avenue, noting there were a number of bad buildings on that street. He said Draeger's was a perfectly fine, large retail building but was not a front door to the City. He said he could sympathize with the idea of making this building try to face diagonally to downtown even though it would be facing some parking and a bit of street sacrificing its front door from Menlo Avenue. He said however if its front door was on the Menlo Avenue side that might be the beginning of improving the appearance of Menlo Avenue. He said the building was very nice. He said he wondered if the building could be mirrored, flipping it so the entrance was on the other side with the garage entry then moved. He said the application basically prohibited Draeger's loading from Evelyn Street because of its driveway placement.

Chair Combs said he thought with the development of this property that Evelyn Street should immediately end as a loading zone. He said irrespective of different options or where the driveway was for the City to allow a loading zone servicing one building in front of another building diminished the property owner's ability to get value from their building. He said they all agreed that Draeger's was a Menlo Park institution and no one discounted the value of their market to the City and specifically to its downtown. He suggested that if Draeger's wanted to encumber another property to such an extent for their business' needs, that they should buy the property.

Commissioner Goodhue said she agreed with Commissioner Barnes that this was a great design with a good sense of place and relation to the Draeger's building. She said to Commissioner Onken's point about shifting the building that it was interesting to consider. She said she tended to agree with what the architect said in his presentation and what Commissioner Onken said about Menlo Avenue as the back side. She said except for Draeger's that the buildings on Menlo Avenue tended to relate to the public parking plaza. She said she agreed that this building should speak to the core and it made perfect sense for that front door and garage entrance next to it as they referenced each other as the entrance. She said if its front was on Menlo Avenue she thought it would not work as well. She said she thought even though the rendering seemed to indicate two stark walls coming together at the corner that it would work with the various articulations above it and in the brick as well. She said she fully supported the project proposal.

Commissioner Strehl said she also supported the proposed project. She said she thought the architecture hit the mark and that it would integrate well with the brick on Draeger's building. She asked if there were two loading zones in the parking lot first thing in the morning. Associate Planner Meador said that currently there was a loading zone in the parking lot closest to the building and Draeger's also had the ability to use the parking on the other side. She said staff was looking at extending the hours of that with a revised loading zone. Commissioner Strehl asked if staff concurred with the Complete Streets Commission's consensus that a loading zone on Menlo Avenue would be a good option. Associate Planner Meador said that Commission recommended Menlo Avenue not be used for loading but staff still believed it was a viable option, and was continuing to recommend that. Commissioner Strehl noted the property would be subdivided and asked if that meant the condominiums would be for sale. Associate Planner Meador said the property owner could better answer that question.

Richard Poe said his position in this matter was as a real estate broker. He said the property was owned in a generation skipping family trust. He said the only reason for doing the subdivision was so that if in the future something unexpected happened and it was necessary to sell one of the condominium units that it would be an option to solve a financial issue. He said they did this now as the rules for subdivision might change in the future.

Commissioner Strehl asked what the anticipated number of employees would be in the office space. Mr. Poe said the standard traditionally was one employee per 300 square feet so with just under 6,000 square feet that could be about 20 employees.

Commissioner Strehl said she liked the orientation of the building as proposed and did not think it would work facing out on Menlo Avenue.

Commissioner Kahle said he thought the project would be a great addition to the downtown. He said he tended to agree with Commissioner Onken that it would be interesting to look at flipping the entrance so that it was more pedestrian friendly. He said another option would be to open up both corners and add more transparency. He said not having an option for retail on the ground floor was a missed opportunity and suggested for other projects moving forward it would be great if the parking plazas could provide the needed parking. He said a loading zone on Menlo Avenue was a viable option. He said he fully supported the project.

Commissioner Riggs said he liked the building as soon as he saw the rendering. He said he found the architect had done an excellent job in terms of materials and context, the lightness of the materials as mentioned by Commissioner Barnes, and even the differentiation between the uses was unusually clear for a modern building. He said he shared with Commissioner Kahle some concern with the long, blank brick walls but the only thing inside was parking or utility rooms. He said regarding the comments that the project would significantly impede the success of Draeger's Market and the design should be reconsidered, he thought Troglis' right to build on their property as they had hoped to do for at least a decade and a half took primary position. He said it would be a real asset to have the building added to the downtown. He said it was unfortunate that one of their best neighbors had at this point to make an investment and a shift in process assuming the parking #4 areas did not work out as loading zones. He moved to make the findings regarding CEQA, to adopt the findings for architectural control, including the standard conditions and the special conditions as recommended in the staff report. Commissioner Strehl said she would second the motion.

Chair Combs said the Complete Streets Commission did not like the option of Menlo Avenue for loading and asked if there was an option they supported. Associate Planner Meador said in that Commission's action they suggested meet and discuss alternative options beside Menlo Avenue with the applicant and Draeger's. She said Transportation staff did that and after additional research still decided that Menlo Avenue was a viable option, and would propose that at a future City Council meeting.

Commissioner Barnes said he understood the Draeger family's concern and the importance of good commercial loading access. He said without a reason to change the applicant's orientation of ingress/egress as it was perfectly approvable that if the City Council kicked it back they would have to readdress the issue from an access point.

ACTION: Motion and second (Riggs/Strehl) to approve the item as recommended in the staff report; passes 6-1 with Commissioner Onken voting in opposition.

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 I).
 - b. Relevant mitigation measures have been incorporated into the project through the Mitigation Monitoring and Reporting Program (Attachment J), which is approved as part of this finding.
 - c. Upon completion of project improvements, the Specific Plan Maximum Allowable Development will be adjusted by 3 residential units and 6,610 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 Hayes Group Architects, consisting of 34 plan sheets, dated received on February 28, 2018, approved by the Planning Commission on March 12, 2018, except as modified by the conditions contained herein, subject to review and approval of the Planning Division.
- b. Prior to building permit issuance, the applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
- c. Prior to building permit issuance, the applicant shall comply with all Sanitary District, Menlo Park Fire Protection District, California Water Company and utility companies' regulations that are directly applicable to the project.
- d. Prior to commencing any work within the right-of-way or public easements, the applicant shall obtain an encroachment permit from the appropriate reviewing jurisdiction.
- e. Prior to building permit issuance, Stormwater Pollution Prevention Program Best Management Practices (BMPs) for construction shall be implemented to protect water quality, in accordance with the approved Stormwater Pollution Prevention Plan (SWPPP). BMP plan sheets are available electronically for inserting into Project plans. The plan is subject to the review and approval of the Engineering Division.
- f. Prior to building permit issuance, the applicant shall submit a plan for: 1) construction safety fences around the periphery of the construction area, 2) dust control, 3) air pollution control, 4) erosion and sedimentation control, and 5) tree protection fencing. The plans shall be subject to review and approval by the Building, Engineering, and Planning Divisions prior to issuance of a building permit. The fences and erosion and sedimentation control measures shall be installed according to the approved plan prior to commencing construction.
- g. Prior to building permit issuance, the Applicant shall submit a draft "Stormwater Treatment Measures Operations and Maintenance (O&M) Agreement" with the City subject to review and approval by the Engineering Division. The property owner will be responsible for the operation and maintenance of stormwater treatment measures for the project. The agreement shall be recorded and documentation shall be provided to the City prior to final occupancy.
- h. Prior to building permit issuance, the applicant shall submit a Grading and Drainage Plan for review and approval by the Engineering Division. Post-construction runoff into the storm drain shall not exceed pre-construction runoff levels. A Hydrology Report will be required to the satisfaction of the Engineering Division. Slopes for the first 10 feet perpendicular to the structure must be 5% minimum for pervious surfaces and 2% minimum for impervious surfaces, including roadways and parking areas, as required by CBC §1804.3. Discharges from the garage ramp and underground parking areas are not allowed into the storm drain system. Discharge must be treated with an oil/water separator and must connect to the sanitary sewer system. This will require a permit from West Bay Sanitary District.
- i. Prior to building permit issuance, Applicant shall submit Covenants, Conditions and

Restrictions (CC&Rs) to the City for City Attorney and Engineering Division review and approval. The CC&Rs shall provide for the maintenance of all infrastructure and utilities within the Project site or constructed to serve the Project. This shall include, but not be limited to, the private open spaces, shared parking spaces, common walkways, common landscaping, and the stormwater drainage and sewer collection systems.

- j. Prior to building permit issuance, the Applicant shall submit engineered Off-Site Improvement Plans (including specifications & engineers cost estimates), for approval by the Engineering Division, showing the infrastructure necessary to serve the Project. The Improvement Plans shall include, but are not limited to, all engineering calculations necessary to substantiate the design, proposed roadways, drainage improvements, utilities, traffic control devices, retaining walls, sanitary sewers, and storm drains, pump/lift stations, street lightings, common area landscaping and other project improvements. The Plan shall include removal and replacement of any damaged and significantly worn sections of frontage improvements. During the design phase of the construction drawings, all potential utility conflicts shall be potholed with actual depths recorded on the improvement plans submitted for City review and approval. All public improvements shall be designed and constructed to the satisfaction of the Engineering Division. The Off-Site Improvements Plan shall be approved prior to issuance of a building permit.
- k. Prior to building permit issuance, and as part of the off-site improvements plan, the applicant shall submit plans for street light design per City standards, at locations approved by the City. All street lights along the project frontages shall be painted Mesa Brown and upgraded with LED fixtures compliant with PG&E standards, and are subject to the review and approval of the Engineering Division.
- l. Prior to building permit issuance, the applicant shall provide documentation indicating the amount of irrigated landscaping. If the project proposes more than 500 square feet of irrigated landscaping, it is subject to the City's Water Efficient Landscaping Ordinance (Municipal Code Chapter 12.44). If this project is creating more than 5,000 square feet of irrigated landscaping, per the City's Water Efficient Landscape Ordinance (Municipal Code 12.44) the irrigation system is required to have a separate water service. Submittal of a detailed landscape plan would be required concurrently with the submittal of a complete building permit application.
- m. 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.
- n. If construction is not complete by the start of the wet season (October 1 through April 30), the applicant shall implement a winterization program to minimize the potential for erosion and sedimentation. As appropriate to the site and status of construction, winterization requirements shall include inspecting/maintaining/cleaning all soil erosion and sedimentation controls prior to, during, and immediately after each storm event; stabilizing disturbed soils through temporary or permanent seeding, mulching, matting, tarping or other physical means; rocking unpaved vehicle access to limit dispersion of much onto public

right-of-way; and covering/tarping stored construction materials, fuels, and other chemicals. Plans to include proposed measures to prevent erosion and polluted runoff from all site conditions shall be submitted for review and approval of the Engineering Division prior to beginning construction.

- o. The Applicant shall retain a civil engineer to prepare "as-built" or "record" drawings of public improvements, and the drawings shall be submitted in AutoCAD and Adobe PDF formats to the Engineering Division prior to Final Occupancy.
- p. Street trees and heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance and the recommendations of the arborist report prepared by Michael L. Bench, dated December 14, 2017. Applicant shall submit a tree preservation plan, detailing the location of and methods for all tree protection measures as part of a complete building permit application and is subject to review and approval by the City prior to building permit issuance.
- q. Street trees shall be from the City-approved street tree species or to the satisfaction of City Arborist. Irrigation within public right of way shall comply with City Standard Details LS-1 through LS-19.
- r. Prior to building permit issuance, the applicant shall pay all Public Works fees. Refer to City of Menlo Park Master Fee Schedule.
- s. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a lighting plan, providing the location, architectural details and specifications for all exterior lighting subject to review and approval by the Planning Division.
- t. Simultaneous with the submittal of a complete building permit application, a design-level geotechnical investigation report shall be submitted to the Building Division for review and confirmation that the proposed development fully complies with the California Building Code. The report shall determine the project site's surface geotechnical conditions and address potential seismic hazards. The report shall identify building techniques appropriate to minimize seismic damage.
- u. A complete building permit application will be required for any remediation work that requires a building permit. No remediation work that requires approval of a building permit shall be initiated until the applicant has received building permit approvals for that work. All building permit applications are subject to the review and approval of the Building Division.
- v. Prior to building permit issuance, the applicant shall submit plans for construction related parking management, construction staging, material storage and Traffic Control Handling Plan (TCHP) to be reviewed and approved by the City. The applicant shall secure adequate parking for any and all construction trades. Construction parking in the public parking plazas will be subject to City review and approval. The plan shall include construction phasing and anticipated method of traffic handling for each phase.
- w. All public right-of-way improvements, including frontage improvements and the dedication of easements and public right-of-way, shall be completed to the satisfaction of the Engineering Division prior to building permit final inspection.

4. Approve the architectural control subject to the following ***project-specific*** conditions:
 - a. The applicant shall address all Mitigation Monitoring and Reporting Program (MMRP) requirements as specified in the MMRP (Attachment J). Failure to meet these requirements may result in delays to the building permit issuance, stop work orders during construction, and/or fines.
 - b. 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 or as early as the project can be certified by the United States Green Building Council, the project shall submit verification that the development has achieved final LEED Silver certification.
 - c. Simultaneous with the submittal of a complete building permit application, the plans shall be updated to provide clarification that the commercial windows/storefronts shall be recessed from the primary building façade a minimum of 6 inches, subject to review and approval of the Planning Division.
 - d. The parking garage gate shall remain open between the hours of 7:00 a.m. and 7:00 p.m., in order to limit the potential for vehicles blocking the sidewalk while waiting for the gate to open. The Transportation Manager may adjust these times if requested in the future, provided that the applicant demonstrates that pedestrian safety will not be compromised.
 - e. Simultaneous with the submittal of a complete building permit application, the Applicant shall submit plans that include undergrounding of the overhead utilities along the project frontage on Evelyn Street in accordance with the approved plan set. All lateral connections to overhead electric, fiber optic, and communication lines shall be placed in a joint trench. The undergrounding plans will be finalized prior to building permit issuance and are subject to PG&E, City of Menlo Park, and the Menlo Park Fire Protection District review and approval.
 - f. Project approval is conditional on the City Council reconsidering the placement, design, and/or use of the Draeger's Market loading zones currently located on Evelyn Street. The building permit shall not be issued prior to City Council action to modify this loading zone.
 - g. Prior to issuance of each building permit, the applicant shall pay the applicable Building Construction Street Impact Fee in effect at the time of payment to the satisfaction of the Public Works Director. The current fee is calculated by multiplying the valuation of the construction by 0.0058.
 - h. Any nonstandard improvements within public right-of-way shall be maintained in perpetuity by the owner. Owner shall execute an Agreement to maintain non-standard sidewalks and planting strips if any. Agreement shall be subject to review and approval of the Engineering Division and City Attorney and shall be recorded prior to final occupancy.

- i. Prior to final inspection, the Applicant shall submit a landscape audit report to the Public Works Department.
- j. Prior to issuance of building permit, the applicant shall submit 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 \$12,962.23 (\$1.13 x 11,471 net new square feet).
- k. Prior to issuance of building permit, the applicant shall submit all relevant transportation impact fees (TIF), subject to review and approval of the Transportation Division. Such fees include:
 - i. The TIF is estimated to be \$37,717.20. The fee was calculated as follows: (\$4.80/s.f. x 6,610 s.f. office) + (\$1,996.40/unit x 3 multi-family units). Please note this fee is updated annually on July 1st based on the Engineering News Record Bay Area Construction Cost Index. Fees are due before a building permit is issued.
 - ii. 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 \$393.06 per PM peak hour vehicle trip, with a credit for the existing trips. The proposed project is estimated to generate 12 PM peak hour trips, so the supplemental TIF is estimated to be \$4,716.72. Payment is due before a building permit is issued and the supplemental TIF will be updated annually on July 1st along with the TIF.

Replying to Commissioner Riggs, Commissioner Onken said he thought the matter was unresolved, and there was an opportunity to continue the project and refine it in such a way to satisfy all the involved parties' concerns.

Commissioner Onken said he would need to recuse due to the next project's proximity to his residence.

H. Study Session

- H1. Study Session/Sagar Patel/1704 El Camino Real: Request for a study session for the public benefit bonus proposal associated with the architectural control and variance request to construct a new 70-room hotel consisting of three stories and an underground parking level in the SP-ECR/D (El Camino Real/Downtown Specific Plan) zoning district. The proposed development would be at the Public Benefit Bonus level, which would exceed the Base level floor area ratio (FAR) on the subject site. The public benefit bonus proposal includes the contribution of Transient Occupancy Tax (TOT) revenues to the City on an on-going basis. No actions will take place at this meeting, but the study session will provide an opportunity for the Planning Commission and the public to become more familiar with the proposal and to provide initial feedback on the applicability of the Public Benefit Bonus and on the proposed design ([Staff Report #18-025-PC](#))

Chair Combs said he had some comment cards for this study session. He noted the late hour and said he would open for public comment right after applicants' presentation and before Commissioner questions of the applicant.

Staff Comment: Corinna Sandmeier, Senior Planner, said the only update was an email sent to the Commissioners earlier today from a group of neighbors from the Park Forest neighborhood. She said the email provided an overview of changes made to the proposal by the applicant in response to working with the neighbors as well as some remaining concerns including the density of the proposal.

Applicant Presentation: Sagar Patel, the applicant, introduced Jim Rato, RYS Architects, the project architect. He said his father and he have owned and operated the property, known as the Red Cottage Inn, since 1994. He said their hotel was at the end of its life and they looked extensively at renovating it, but it did not make sense financially. He said his father and he also had lived in the neighborhood and they tried as hard as they could to try to address some of the neighbors' concerns. He said they have worked on designs, colors, and removing backup generators.

Jim Rato, the project architect, made a visual presentation about the project. He said the project was nearly directly across from Menlo College. He said the site did not actually touch El Camino Real but had ingress and egress with an easement through two intervening commercial sites. He said residential townhomes were located to the east and south of the site. He said the west side of the subject property was adjacent to the commercial properties, a small office building and a retail store. He said parking for the existing site was on the west side facing El Camino Real and that frontage had an almost 30-foot setback. He said they were asking to keep the 30-foot setback rather than the required maximum 20-foot front setback under the Specific Plan as they would have one of their garage ramps in that area and to have a bit of yard in front of the building wall. He said the north side of the project would have the smallest setback and guest rooms without windows. He said easterly of the north project side where a set of townhouses were located they recessed the building as much as 47 feet where 10-foot setback was required. He said on the east side facing the Park Forest homes that they recessed the building almost 40-feet to keep the environment as natural as possible with trees to provide screening for the neighbors. He said to the south they had 17-feet that accommodated the ramp to the garage, some replacement heritage trees, and a bio-retention planter box required by public works.

Mr. Rato said the siting of the proposed building was in part to respond to neighbor concerns for appropriate architecture with visual and physical separation, preservation of light, air and views, minimized noise, and to keep as much parking as possible, and to address the Specific Plan design guidelines. He said thirdly they wanted the site to be easily accessible for emergency response. He said fourth they wanted to provide at least some of the hotel brand's signature design to qualify for a business franchise. He said lastly the goal was to maintain the property owner's long standing reputation in the community for providing reasonably priced lodging for them and their visitors by aligning with one of the foremost brands in lodging and hospitality in the world.

Chair Combs opened the public comment period.

Public Comment:

- Susan Neville said she was speaking for many of the residents of the Park Forest neighborhood located east of the subject property. She said her remarks would highlight items from the email they sent today. She said that most of them found the proposal not in keeping with the residential character of the area and that having a chain hotel in close proximity to their homes very likely would depress their property values. She said overall they were gratified with

the meetings they had had with the property owner and the changes made to the design in response to some of their concerns. She said the areas they would like to see revisited were the change in the design of the second floor roof at the rear of the property as they were concerned with the metal screening element and the look and noise of five commercial air conditioning units. She said the roofline at the southeast corner of the building was not as attractive from their vantage point as it was in the prior design. She said they would like to have input on the choice of trees for the eastern border to make sure they were tall enough to screen the entire project.

- Glenna Paddon said she lived in Park Forest in the townhome most immediately adjacent to the subject property. She said page B20 described the view she would expect to have after the building was constructed. She said the applicant and architect had been very willing to accept the neighbors' input. She said that the City was expecting to receive substantial revenue from this large project based on an economic evaluation. She asked if the City was prepared for lost tax revenue due to declining property values in their neighborhood resulting from the proposed project. She asked the City to consider the net value of the economic benefit from the project and the economic loss of the residential home values to the City's tax base.
- Mike Brady, Menlo Park, said his home was directly across from the last speaker's home and was equally as close to the proposed development. He said their neighborhood was a very unique area of about 110 townhouses built around a large park. He said they should consider the density of the project noting it was the entryway into the City from the north. He said the applicant had worked with them and had pushed the project away from his residence toward El Camino Real so it had less of a mass effect on their immediate area.
- John Onken, Park Forest, speaking as an individual resident, said they thought the view of the project from their neighborhood could be helped. He said it was great that the rear elevation had been dropped down and the trellis added. He said the building did not necessarily need the additional metal work and suggested more openness would be better. He said the building could probably do without the heavy industrial railings on the top of the parapet. He suggested the parapet could be raised or they could do something slightly more elegant. He said there was mention of air conditioning condensers or some kind of mechanical equipment up in that area but most of the roof was a very large open well for mechanical equipment. He said if the project was approved it would be really important to condition that no mechanical equipment making any noise whatsoever was anywhere but behind the parapet on the roof. He said there were muted colors brought into the back of the project to satisfy the neighbors but the front still had a somewhat strident Mediterranean feel with very light, bright colors. He noted Davis Polk, the law firm on the corner of Encinal Avenue and El Camino Real. He said that building was also Mediterranean but was a very good neighbor architecturally through better detailing, deeper colors, and much more muted appearance as opposed to what was being proposed here. He said in the landscaping area there was confusion that the drawings showed podocarpus and not redwoods. He said they would be fine with podocarpus as long as it was tall enough to screen when planted.
- Susie Neville, Buckthorn Park resident, said that she and four other homeowners were present from Buckthorn Park. She said their homes faced the wide part of the proposed hotel. She said she echoed the comments made by the Forest Park residents. She said not addressed was the proposed density, additional traffic, the fact there were numerous hotels along El Camino Real already, and depressed property values for neighbors. She said on their neighborhood's side

she did not think the third floor was recessed at all and they would have the view of the tall white three-level hotel. She said redwoods would be preferable to them. She said they were concerned with the pool noise as that was located near their neighborhood. She said they would not support the project as proposed.

Commission Comment: Commissioner Barnes referred to the five items in the staff report listed as considerations for the Commission, and asked for clarification. Arnold Mammarella said that the Commission could probably work through these items tonight. He said some issues specific to this project was the difference of the first floor commercial height from 15-feet to 13-feet, for the building to be set back and not specifically meeting the modulation requirements. He said how the building came together architecturally was the larger issue. He said the design was kind of a Spanish architecture. He said the program of the building was three floors of hotel rooms that were very cellular but the architecture was typically more figurative with more variations in roofline. He said the architecture was not really coming through the roofline with the tower in front and other details. He said the porte cochere was not fitting well in the front. He said the neighbors had raised the massiveness. He said he thought those were more significant issues than some of the Specific Plan issues but they would appreciate the Commission's input on the latter as well.

Commissioner Barnes noted he knew the applicant on a social level. He asked Mr. Patel how they arrived at the architectural style they were proposing. Mr. Patel said they started with an interpretation of a Farmhouse style but based on discussions with neighbors that they wanted something that would match the neighborhood more. He said most of the townhomes in the neighborhood were stucco and that pushed them from doing more of a modern look that he preferred to a more stucco traditional look something that would blend into the neighborhood more. Commissioner Barnes asked his thoughts on the questions regarding details and articulation. Mr. Patel said they agreed with some of those but they were getting feedback from a design consultant, potentially the Commission's feedback and the neighbors' feedback. He said they were trying to get to a central place within that and go from there. Mr. Rato said early on with discussions with the applicant the preference was for a simpler, less articulated interpretation of Neo-Spanish style. He said the Specific Plan guidelines would work much better on larger buildings directly fronting onto El Camino Real than the one they were proposing. He said hotels tended to be repetitive and he requested that they not be required to do articulation true to the historic design style.

Commissioner Barnes said there were questions about the colors and color palette and if any of that was a corporate designation. Mr. Patel said that they were not following any Hampton Inn protocol. He said Hampton Inns were very scalable and custom. He said in Menlo Park a Hampton Inn would command a rate equal to or higher than the City's Residence Inn. He said they liked the taupes. He said originally they came in with darker colors and were told to lighten it up. He said they were looking for guidance on which way to go with the project as they were being pulled in different directions. He said they understood they were a dense hotel at 1.1 versus .7 FAR with a differential of 8,000 square feet. He said even at .7 FAR they had second and third floor guest rooms and first floor parking. He said going to bonus they were able to park underground and add rooms on the first floor. He said they were open to feedback on style and colors but there was not too much they could do with the massing.

Commissioner Kahle said he thought a modern Farmhouse would have been a good style but he expected that was no longer a choice. He said it was great the property owner was working with the neighbors, which he hoped continued. He said the two-piece clay tile rather than the one-piece

S tile was a more authentic look. He said the pool might not be used as much as they thought being on the north side of a three-story building. He said he walked the site today and where the current pool was there was a mass of trees. He said he did not think it was a big difference whichever side the pool was on. He said he agreed with most of staff's comments such as a few railings done well would be better than a few not done well, the roof pitch seemed too steep for the style, the headers above the windows could be large timbers, the stone wainscot did not seem to fit, and a few decorative items could greatly enhance the character. He said also there was a reference the tower did not relate to the entry. He said it could be a greater focal point of the design. He said staff asked if the porte cochere was a significant enough feature to justify it being there and pushing forward. He said it could be a nice design feature but it needed more refinement. He said it was unfortunate the heritage tree in the front had to be removed but he thought the project benefitted from pushing it forward and working with the neighbors in the rear was worth it. He said the design seemed a knockoff of a Spanish-style and notwithstanding the comments of trying to streamline it, the Spanish style was very rich in terms of elements such as arches and wrought iron that they could use to enhance the design. He said obviously there were challenges noting that the height issue needed to be dealt with but in general he thought the project was moving in the right direction.

Chair Combs said the neighbor concern with density was valid noting it was a very special neighborhood with a unique park area. He said the area was within the Specific Plan area and in developing the Plan the debate had occurred in the City about density and providing possibility for bonus level density. He said the project as proposed was not outside what was zoned.

Commissioner Riggs said the access was an easement through two other properties. He asked if that meant the applicant was not in a position to improve the driveway. Mr. Patel said the maintenance for the driveway legally belonged to him and he would improve it.

Commissioner Riggs said he shared Commissioner Kahle's observation about the perhaps necessarily generic forms. He said when he first saw the rendering he agreed with others that it looked like a hotel one would see traveling Interstate 5. He said in looking at the elevations he found it was more than that. He said there was detailing particularly at the roof and a rhythm above and beyond what he would expect. He said he found most of the elevations quite attractive. He said his opinion, which might sync with staff and others, two towers stood out. He said the one at the corner with the hotel name with a three-story high arch around three rectangular windows was an element that could be better. He said on the south elevation the two-story arch over two windows almost worked. He said they had an opportunity to put something above it rather than just a flat parapet. He said the applicant had done the best he could with the direction to go with stucco. He said he fully supported the front setback of 30 feet and in the writing of the Specific Plan it was never intended for a 20-foot maximum setback to be applied to a flag lot. He said he hoped staff would not apply that in this case. He said he appreciated the 13-foot floor to floor height as it would lower the building. He said he was a bit concerned that 10 to 16 parking spaces would potentially be valet spaces which usually meant using the neighborhood as a parking reserve. Mr. Patel said they have a contingent valet parking system in case the .85 parking ratio did not work and all of that would be accommodated within their parking garage. Commissioner Riggs asked if Mr. Patel was willing to relocate the mechanical units in the roof well. Mr. Patel said yes and the units were very quiet.

Commissioner Riggs suggested a bar could be placed under the applied balconies to suggest a floor. He said regarding the roof pitches he thought those were working. He said regarding headers

above windows that if their scheme could accommodate wood headers that would be good. Mr. Patel asked if that was throughout the project as he thought it would be busy. Commissioner Riggs said throughout noting not above arched windows and at least on the second and third floor windows. He suggested the applicant could present something for review. He said with the paint scheme he understood the neighbors' suggestion to keep it light and minimize the contrast. He said however one of the most popular Spanish-influenced buildings was the DavisPolk building at 1600 El Camino Real. He suggested the applicant present an alternative color scheme that they could live with. He said the alternative window colors was a good idea. He said he would support flexibility regarding the modulation and staff's suggestion that a minor façade modulation could be interpreted not to apply. He said regarding the porte cochere that it might help to provide more views next time.

Commissioner Goodhue said she generally agreed with the Commissioners' feedback. She said the applicant had done a good job responding to neighbors' feedback and articulating on the sides of the building to lessen the uniformity massiveness. She said the applicant had a tremendous opportunity to work on the front of the building, in particular the entrance. She suggested working on the tower with the Hampton Inn name and the porte cochere related to the building. She said when the project came back it would be desirable to see better articulated and more cohesively stylistic elements like a porte cochere. She said looking at the porte cochere and the flat roof she just saw a desolate space. She said she understood the hesitation to not have busy facades but she encouraged the applicant to listen to staff comments about stylistic elements such as recessed windows and well placed elements which for the style they were trying to articulate were important.

Chair Combs said there was also a discussion point regarding transfer occupancy tax as public benefit.

Commissioner Barnes said the Specific Plan allowed for a project to go from .75 to 1.1 FAR and the height. He said the only variances sought were from the greater front setback and the reduction of the floor to floor height from 15 feet to 13 feet. He said they had not received any comments that either would be deleterious to the neighborhood. He said the object was to get the best project possible. He said the comments regarding the details indicated a desire for the applicant to reach into the style more, which did not necessarily mean just more stuff. He said he thought it meant more specificity for specific elements to add the requisite detailing to make it architecturally interesting. He said he heard quality over quantity.

Commissioner Barnes made a few general comments about the applicability of annual TOT as a public benefit and what amount was fair. Chair Combs said they decided that TOT would be the public benefit for the hotel at Glenwood Avenue and El Camino Real, which seemed to imply at some level that TOT could be the public benefit. He said one of the speakers raised a concern about decreased property values and that was not calculated as to any impact. He said he did not know how they could possibly determine that. Commissioner Riggs said TOT was roughly 12% of room rate revenue and all that went to the City. He said property taxes were limited to a little more than 1% and the City would get 10% of that. He said the TOT was a solid benefit.

I. Informational Items

I1. Future Planning Commission Meeting Schedule

Principal Planner Rogers said the March 26 agenda would have a number of small residential

development items. He said also a study session for a proposed third office building development at 164 Jefferson Drive, known as the Sobrato Commonwealth Corporate Center, would be on the March 26 agenda.

Chair Combs said Commissioner Goodhue and he would need to recuse themselves for the 164 Jefferson Drive item.

- Regular Meeting: March 26, 2018
- Regular Meeting: April 9, 2018
- Regular Meeting: April 23, 2018

J. Adjournment

Chair Combs adjourned the meeting at 11:23 p.m.

Staff Liaison: Thomas Rogers, Principal Planner

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on March 26, 2018