



REGULAR MEETING MINUTES

Date: 3/26/2018
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 7:02 p.m.

B. Roll Call

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

Staff: Deanna Chow, Principal Planner, Michele T. Morris, Assistant Planner, Matt Pruter, Associate Planner, Tom Smith, Associate Planner, Thomas Rogers, Principal Planner

C. Reports and Announcements

Principal Planner Thomas Rogers said the City Council held a special meeting the previous week on the topic of the district elections at which it accepted the recommendation of the Districting Advisory Committee for five districts. He said the Council gave preliminary direction that Districts 1, 2, and 4 be prioritized for the next election when three seats would be open. He said Districts 3 and 5 would occur with 2020 elections. He said at the Council's March 27, 2018 meeting, it would conduct a study session on the Facebook Willows Village Project, which the Planning Commission had seen recently. He said the Council would also consider the Housing Element Annual report, which the Planning Commission had also seen recently.

Chair Combs said that Commissioner Katherine Strehl would recuse herself for item F2 and Commissioner Susan Goodhue and he would recuse themselves for item G1.

D. Public Comment

There was none.

E. Consent Calendar

Commissioner John Onken said he would need to recuse himself from item E2 and asked the Chair to take each item on the Consent Calendar individually.

- E1. Approval of minutes from the March 12, 2018, Planning Commission meeting. ([Attachment](#))

ACTION: Motion and second (Goodhue/Riggs) to approve the March 12, 2018 minutes as presented; passes 7-0.

- E2. Architectural Control/Fred Rose and Anne Gregor/130 Forest Lane:
Request for approval for Architectural Control for exterior modifications to the front facade of an existing residence in the R-3 (Apartment) zoning district, including the addition of new gross floor area. (Staff Report #18-026-PC)

ACTION: Motion and second (Goodhue/Strehl) to approve the item as recommended in the staff report; passes 6-0-1 with Commissioner Onken recused.

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 Blome Architecture, consisting of seven plan sheets, dated received March 6, 2018, and approved by the Planning Commission on March 26, 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

Commissioner Onken said he needed to recuse himself from consideration of item F1 due to a potential conflict of interest.

- F1. Use Permit/Morris Carey, Carey Bros. Remodeling/423 O'Connor Street:
Request for a use permit to convert an existing duplex at the front of the lot to a secondary dwelling unit, demolish two additional existing dwelling units at the middle/rear of the parcel, and construct a new two-story detached single family residence at the middle/rear. The secondary dwelling unit would feature aesthetic characteristics different from the proposed main residence. The applicant is requesting to exceed the secondary dwelling unit regulations for total square footage and the number of bedrooms and bathrooms, as may be permitted by a use permit. The project site is a substandard lot with respect to lot width located in the R-1-U (Single Family Urban Residential) zoning district. ([Staff Report #18-027-PC](#))

Staff Comment: Associate Planner Matt Pruter said there were no additions to the staff report.

Questions of Staff: Commissioner Larry Kahle said on page 1 of the staff report, under background and site location, it said *Regal Court*. Associate Planner Pruter said that should read *O'Connor Street*.

Applicant Presentation: James Carey, Carey Bros. Remodeling, said the property currently had four small structures on it. He said the property owner wanted to have two residential structures on the property for a primary home and a secondary dwelling unit (SDU). He said a duplex at the front of the property would be converted to the SDU and the two residential units on the middle/rear of the property would be demolished and a new two-story detached single-family home would be constructed. He said the footprint of the duplex would be reduced, and the stucco mass would be reduced with the introduction of redwood or cedar siding. He provided a visual presentation of the proposed improvements.

Commissioner Kahle said that the second-story of the rear house seemed to have a 12-foot folding door and asked if the lower roof was meant to be a deck. Mr. Carey said those were windows and were not meant to be a deck. He said they had wanted a deck there but it was not allowed under the zoning regulations.

Morris Carey, project designer, said the property owner had a home in India with this window feature and requested it for this home. Commissioner Kahle said the window would provide access to the roof. He said the Building Department might require a guardrail to prevent access to the roof. Mr. M. Carey said it would provide access to the roof if repairs were needed but it was not a deck. Commissioner Kahle asked about the material for the lower roof bands. Mr. M. Carey said everything on the exterior would be dimensional lumber. Commissioner Kahle noted it was painted

wood band and asked if the same treatment would be used over all the doors and windows. Mr. M. Carey said it was all solid wood. Commissioner Kahle said the carport was at a 15° angle and asked if that was due to the heritage tree. Mr. M. Carey said he previously had the carports perpendicular to the side setback, parallel to front and back, but they had insufficient turning radius. He said staff recommended some changes and they opted to rotate the carport 15° for easy access and egress. Commissioner Kahle asked if cars parked there would need to back onto the street. Mr. M. Carey said there was room onsite for cars to back up to the fence and exit forward onto the street. Commissioner Kahle asked if the rear structure would have a concrete slab on grade construction or if it would have a raised floor. Mr. M. Carey said it was concrete slab on grade. Commissioner Kahle said there was a forced air unit in the garage and asked how the ducts would work with the flat roofs. Mr. M. Carey said they would use narrow ducting through the joist. He said trusses would be between the floor joists.

Chair Combs noted that the SDU would be in the front rather than the back of the property as was typical, and that it was a full size structure. He asked staff for other instances of similar configuration for a SDU that the Planning Commission had approved. He said this configuration would create a flag lot and asked if this was possibly a work around because the lot was not sufficiently large enough to subdivide into two lots. Principal Planner Rogers said Chair Combs had identified the same issue that staff wrestled with upon originally seeing the project. He said what made this project proposal unique was that the number of existing dwelling units was nonconforming and that the proposal was to retain an existing structure. He said those two things justified the configuration from staff's perspective and was staff's recommendation, but it was an unusual case requiring the Commission to make a discretionary action on it. He said the only other case similar he could think of was a recent application for a use permit to waive or modify one of the SDU requirements was for an SDU on Chester or Haight Street where a waiver from the aesthetics similarity was proposed and approved. He said regarding possibly setting precedence that staff would most likely not support a proposal for an SDU of this size on an empty lot. He said SDUs did not have to be located in the rear of a property and that did not require a waiver.

Mr. J. Carey said that they had done grassroots outreach to the community and he was overwhelmed with the amount of support for their proposal, noting support letters in the agenda packet. He said two neighbors wanted to attend the meeting to show their support but they were both out of town.

Commissioner Goodhue said in the applicants' submittal letter they described the front house as 1,279 square feet in size but the staff report stated it was 1,118 square feet. Mr. M. Carey said the project changed significantly from the drawings submitted two and a half years ago until those being presented now. He said the design for both the front and rear structures were within the allowable floor area limit (FAL) and setbacks met zoning requirements. He said a side setback and a rear setback were being improved and would remove current encroachments. Commissioner Goodhue asked the parcel was too small for the lot to be subdivided into two condominium parcels. Mr. M. Carey said their proposal to have a single-family residence and SDU on this parcel with four existing nonconforming units was one staff had never seen before and that they worked over 30 months with staff to get to this point.

Commissioner Goodhue asked which occupants would be expected to use the carports for parking. She said she assumed the covered carport was for the front unit, the SDU. Mr. M. Carey said the covered carport was for the front house and the garage was for the rear house. Commissioner Goodhue asked what the use of the other space parallel to the carport was. Mr. M.

Carey said for secondary parking or open space. He said they would have two covered and two uncovered parking spaces on the lot.

Commissioner Goodhue said staff had indicated in the staff report that the parking pad on the left was an existing paved area that might violate municipal code regarding the number of vehicles allowed to park on driveways not leading to a garage or carport. She said another SDU project on Chester and Haight Street had a parking pad on Chester Street that did not lead to a garage. She said other projects the Commission has approved had basically a parking pad in the front and garage access off an alley. She said she was confused why those were acceptable and this might be a violation. Principal Planner Rogers said the reference was to municipal code and not to something in the zoning ordinance. He said staff had detailed discussion with the City Attorney as to how this municipal code section applied. He said there was not an explicit paving limit, but there was a parking limit. He said the action of parking in all the paved spaces might trigger code enforcement but he said it was not a design issue. He said required parking for SDUs might be in front of a garage and in a setback. He said in this instance they designed it in a carport which functioned well for the proposal's needs and was compliant. He said it could have been designated in a different location. Commissioner Goodhue confirmed with Principal Planner Rogers that even without the parking pad on the left the SDU would be in compliance with zoning ordinance parking requirements. Principal Planner Rogers added that the municipal code violation could occur when one car was parked on that parking pad and yet another car was parked in an area not leading to a garage.

Commissioner Andrew Barnes asked staff to elaborate further on how the retention of the front structure informed its decision for a recommendation. Associate Planner Pruter said in looking at the front unit they considered the nonconformities that currently existed. He said because that unit was a duplex it exceeded the number of housing units permitted by ordinance on that lot, and its footprint encroached in two places into side yard setbacks. He said this SDU proposal would cure both nonconformities. He said also the front unit through this proposal would be upgraded and the aesthetics informed by the new rear main residence so both were relatively consistent in terms of aesthetics and design features. He said the design of it also would have a condition of approval for notched eaves in respect to the coast live oak heritage tree, tree #3, located directly behind the existing duplex. He said the fact that they would minimize the construction impact for the SDU would have less of an impact on that heritage tree. He said demolition of the entire front unit would have required more protection and preservation mitigation measures for the oak tree than the proposed remodel.

Commissioner Barnes noted the question of a SDU being "similar to" or "compatible with" the main residence that was integral to another SDU project the Commission had reviewed. He said that similar to was the standard noting the City Council had considered a suggestion to change the language to compatible with but had not. He asked if staff in recommending that this SDU proposal was compatible with the main residence was an evolution in the thinking about SDUs. Principal Planner Rogers said with the other SDU project they had a much larger discussion about the merits of the different approaches. He said they had recommended approval for that specific application for an SDU that was not similar to the main residence, which required use permit approval. He said at this point thinking had not changed on the overall ordinance but staff still reviewed SDU applications that were not strictly similar to the main residence on a case by case basis.

Commissioner Riggs noted that several street frontage trees would be removed and asked staff if

there was any requirement for replacement trees. Associate Planner Pruter said that they had not required replacement trees as none of the street trees being removed were heritage. He said they were requiring mitigation and protection measures for the five trees in the rear and middle on the project site. Commissioner Riggs said the data table in the staff report did not have a line for impervious surface and asked if residential projects had a minimum requirement for percentage of pervious surface. Associate Planner Pruter said that was not a requirement in the R-1-U zoning district. Commissioner Riggs said since there was no requirement in that zoning district for landscape plan that a project could essentially pave its entire open surface. Associate Planner Pruter said approval of a use permit application would be at the discretion of the Planning Commission but there was nothing in the zoning ordinance for R-1-U regarding pervious surface and landscape plan requirements.

Recognized by the Chair, Mr. M. Carey said they had modified the concrete on the project all to pavers. He said the plans currently showed concrete but the landscape designer had since designated pavers instead of any solid concrete. He said where there were no structures the entire project would percolate. Commissioner Riggs asked if those were pervious pavers. Dave Garcia, DPG Design, landscape designer, said they would use permeable pavers so water would go through the pavers into the ground surface. He said the aggregates they used for the pavers would help clean the water as it traveled through the pavers. Commissioner Riggs said pavers were not pervious by themselves and asked what base would be used for them. Mr. Garcia said they would use a crushed 3/4-inch drain rock that would digress into an approximately 3/8-inch rock, which would be compacted, with the pavers set on that base. He said basically the two type rocks would lock together and create compaction and also allow water to travel through it. Commissioner Riggs asked how thick approximately the base was. Mr. Garcia said they were looking at about a nine-inch excavation. Commissioner Riggs confirmed with Mr. Garcia that would be about six-inches of rock and the pavers set upon the rock.

Chair Combs opened the public hearing.

Public Comment:

- Mark Allward said he currently was a tenant at the project site, and asked at what point he would be required to move. He said another tenant in the front house had been living there for about 20 years. He said he and that tenant were both disabled. He said that tenant was an armed forces veteran and had requested these questions be asked. He asked if they could live there during the construction. He said he needed to know the time frame for when he would need to start moving things.

Chair Combs suggested the tenants seek out legal guidance as to what their rights were as tenants. He said he expected that they would not be able to live there during construction.

Chair Combs closed the public hearing.

Commission Comment: Commissioner Kahle said he appreciated them keeping oak tree #3. He thanked Commissioner Goodhue for raising the concern about the left driveway. He said there seemed to be concern with that being kept and suggested its removal become a condition of approval. He said that would provide for more landscape on the street. He said he thought the project was approvable but the drawings seemed somewhat schematic. He expressed concern that the applicants might see changes as the project progressed requiring use permit revision,

noting the deck in the rear.

Commissioner Riggs said he was concerned with the proposed planting of a row of *Ficus nitida* along the property line as that was equivalent to planting a 30-foot hedge. He said he could not support that planting. He agreed with Commissioner Kahle that the roof access looked like it was meant to be a deck. He acknowledged that the feature was similar to one in another home owned by the property owner but noted in Menlo Park that balconies were restricted on upper levels near property lines as those were uncomfortable for neighbors to the rear and next door. He said he was particularly concerned with the proposed architecture of the street fronting structure. He said the existing house was in disrepair with a front porch that needed to be rebuilt but it had some traditional charm to its architecture. He said he could not approve the proposed design for the SDU as the materials and trim to be used to match the primary residence did not work. He said they needed to make the front building attractive on its own.

Commissioner Barnes said he thought the project was innovative and in flipping the primary residence and SDU locations created a solution for a site that would be improved from a performance and structural standpoint. He said modifications to SDU regulations could be made through the use permit process and was not a request for a variance. He said he agreed with staff's recommendation that the project would solve nonconformities and from his perspective it worked architecturally. He said he was supportive of the upgrade to the site although concerned with the displacement of tenants.

Chair Combs said he agreed with Commissioner Barnes' comments. He said he understood Commissioner Riggs' concern with the exterior of front structure. He said it appeared the applicant was trying to adhere to the City's rules for it to be similar to the primary residence. He said he could support the project but would be able to support motions with specific changes that were wanted. He said he wanted to echo Commissioner Barnes' comments regarding displacement. He said he hoped the tenants would find a home and be able to stay in the community.

Commissioner Kahle said he tended to agree with Commissioner Riggs about the front SDU's stucco, trim and siding treatment. He said also it would have been nice to have the entry door face the street. He moved to approve as recommended in the staff report with a condition that the left front driveway be removed. Commissioner Barnes seconded the motion.

Commissioner Riggs said the project would be seen by neighbors for 30 years or more. He said they should at least require that the proposed horizontal banding and trim on the SDU be eliminated and that the house be allowed to remain consistent with its existing style. He said he thought that could be submitted through email as a conformance review. He said the modern architecture of the primary residence had very nice form.

Recognized by the Chair, Mr. J. Carey said he appreciated the Commissioners' thoughtful comments. He said they had worked diligently with staff to have a common thread between the two structures but they had no opposition to the request regarding the front structure. Mr. M. Carey said his first two designs were to rehabilitate the front house keeping its architectural beauty.

Commissioner Strehl commented that perhaps the City needed to review its SDU requirements so as not to have this discrepancy between what those state and what was done. She said with the size of the SDU and the primary residence that she had concerns whether there was adequate parking and could not support the removal of the left front driveway as that was parking space. She

said perhaps it could be replaced with permeable pavers instead. .

Chair Combs asked staff if Commissioner Riggs' amendment was accepted by the makers of the first and second for the front house to conform with its existing architectural style whether that could come back to the Commission with an email review or whether the project needed to be continued to return for another hearing. Principal Planner Rogers said the request as formulated included modification of the requirement for similarity of aesthetic characteristics of the primary residence and SDU. He noted the roof lines of the two houses were quite different. He said the suggested amendment if accepted by the makers of the first and second could be delegated to staff review and approval or through an email to the Commissioners, which would also not require another notice and meeting.

In response to Chair Combs, Commissioner Riggs said he would support staff reviewing and approving the requested change. He noted also the applicants were supportive of the proposed change. He said he also wanted to address either as a condition or advisory the proposed planting on the rear property line of Ficus nitida. Mr. J. Carey said that the Ficus nitida had already been pulled from the landscape design and replaced with Podocarpus macrophyllus or yew pine, which would grow to about 15 feet in height. Commissioner Riggs suggested they might want to consider how those were placed and perhaps intersperse with other varieties of plants.

Commissioner Kahle said he accepted Commissioner Riggs' amendment as a voluntary action for the applicant to submit revised plans for the front house regarding the materials and trim for staff's review and email to the Commission. He said he thought the front left driveway should be removed. Chair Combs said Commissioner Riggs' amendment was to have the changes to the front house made for review and approval by staff. Commissioner Kahle said he was not accepting that and wanted the Commission to see the changes by email. Commissioner Barnes, as the maker of the second, asked if the proposed amendment was to solve for a materials issue or for a design issue. Commissioner Riggs said he saw it as a design change reverting predominately to the existing house's design.

Commissioner Barnes asked staff about compliance if the proposed SDU reverted to a 1930's architectural style not similar to the primary residence. Principal Planner Rogers said the requirement in the SDU ordinance said the SDU should be similar to the main dwelling. He said although there were some materials echoes between the two residences in this proposal that the rooflines and building forms were so fundamentally different that the proposal was being presented to the Planning Commission as something that did not comply with the similar to requirement but which could be allowable through the use permit. Commissioner Barnes said Commissioner Kahle's motion would make the change to the front structure voluntary whereas Commissioner Riggs wanted it as a condition of approval. Chair Combs said that Commissioner Kahle's motion was that the design change would be voluntary and any changes would have to come back to the Commission in an email review and added a condition for the removal of the left front driveway. Commissioner Barnes said he could continue to second Commissioner Kahle's motion.

Commissioner Strehl said she would restate that they needed to look again at the SDU regulations so as not to continue to have this ongoing discussion. She said she would not support the motion. She said removing a parking space was not a good idea with the amount of development on the lot as she was positive there would be more than three cars to be parked on this site in the future.

Commissioner Goodhue said although she generally did not support parking in the front of lots and

while the SDU ordinance did not require parking for two cars that she had to agree with Commissioner Strehl about a lack of parking space with the SDU as proposed and removal of the left front driveway. She said she supported what the developers were trying to do but could not support the motion as she did not think the site would have sufficient parking. She said if the pad was kept she would expect the developers to landscape it appropriately so a car parked there would not look like it was parked on the front lawn.

Commissioner Riggs said regarding the comments by Commissioners Strehl and Goodhue about parking caused him to recall working on a project in the North Fair Oaks area where one home per block would have two driveways one on each side of the property to address parking. He said that was not as much a disruption as what he had seen in Belle Haven where cars were parked on front lawns to avoid getting a parking ticket from parking on the street at night. He noted some parking arrangements in his own neighborhood that looked worse than 10 feet of asphalt. He suggested not removing the left front driveway and perhaps limiting its depth and/or requiring landscaping at the end of it.

Commissioner Kahle said he brought up the left front driveway based on Principal Planner Rogers' explanation of how complicated and odd this case was. He said he lacked appreciation for parking in front of a house and would keep his motion as stated.

Chair Combs confirmed with staff that if the motion was 3 to 3 that it was considered a failed motion and another one would need to be made.

ACTION: Motion and second (Kahle/Barnes) to approve the item as recommended in the staff report with a condition to remove the left front driveway and allow the applicant the flexibility to revise the design of the front structure more in keeping with its current design through the substantial conformance review by the Commission by email; failed 3-3-1 with Commissioners Barnes, Combs and Kahle voting in support, Commissioners Goodhue, Riggs and Strehl voting in opposition, and Commissioner Onken recused.

Commissioner Riggs moved to approve the use permit as recommended in the staff report with the modification that the architecture of the front unit was kept consistent with the existing architectural style through the substantial conformance process email, and to note as a matter of record that the *Ficus nitida* would be replaced by *Podocarpus macrophyllus*. He said he would like to ask that at least one street tree be replaced per the City Arborist's list at the front of the lot. Commissioner Strehl seconded the motion.

Commissioner Barnes asked if Commissioner Riggs' motion was mandatory that the existing architecture be changed and prescriptive for it to reflect its current architecture. Commissioner Riggs said that was correct and was consistent with the preference of the project designer and owner. Commissioner Barnes said he could support if the applicant had some flexibility to redo the design for the front structure model that was not prescriptive and could come back to the Planning Commission for review.

Commissioner Riggs said there were only two architectural styles discussed this evening that included input of the design builder, which was why he made the motion he did. He said opening the door to other designs would most likely require a noticing and hearing for a use permit revisions. Chair Combs said in this instance the applicant indicated their initial designs fit with the current architecture of the home. Commissioner Barnes said if the design was changed he would

need to see the change to approve and not just through email.

ACTION: Motion and second (Riggs/Strehl) to approve the item as recommended in the staff report with the following modifications; passes 5-1-1 with Commissioners Combs, Goodhue, Kahle, Riggs and Strehl voting in support, Commissioner Barnes voting in opposition, and Commissioner Onken recused.

1. Make a finding that the project is categorically exempt under Class 3 (Section 15303, "New Construction or Conversion of Small Structures") of the current California Environmental Quality Act (CEQA) Guidelines.
2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
3. Approve the use permit subject to the following **standard** conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by Carey Bros. Remodeling consisting of 18 plan sheets, dated received March 21, 2018, and approved by the Planning Commission on March 26, 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 and the arborist report prepared by Davey Resource Group, dated March 19, 2018.
4. Approve the use permit subject to the following **project-specific** condition:
- a. Simultaneous with the submittal of a complete building permit application, the applicant shall submit revised project plans that include the following language for the front residence's rear-facing eaves adjacent to Tree #3 (Coast Live Oak), on Sheets A-2 (Site Plan – Demolition Only) and A-5 (Site Plan – Proposed Development): “Trim portion of roof overhang that is growing into trunk.” The revised project plans shall be subject to review and approval of the Planning Division.
 - b. Simultaneous with the submittal of a complete building permit application, the applicant shall revise the architectural style for the front unit to be consistent with that structure's existing architectural style and design. The revised plans and elevations shall be preliminarily approved by the Planning Division and circulated via email to the Planning Commission through a condition review email. The revisions shall be fully approved prior to issuance of the building permit.**
 - c. Simultaneous with the submittal of a complete building permit application, the applicant shall revise the site plan as follows, subject to review and approval of the Planning Division:**
 - i. Replace ficus screening trees with podocarpus plantings.**
 - ii. Add one tree to the street frontage, per the City Arborist street tree list.**

Chair Combs said Commissioner Strehl was recusing herself for item F2. (Commissioner Onken returned to the dais.)

- F2. Use Permit/Rebecca Nathenson/715 Regal Court:
Request for a use permit to partially demolish and remodel an existing nonconforming single-story, single-family residence and construct new first and second story additions greater than 50 percent of the existing floor area on a substandard lot with respect to lot width in the R-1-U (Single Family Urban Residential) zoning district. In addition, the proposed work would exceed 50 percent of the existing replacement value in a 12-month period. The project also includes the demolition of an existing detached two-car garage and construction of a new detached single-car garage and art studio space with an uncovered parking space behind the residence. ([Staff Report #18-028-PC](#))

Staff Comment: Associate Planner Pruter said there was a printing error affecting sheets G1, A6, and A8 and corrected copies were redistributed to the Commission at the dais and for the public at the table in the back of the room. He said the reason for the redistribution only related to the graphics quality of the printed renderings.

Questions of Staff: Commissioner Kahle said the applicant's letter indicated they had submitted the application in October 2017. He asked if that was the typical length of time for this type of project or if there had been extenuating circumstances. Principal Planner Rogers said Associate Planner Pruter started with the City in November 2017. He said staffing changes including his own absence for a job exchange during that time was part of the reason for the time required. He said it was a combination of those as well as the usual review procedures with use permit applications.

Commissioner Barnes asked if the reprinted rendering sheets showed the accurate size of the intended shingles. Associate Planner Pruter said it appeared so.

Applicant Presentation: Rebecca Nathenson said she was the property owner and introduced Fred Blome, the project architect, and her husband Dan Monaghue. She said that they needed more room after the birth of their child and they wanted to stay in the Willows as it was close to her parents' home and where her husband grew up. She said when she and her husband discussed what their home would look like they decided to have a home that they had wanted as kids, noting an internal slide and various nooks and crannies in the house such as the cubby under the stair well and the extra deep coat closet. She said they put a lot of thought into how to get a high ceiling for the master bedroom and keep the house modestly sized in appearance.

Fred Blome, project architect, said he was also a neighbor of the applicants, and had known the last two owners. He said the last owner had bought the home to do a fix and flip, and he had encouraged that owner to hire him as the architect. He said a small addition was made to the rear of the home and the kitchen and the bathrooms were fully upgraded. He said to add space with the current proposal they found the heritage oak tree in the rear yard was a constraint as well as their goal to minimize the construction and cost impact to the already remodeled area in the rear of the house. He said they explored multiple options such as relocating the garage to the front but none of those made sense or just did not work. He said the existing garage to be replaced was in need of repair and they wanted to add a small workshop. He said the proposed garage was pushed back further than the existing to provide a bit more usable backyard space. He said the addition and various roofs were in response to the scale and mass. He said they particularly had to respond to the large oak tree using a rear sloping hip roof on the second floor to clear the tree's main limbs. He said they coordinated with their arborist about the lowest limb that needed to be removed and none of the larger limbs would be affected by that. He said the rest of the pruning of the oak tree would be minor with the intent of keeping the overall shape and canopy the same as it was. He said they did neighbor outreach. He said they provided several 3-D views to the left side neighbor to show what he could see of the proposed house from various parts of his house and backyard.

Commissioner Kahle said he was a colleague and friend of Mr. Blome's but had no need to recuse himself. He said the living room head heights seemed taller than the rest of the first floor. Mr. Blome said that the living room had a nine-foot ceiling but in the rest of the house the floor joists were being put at existing height to maintain as much of the existing house as possible. Commissioner Kahle said the new door to the new back porch looked like it was shorter. Mr. Blome said it was in the area with the nine-foot ceiling above it with the porch dropped down a bit. Commissioner Kahle asked if the small closet in the kitchen was a stacking washer and dryer or furnace. Mr. Blome said it was a stacking washer and dryer. He said the heating was underneath and was forced air. He said they would bring one duct up through one of the closets. Commissioner Kahle asked why there were four different roof pitches and why they did not try to limit that. Mr. Blome said those were partly due to the somewhat eclectic nature of the design, to try to keep the scale down in the front by using steeper roofs to have functional interior space, and in the rear mostly to keep the scale down as they had the big left to right ridge and didn't want to take the roof behind it up further than that, and to protect the oak tree.

Commissioner Onken noted the large arched top window in the master bedroom facing sideways to the neighbors at 711 Regal Court and asked if privacy was the discussion they had had with him. Mr. Blome said that was one of the neighbor's questions. He said the neighbor has a row of

trees on his side of the property and those blocked any of the views from the inside, He said they took 3-D photos from the master bedroom looking down and all trees were approximately at eye level. He said the way the neighbor had no views of the project house partly because of the landscaping and partly because of the orientation of the two homes relative to each other.

Commissioner Barnes asked about the shingle color. Mr. Blome said all the trim and painted woodwork would be white and the shingles and siding at the back would be a darker blue color. Commissioner Barnes asked about the color of the board and batten where it met the shingles. Mr. Blome said it would be the same blue color as in the front.

Chair Combs opened the public hearing.

Public Comment:

- Skip Hilton, Menlo Park resident, said he was supportive of the project as it was important to have housing stock upgrades and to keep long-time residents in the area. He said the project seemed very well thought out.

Chair Combs closed the public hearing.

Commission Comment: Commissioner Riggs said that the project was charming, sensitive, and well-designed from multiple views. He moved to approve as recommended in the staff report. Commissioner Onken said he would echo Commissioner Riggs' comments and seconded the motion.

Commissioner Barnes said he loved atypical projects and that this was a project that would meet its owners' needs. He said he supported the project.

Commissioner Kahle said the project was well-thought out and it was great the oak tree would be preserved. He said he appreciated that the house's entry was now facing the street and thought the arched windows were a nice touch.

ACTION: Motion and second (Riggs/Onken) to approve the item as recommended in the staff report; passes 6-0-1 with Commissioner Strehl recused.

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 Blome Architecture consisting of 11 plan sheets, dated received March 6, 2018, and

approved by the Planning Commission on March 26, 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 and the arborist report prepared by Advanced Tree Care, dated received January 9, 2018.

- F3. Use Permit and Variances/Greg Gallo/797 Live Oak Avenue: Request for use permit to demolish an existing two-story, single-family residence and construct two two-story, single-family residences on a substandard lot with respect to lot width in the R-3 (Apartment) zoning district. The project includes a request for variances for the new rear residence to encroach into the required 20-foot separation between main buildings located on adjacent lots, on both the left and right sides. The proposal also includes an administrative review of a tentative parcel map to subdivide the project into two condominium units. ([Staff Report #18-029-PC](#))

Staff Comment: Assistant Planner Michele Morris said there were no additions to the staff report.

Applicant Presentation: Greg Gallo said he was the property owner and a Menlo Park resident. He introduced Scott Thompson, the project architect. He said in recent travels he became inspired by Scandinavian barn style homes as they combined contemporary clean lines with traditional elements such as roof lines and gable. He said each home was about 1,600 square feet with three bedrooms and two and a half bathrooms.

Commissioner Kahle asked about the material for the band above the garage and on the sides of both buildings. Mr. Thompson said it would most likely be a painted, stained gray kind of wood. Commissioner Kahle confirmed with Mr. Thompson that those were all cantilevered without any posts. Commissioner Kahle asked if the siding was a vertical cedar siding. Mr. Thompson said it was real wood, vertical V-groove, with a semi-transparent stain. Commissioner Kahle asked if the gate on the left was for the rear house. Mr. Thompson said each unit would have one covered garage space and there would be two parking spaces between the units, one each for the front and back houses. He said the gate was for the back entry and the cars back there. Commissioner Kahle asked if there was a strong desire for the gate. Mr. Gallo said his thought was if families with small children lived in the homes the gate was a layer of protection from the street, noting that Live Oak Avenue was not a super busy street. He said it was not a strong desire. Commissioner Kahle said on the right side of the front house there was a covered porch area with two fin walls supporting that. He said the rear one was pulled in from the back and the right one was flush with the front wall and seemed to be painted in a different color. Mr. Thompson said the intent was for those to match the bronze color of the overhang element. Commissioner Kahle suggested pushing that back slightly because it was a different element, material and color. He said at the rear house the second floor west window in the right rear bedroom seemed to look directly into the neighbor's rear yard and asked if they had considered putting the egress windows to the rear of the front and not facing the side yard. Mr. Gallo said they could either minimize those or move them. Commissioner Kahle asked why the rear house had a seven and 12 roof pitch and not a six or eight pitch to match the front house. Mr. Thompson said it was proportion as he was trying to step down the mass approaching the neighboring buildings. He said also doing that reduced the mass by 18 inches.

Chair Combs said this project was providing the 10 feet of the 20 foot building separation needed but the neighboring structures did not, and asked why. Assistant Planner Morris said they were not entirely certain but suspected the neighboring structures were built before this particular portion of the development regulations was adopted.

Commissioner Barnes said in reference to the rear residence parking that the driver had the option of driving into the garage or into the designated uncovered parking space, the latter which was located in front of the entryway door. He asked how that came to occur. Mr. Thompson said it was a siting issue noting they had looked at moving the two outdoor parking spaces into side and front yards. He said this location was the best as the spaces could not be located in the side yard noting the constraints of required setback and building separation.

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

Commission Comment: Commissioner Onken said that the area of downtown Menlo Park where this property was located had apartment buildings built with no setback, which left a number of sites with nonconforming setbacks. He said trying to make this project make up for the nonconforming nature of every building around it was unreasonable, and he could support the variance request in this instance. He said he found the project well-considered and approvable. He noted Commissioner Kahle's aesthetic concern with the entry gate. He said his concern with the entry gate was the question of who would be responsible for its maintenance upon condominium subdivision and creation of a homeowner's association. He suggested it might become a problem in that regard. He moved to approve the use permit and make the findings for the variance request as recommended in the staff report. Commissioner Barnes said he would second the motion. He

requested that the gate be eliminated as it would create a sense of separation from other properties, people and the street.

Commissioner Goodhue noted her agreement with the comments made by Commissioners Onken and Barnes. She said two houses were better than one house and two 1,600 square foot homes were desirable. She said she agreed about the gate for both the reasons stated. She said a metal gate aesthetically was not consistent with the house and although she would like it better if it was wood that she agreed a gate would not have a community or welcoming aspect. She said the project design was very nice.

Commissioner Strehl said she supported the project and liked the gate. She said she understood the desire for the gate for the safety of children who might be playing in the rear property. She said with or without the gate she supported the project.

Chair Combs clarified that the motion did not have a condition regarding the gate.

Commissioner Riggs said he agreed with the comments made so far. He spoke to the applicants about street trees noting they had a large magnolia tree on the right front side, which could be pruned and thinned. He said they were proposing to remove three street trees and the City Arborist wanted to keep two of those. He asked the applicant for their position. Mr. Gallo said the project arborist recommended removal of the three trees for various reasons. He said he did not feel strongly one way or other. He said whatever the City Arborist wanted was fine.

Commissioner Kahle said the project was a great design for all the reasons mentioned. He asked if the maker of the motion and second would consider a modification to have the second-story bedroom egress windows facing the neighboring one-story backyard relocated to the front and rear to provide privacy to the neighbor's yard. Commissioner Onken said he would modify his motion to recommend moving those windows to the front and rear for the Commission to view through email review but not as a condition.

Principal Planner Rogers said looking at the labels of the elevation on sheet A8 that the one for the west elevation was on the top left with windows that were not very big. He asked if there was a mislabeling of these elevations. He said the windows labeled east elevation on the bottom right were much larger than the ones labeled west. Commissioner Kahle referred to what was shown on the screen display. Principal Planner Rogers said it appeared something had been updated between the plans that were attached to the staff report and the ones on the screen. He said to clarify that the amendment to the motion was to allow those egress windows to be changed, and if changed go through the email conformance review, but those were not required to be changed.

Commissioner Barnes asked if the change being contemplated was to raise the sill heights of those windows. Commissioner Onken said it was to move the larger second-story windows to the front and back of the house. Commissioner Riggs questioned what the west elevation would look like then. Commissioner Onken said that would be up to the applicant. Commissioner Barnes said as the maker of the second he needed to look at the floor plans to understand the impact.

Chair Combs said to clarify that the amendment to the motion was to add a condition to allow the applicant if they so chose to make the windows at the west elevation rear house smaller, and if they did that then the change would come back to the Commission through email conformance

review, or they could not make changes and nothing would come back to the Commission for review.

Commissioner Barnes said as the maker of the second he would accept the modification to the motion.

Assistant Planner Morris asked if Commissioner Onken was agreeing to smaller windows on the west elevation or relocation of those windows. Commissioner Onken said he was agreeing to smaller windows on the west elevation and replacement of the north and south elevations with the larger windows now shown on the west elevation.

ACTION: Motion and second (Onken/Barnes) to approve the item as recommended in the staff report with the following modifications; passes 7-0.

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 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. Make the following findings as per Section 16.82.340 of the Zoning Ordinance pertaining to the granting of variances:
 - a. The hardship at 797 Live Oak Avenue is caused by the combination of the property being a narrow lot and the property being surrounded on three sides by lots with existing structures that are not built within their required setbacks. Menlo Park's Zoning Ordinance does not allow a residence to be built within 20 feet of an adjacent structure in the R-3 zoning district. The buildings on the left side of the subject property at 785 and 801 Live Oak Avenue, and on the right side at 801 Live Oak Avenue encroach into their required side yard setbacks by 3.3 and 5.3 feet, respectively. The requested variance would allow the new rear residence to be constructed within the required 20-foot separation from the main buildings on the two adjacent lots. The hardship is unique to the property, and has not been created by an act of the owner.
 - b. The variance is necessary to use the full width of the buildable area. If the structures on the adjacent properties were in compliance with the required setbacks, the proposed project would be able to use the buildable area according to the development regulations of the R-3 zoning district. If 20 feet of separation was applied to the subject property, the width of the proposed residence would be reduced by five feet, four inches, and severely impact the utility, use and enjoyment of the property. In particular, moving the left side in approximately 4.4 feet would impact the rear residence's garage access, which is proposed on the left side in part to protect a heritage magnolia tree on the right side. The variance would thus be necessary for the preservation and enjoyment of substantial property rights possessed by other conforming properties, and would not represent a special privilege.

- c. If the two adjacent parcels are redeveloped in the future, they would be required to adhere to the 10-foot side setback requirement and the proposed variance would no longer be needed. The proposed project would be below the maximum allowed floor area and building coverage; and all other development standards would also be met. In particular, the rear residence's height at 28.1 feet is well below the R-3 maximum of 35 feet, and the depth of the rear house would be limited at 23.2 feet. As such, granting of the variance would not be materially detrimental to the public health, safety, or welfare, and will not impair adequate supply of light and air to adjacent property.
 - d. The variance request is based on the nonconformance of the adjacent structures. Since other properties are generally located next to structures in compliance with their respective zoning district development regulations, or have lot width to accommodate the allowable buildable area, this variance would not apply to other properties in the same zoning district.
 - e. The property is not within any Specific Plan area. Hence, a finding regarding an unusual factor does not apply.
4. Approve the use permit and variances subject to the following **standard** conditions:
- a. Development of the project shall be substantially in conformance with the plans prepared by Left Coast Architecture, consisting of 16 plan sheets, dated received March 21, 2018, and approved by the Planning Commission on March 26, 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 trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance and the arborist report prepared by Mayne Tree Expert Company, Inc. dated September 8, 2017 and March 5, 2018, and as modified by the following condition.

5. Approve the use permit and variances subject to the following **project-specific** conditions:

- a. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a revised arborist report regarding trees numbered one, two, three, and ten, and revised plans addressing the following, subject to the review and approval of the Planning Division:
 - 1) For heritage tree #10, specify the replacement planting species and location of one 15-gallon container tree that is consistent with Heritage Tree Replacement Procedures on the site plan and a landscape plan.
 - 2) Revise the arborist report to state that trees #1 and #2 shall be retained, and change the species for these two trees from trident maple to red maple (*acer rubrum*).
 - 3) Revise the arborist report to describe the pruning guidelines to provide vertical clearance of a minimum of eight feet over the sidewalk and 15 feet over the public street for street tree #3.
 - 4) For the replacement of street tree #3, specify the replacement planting of one trident maple (*acer bugererianum*) #15 container tree in City right of way on the site plan and landscape plan.
 - 5) Revise the arborist report to include additional evaluation of the impacts of construction and more specific tree protections as previously recommended by the City Consulting Arborist.
- b. Prior to the final inspection of the associated construction, the applicant shall plant the replacement trees for street tree #3 and heritage tree #10, subject to review and approval of the Planning Division.
- c. Simultaneous with the submittal of a complete building permit application, the applicant shall submit revised plans addressing the following, subject to the review and approval of the Planning Division:
 - 1) Revise the plans by widening the proposed driveway on the building side (right side) to a total of 10 feet in width.
 - 2) Include a separate site plan which shows square-footage calculations as an overlay using discrete polygons for building coverage, driveways and uncovered parking, and landscaping.
 - 3) Summarize the square footage calculations in a table which lists square footage calculation totals by floor, by building, and total for the entire site.

- d. Prior to the submittal of a complete building permit application, the applicant may submit revised plans of the rear house to include the relocation of the second-floor bedroom windows on the right side elevation to the north and south elevations, and the relocation of the four smaller second-floor bedroom windows on the north and south elevations to the second floor on the right side of the rear house, subject to the review and approval of the Planning Division. If the applicant chooses to revise the plans, the Planning Commission shall be notified of these changes by email, and any Commissioner may request that the Planning Division's approval of the revised plans may be considered at the next available Planning Commission meeting. The revised plans shall be fully approved prior to issuance of the overall building permit.***

Chair Combs said Commissioner Goodhue and he would recuse themselves for item G, and Vice Chair Kahle would conduct the rest of the meeting.

G. Study Session

- G1. Study Session/Rich Truempler/164 Jefferson Drive: Request for a study session to review a proposal for a use permit, architectural control, and environmental review to construct a new six-story office building, approximately 320,000 square feet in size, and a new five-story parking structure with approximately 1,560 spaces on a two-parcel site with two existing four-story office buildings to remain, each approximately 130,000 square feet in size, located in the O-B (Office, Bonus) zoning district. The proposal also includes a request for a use permit to modify design standards such as the required base height of the proposed building. Paseos would be provided along the south and west sides of the project site as required by the ConnectMenlo General Plan. The total existing and proposed office development on the parcel would be approximately 580,000 square feet of gross floor area. The project will be pursuing bonus level development. ([Staff Report #18-030-PC](#))

Staff Comment: Associate Planner Tom Smith said the existing site had two four-story office buildings, each having about 130,000 square feet surrounded by surface parking and landscape. He said this project was approved by the City Council in 2015. He said a new six-story office building, approximately 320,000 square feet, was being proposed as well as a five-level parking structure with about 1,560 parking spaces with additional parking in surface lots around the development. He said the project was seeking bonus level development in exchange for 100% Floor Area Ratio (FAR) and a height up to 77½ feet, which would require the provision of community amenity. He said an amenities list approved as part of the ConnectMenlo process was included with the staff report packet. He said there would be a separate scoping session for an environmental impact report (EIR) for the project at a later date following completion of an Initial Study.

Associate Planner Smith said some topics for the Commission's consideration were listed on page 5 of the staff report and included:

- **Publicly Accessible Open Space**

Associate Planner Smith said the proposal had perimeter paths as well as the areas behind the proposed parking structure that would be publicly accessible open space. He said staff's question for the Commission was whether that was adequate in addition to the very noticeable publicly accessible open space along the Jefferson Drive frontage.

- **Base Height**

Associate Planner Smith said the applicant was requesting a base height modification. He said base height was the maximum height allowed before the building stepped back as required in the O district, or 55 feet in the zoning regulation. He said the applicant was currently proposing 76 ½ feet for the step back.

- **Parking Structure**

Associate Planner Smith said the consideration for the parking structure design included whether it was consistent with regard to materials and architectural character with the office buildings on the site.

Associate Planner Smith said the last consideration posed by staff for the Commission was whether the overall aesthetic approach for the project was consistent with the Planning Commission's expectations for new development in the O zoning district.

Associate Planner Smith said four correspondences had been received today on the proposed project that he believed were sent to the Planning Commission, noting copies were made available for the Commission and public this evening. He said the concerns were about glare, light, noise and traffic, particularly for the Suburban Park neighborhood.

Applicant Presentation: Richard Truempler, Vice President of Development for the Sobrato Organization, said this proposal was consistent with the General Plan and would provide many benefits for the community through the community benefits process. He said the project would meet the City's sustainability, height, open space and FAR requirements.

Craig Almeleh, President of Ark Tech, the project architects, made a slide presentation of what the project was proposing. He said the two existing office buildings fronted Highway 101. He said the new six-story building would be tucked behind the two existing office buildings. He said the architecture for the new building was designed to complement the existing buildings' architecture. He said they also used complementary architecture for the parking structure. He said regarding the 55-foot base height requirement that about three-quarters of the site already conformed to that. He said though they met the height limitations and were actually beneath them, they used a balance to try to create some setback based on the intent of the zoning. He said that gave them greater articulated vertical three-dimensional relief on the building.

Nick Samuelson, The Guzzardo Partnership, landscape architects, said the new connection was a 20-foot wide paseo running north-south, from Jefferson Drive along the western side connecting to Commonwealth Drive that then turned and went to the rail frontage. He said currently there was a loop that ran around the whole property. He said the five-foot asphalt path ran along the rail frontage leading to the back area. He said they used a frontage of columnar trees to show the path to back area where it would open up to the rain garden area, a storm water treatment area, which they expanded with some paving areas back there. He said the loop then led around the garage with another group of columnar trees past the one existing oak tree and then to the park that they planned to do on Jefferson Drive. He said the placeholder design for that included a basketball court, picnic areas, a play area and some open lawn.

Vice Chair Kahle referred to page 5 of the staff report regarding considerations for the Commission and noted under Base Height, it said: *As previously mentioned, the proposed office building would exceed the minimum base height of 55 feet.* He confirmed with staff that *minimum* should be replaced with *maximum*.

Commissioner Onken asked the applicant to explain how they came to propose a third building on the site. Mr. Truempler said they did not contemplate a third building with the original project but the ConnectMenlo rezoning made the proposal a possibility.

Vice Chair Kahle opened the public comment period.

Public Comment:

- Matthew Zito, Chief Facility Officer, Sequoia Union High School District, said the District owned the 2.1-acre parcel at 150 Jefferson Drive, which was located a few hundred feet from the project site. He said the map showed their school at 144 Jefferson Drive but it was 150 Jefferson Drive. He said the District received no information about the project. He said their main concern was a massive new development next to a small new high school and that the developer had had no discussion with the school district about the project. He said 400 high school students would be immediately down the street from some of the open space areas proposed and suggested this needed more thought. He said the majority of the students for the high school when it was built out in 2021 would be Menlo Park residents. He said the high school that currently served Menlo Park was located in Atherton, and based on today's projection would have about 2,600 students in 2019. He said the new school on Jefferson Drive was a key relief for Menlo Park residents to continue to have a broad range of educational opportunities. He said the project issues for the District were parking, traffic, noise, and construction disruption as the phasing of the subject project's construction at was to start when their school opened. He said his top concern was safety with all of the additional vehicles on Jefferson Drive. He said the District would have a parking shortage at the school caused in part by the City's decision to eliminate street parking in the industrial park at the behest of Mr. Bohannon. He said the City was putting in a dedicated bicycle lane so Facebook employees and others could safely ride their bicycles down the street making it almost impossible for the school to do an efficient morning and afternoon pick up and drop off. He said that operation would all have to occur on the constrained school site creating safety issues for students and parents. He said when they purchased the property none of these things were yet designed. He said they were very concerned with the massive new parking structure and agreed with staff's concerns regarding appearance and materials. He said the District requested going forward to receive advance notice of all future proceedings regarding all aspects of the project. He said the District intended to be a very active participant in the project process going forward. He said they objected to the small space in the triangle being counted as open space as it might or might not be a future rail line. He said the District felt blindsided by this proposal and would vigorously defend its right to have a school on property within the adopted ConnectMenlo plan area that was zoned for public use.
- Skip Hilton, Menlo Park, said he lived in Suburban Park and as the proposed project was across the freeway from him, it would not have a visual impact for him. He said a lot of office buildings were being built in the City's downtown corridor and in the M2 and the City had a lot of things it wanted to achieve with that office space. He said at some point they needed to decide what the right amount of office space was. He said he had a specific concern with a

parking garage that Bohannon had built across from the new Facebook buildings as it was not architecturally appealing and detracted from the two really beautiful buildings, the hotel and office building. He said with this garage proposal he thought there were some nice things with the design that tied together some architectural elements of the new structure and existing buildings. He said that they should continue pressing to get an even better looking garage structure when opportunity like this arose. He referred to the parking structure at Mineta Airport with bottle cap sculpture wrapped around it as an example. He said he hoped these large parking structures would be visually appealing as people would see them every day. He said regarding open space that the property was somewhat constrained due to its shape with two areas not really usable in the corners. He said he understood making that space open but it needed something to activate it. He said he suspected no people would use the park at the back of the parking garage. He said also for the park on the street. He suggested adding something to the open space that would serve the community and the new high school population.

Vice Chair Kahle closed the public comment period.

Commission Comment: Commissioner Strehl asked if they knew who would lease the building. Mr. Truempier said an assumption was Facebook but that was not certain so they would be building it on a speculative basis. Commissioner Strehl asked based on the square footage what the expected number of employees would be. Mr. Truempier said it would be three or six per 1,000 square feet within a range perhaps of 900 to 1,800 employees depending on how the tenant improvements were designed. Commissioner Strehl said she agreed with Mr. Hilton's comment about the triangle of open space as she did not see that as a public benefit as she did not think people would naturally go there.

Commissioner Onken asked if the existing buildings had a Transportation Demand Management plan (TDM) and what the TDM for the new building might be. He asked about the number of parking spaces and the parking ratio. Mr. Truempier said the first phase buildings were parked at 3.3 spaces per 1,000 square feet. He said the proposed phase would be parked at 3 spaces per 1,000 square feet. He said there was a TDM requirement as part of the O zoning designation, which he thought was 20%. Commissioner Onken said he thought the ConnectMenlo parking ratios were 2.4 or 2.5 spaces per 1,000 square feet. Associate Planner Smith said for office buildings in the O district the minimum ratio was 2 spaces per 1,000 square feet and a maximum of 3 spaces per 1,000 square feet.

Commissioner Barnes asked what the base height was. Associate Planner Smith said base height was the maximum height the building might rise to before it had to step back. He said this proposal was exceeding 55 feet on the sides where the balconies would be. Commissioner Barnes asked about the base level requirement. Associate Planner Smith said at the base level development the base height was 35 feet, and for bonus was shown at 45 feet in the O district with another 10 feet granted related to expected sea level rise. He said the base height at the corners of the proposed building were close to 76 ½ feet. He said there was some flexibility built into the district regulations allowing for an applicant to request a modification to a standard such as base height through the use permit process. Commissioner Barnes asked what the maximum height was for a building for bonus level development. Associate Planner Smith said in this instance it would be 67 ½ feet with an additional 10 feet granted because of sea level rise. He said that would be the average height of all the buildings on the site, the three office buildings and garage, and that height was 77 ½ feet and any one building on the site could have a maximum height of 110 feet. Principal Planner

Deanna Chow said base height had nothing to do with base level zoning, noting there was base height, overall height and an average height that all were applicable whether doing zoning at the base level or bonus level development. Commissioner Barnes asked if the applicant's request to raise the base height give them additional square footage to the project. Associate Planner Smith said it would not give them additional gross floor area as the maximum was 100% FAR. He said in this case they would have to step the building back in certain areas or reduce floor plate sizes to keep it below the maximum 100% FAR allowed for bonus level development.

Commissioner Barnes said he thought this project was being shoehorned onto a parcel that could not really support it. He said regarding *Publicly Accessible Open Space* having a path ringing the parcel made sense for the parcel but he did not see that as publicly accessible open space for the benefit of the community. He said it made a connection from A to B but had no originating and terminating points. He said the parking structure needed more architectural congruence and needed to sit in better with the area. He said its structure seemed pronounced and with the angle views the parking garage was prominent. He said he would like the garage to get more attention in terms of proportion, balance and material. He said he would listen regarding base height to other Commissioners. He said he would also like to hear the applicant's reasoning for the request to exceed the maximum base height.

Mr. Truempler said in looking at the overall design and the building's long face that they found if they strictly adhered to the base height maximum its appearance would become monotonous. He said they considered how the building would present itself along a private road, which was why they were playing with the base height and articulation. He said the corners were raised up but below that the building was lighter. He said in the center the scale was lowered and the building grounded.

Vice Chair Kahle asked if the park in the triangular area in the back would have access to Kelly Park. Mr. Truempler said that was a carryover from the original entitlement having a trail that looped around the building and for the vision of the Dumbarton Rail Corridor. He said they decided to create something interesting along Jefferson Drive that would be the point of origin. He said the terminus was the area that would connect to the future Dumbarton Rail Corridor. He said there was a grade separation between the site and Kelly Park. Vice Chair Kahle asked if Kelly Park users would be able to access the open space on the site from that side. Mr. Truempler said he did not think they could. Vice Chair Kahle said the Dumbarton Rail Corridor had uncertainties but noted two access points shown on the drawing and asked if they anticipated using both of those. Mr. Truempler said that was correct.

Vice Chair Kahle said this project would be 580,000 square feet and asked staff to compare that size wise with other projects recently approved and under construction. He said he was thinking in particular of the Menlo Gateway project as well as ones in and around Facebook's Classic Campus. Associate Planner Smith said staff was looking those up for more detail. He said he recollected that Menlo Gateway was approved for office space of around 720,000 square feet.

Vice Chair Kahle said in the *Green and Sustainability* section of the staff report it discussed raising the building 24-inches above the FEMA base flood elevation and asked if that was factored into the heights. Mr. Truempler said it was. Vice Chair Kahle asked who they thought the users of Jefferson Park would be and if they had considered the high school or other businesses. Mr. Truempler said the M2 would be transformed and one of things that would be transformed would be residents, and they saw users as tenants, residents and the public including the high school.

Commissioner Riggs said when the ConnectMenlo process developed the idea of a paseo it was intended to have a purpose. He said the project's offering of open space seemed like landscaping that went to nowhere, and asked staff to address. Principal Planner Chow said a number of paseos were approved with the ConnectMenlo adopted map. She said this was an extension of the existing trail that was put onto the site with the original development project. She showed a vertical line represented a continuation of the paseo across the next block up to Constitution Drive, which would go in between the R-M-U zoned properties and the O properties. She said there was another paseo proposed to the east of this site on the old Intuit property. She said this was an opportunity to have some of the larger properties provide pedestrian and bicycle access, for smaller blocks and more pedestrian friendly oriented streetscape as retail, residential and office uses were developed for an enhanced live, work, play opportunity. She said this was looking at providing multi-modal transportation. Commissioner Riggs said the paseo on this site seemed to go to Highway 101 and asked what it would serve. Principal Planner Chow said hopefully it would connect someday to the Dumbarton Rail Corridor. Commissioner Riggs asked what public benefit was provided with the paseo running north to south from the proposed Jefferson Park to Highway 101. He suggested this was something they might sit down and graphically discuss.

Commissioner Riggs said he agreed with Commissioner Barnes that the open space location did not seem to make sense. He said the garage was huge and much larger than the new proposed building, which was a large façade. He said the garage was dominant. He said he could see that the rhythms of the three office buildings were picked up by the garage and some of the façade was on the west face of it to address the office building but from three different directions outside the site it did not harmonize with the other buildings and site. He said the scale of the new office building would be suitable for a West Coast United Nations building. He said the population of this building was a particular difficulty. He said with all of the larger projects in LS, R-M-U, or O that the area did not have transportation to support such large projects. He said he supported the renewal of the former M2 area but they had already improved far more square footage than could be served with the existing transportation infrastructure. He said the agencies and government in and around Menlo Park were not in the position to provide this infrastructure over the next two to two and a half years before this project was built let alone for the projects that would come online at the end of 2018 and in 2019 and 2020. He said this proposed project would be very difficult for him to approve unless it had a most exceptional TDM associated with it.

Commissioner Onken said one of the questions was whether the public benefit provided by this project substantiated the increased height of the building. He said if the building was not so shoehorned into the site and monolithic perhaps he could accept the additional two stories but at the moment he could not see the benefit of two parks as justification for the increased height. He said he could not support the bonus level based on the community benefit offered. Associate Planner Smith said the parks were not being offered as community amenities and the applicant had not proposed any community amenities at this time but were in the process of discussing and evaluating what community amenities they would offer.

Commissioner Onken said the Sobrato Organization had done a fantastic garage on Donahoe Street. He said suggested more care and attention be given to the proposed garage. He said one way to make it better would be to drop the parking count down to 2.4 spaces per 1,000 square feet and drop two stories off Building 3, which would reduce the number of levels in the parking garage. He noted that Facebook had used very discrete focused lighting in its underground garage and suggested that might alleviate the effect of an over glowing garage.

Commissioner Barnes asked whether the Planning Commission could find the project not eligible for bonus level development. Associate Planner Smith said the project required a use permit so it would be at the discretion of the Planning Commission to decide whether bonus level development would be appropriate for the site.

Commissioner Barnes said he thought the proposed building worked well at four stories and would be in harmony with the buildings adjacent to it. He said the increased height was a detriment to the building and the site. He said he was sensitive to the ConnectMenlo process and the incentives it offered for development in that area. He said he would have a tough time getting to the bonus level development for this building and site. He said regarding the provision of BMR in-lieu fees versus units he would prefer to see the requirement added to other Sobrato projects in the R-M-U as actual units.

Commissioner Strehl said the size of the building and parking garage was just too large in comparison to the existing buildings. She suggested that reducing the height two stories and the size of the parking garage would work better with the two other office buildings. She said she was concerned with adding more office employees to this area because of the transportation impacts. She said serious infrastructure improvements were needed and those were not happening any time soon. She said she had not realized the proximity of the high school to this site, and she hoped going forward the applicant would work with the school district to address their concerns. She said the location of the parks, particularly the one in the triangle, would not be used by the community.

Vice Chair Kahle said he had not realized how close the high school was to the project site. He said in moving forward perhaps the Jefferson Park could be considered to be a useful space as much as possible for the high school and the project's onsite parking reduced to provide more open space off Jefferson Drive. He said he lived in Suburban Park and noted letters from neighbors in Suburban Park concerned with glare and noise. He said overall he thought the six-story building was a nice building but it was fairly monolithic. He said he was not sure it was quite right yet. He said comments had been made to drop the building to four stories. He suggested perhaps a compromise for a five story building would work as it was stepped off of Highway 101 and buried some distance from Jefferson Drive. He said he was having a hard time with the request to exceed the 55-foot base height limit. He said the paseos and triangle park were useful to the site but those did not really feel like open space for the public. He said the garage was problematic. He noted the projecting roof forms of it which he thought were intended to tie it in with the other buildings and suggested those were not needed. He said what would really help the garage was screening or detailing. He said perhaps they do one level of parking underground or put a park on the top level. He said as a bonus level project that the amenities offered should go toward addressing housing and traffic.

H. Informational Items

Commissioner Riggs asked if in the future staff could refer to the first 55 feet as the "building base". He said that was more of an architectural term and would clarify that it was not an ordinance term about square footage or height. Vice Chair Kahle said the confusion was base level, bonus level and base height.

H1. Future Planning Commission Meeting Schedule

- Regular Meeting: April 9, 2018

Principal Planner Chow said at the April 9 meeting a study session on a new building for 1315 O'Brien Drive would be held. She said also a number of single-family residential development use permit applications would be considered, an architectural control item and the annual CIP item.

- Regular Meeting: April 23, 2018
- Regular Meeting: May 7, 2018

I. Adjournment

Vice Chair Kahle adjourned the meeting at 10:28 p.m.

Staff Liaison: Thomas Rogers, Principal Planner

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on April 9, 2018