



REGULAR MEETING MINUTES

Date: 6/18/2018
Time: 7:00 p.m.
City Council Chambers
701 Laurel St., Menlo Park, CA 94025

A. Call To Order

Chair Susan Goodhue called the meeting to order at 7:05 p.m.

B. Roll Call

Present: Andrew Barnes (Vice Chair), Drew Combs, Susan Goodhue (Chair), Camille Kennedy, John Onken, Henry Riggs

Absent: Katherine Strehl

Staff: Kyle Perata, Senior Planner, Matt Pruter, Associate Planner, Thomas Rogers, Principal Planner, Corinna Sandmeier, Senior Planner

C. Reports and Announcements

Principal Planner Thomas Rogers said the City Council at its June 5 meeting heard an appeal of the Planning Commission's approval of a new two-story residence on a substandard lot at 752 Gilbert Avenue, and approved the project with a slight height reduction and some landscape screening that met with the approval of the applicant and the neighbors. He said also at the June 5 meeting, Council made the final approvals to the Guild Theater project including some amendments to the Specific Plan. He said at the June 19 meeting the Council would consider final budget approval actions, the item related to BMR units and community amenities in the RMU district, and potential approvals of contracts and authorizations for the City's new land management system.

D. Public Comment

There was none.

E. Consent Calendar

- E1. Approval of minutes from the May 14, 2018, Planning Commission meeting. ([Attachment](#))

Commissioner Riggs referred to page 14 of the May14, 2018 minutes, the last paragraph, third line from the bottom of the page, and that it contained the phrase "...a bobcat and a long haul truck." He said that bobcat should be replaced with bobtail.

ACTION: Motion and second (Goodhue/Camille Kennedy) to approve the minutes of May 14, 2018

with the following modification; passes 6-0-1 with Commissioner Strehl absent.

- Page 14, last paragraph, third line from the bottom, replace *bobcat* with ***bobtail***.

F. Public Hearing

- F1. Minor Subdivision, Variance, and Use Permit/Siavash Akbarian/1911 Menalto Avenue: Request to subdivide one parcel into two lots in the R-1-U (Single Family Urban Residential) zoning district, and a request for a variance to reduce the minimum lot width to 50 feet where 65 feet is the minimum. In addition, a request for a use permit to construct one new two-story, single-family residence on each of the newly-created substandard lots. The proposed project includes consideration of a Negative Declaration regarding potential environmental impacts. ([Staff Report #18-060-PC](#))

Staff Comment: Senior Planner Corinna Sandmeier said two emails on the project were received after publication of the staff report. She said one was from the neighbor at 1905 Menalto Avenue and mainly cited concerns about construction activity. She said the other was from a neighbor at 402-404 Central Avenue in support of the project and additional housing units.

Questions of Staff: Commissioner Drew Combs asked if this parcel had received any code violations. He said at the moment it seemed like it was being used as some kind of parking lot. Senior Planner Sandmeier said they had not gotten any reports to that effect.

Applicant Presentation: Mr. Ashrafi said he was the project architect. He said the lot was originally two lots each having a 50-foot width and were merged for a church use. He said they were requesting to create two lots as the parcel had been originally, and were requesting a variance from the lot width requirement to do so.. He said the project would fit within the scope of the neighborhood layout, noting other lots were 50-foot wide. He said regarding the emails received that one of the neighbors who was opposed to the project mentioned a detached garage and in-law units for the project, but the garage was not detached and no in-law units. He said they spoke with the current residents and the plans had been made available.

Commissioner Andrew Barnes asked about the project outreach to neighbors. Mr. Ashrafi said the project was started in 2015 and the property owner had talked to the neighbors. He said they did not receive any particular concerns from neighbors about the project. Commissioner Barnes said he thought Mr. Ashrafi said Planning had shared the plans with neighbors. Mr. Ashrafi said that was not what he meant but that the plans were available to view at the Planning Department. He said they shared the plans with neighbors when they initially met with them. Commissioner Barnes asked if the current proposal was materially the same as what they had shared with neighbors. Mr. Ashrafi said they were.

Chair Goodhue opened the public hearing.

Public Comment:

- Darshana Maya Greenfield, Menlo Park, 1905 Menalto Avenue, said that no one came to discuss the project with her, and she had only become aware of the project when a neighbor told her about it. She said the church had been a quiet neighbor for years. She said she was

concerned that the project construction should meet regulations regarding noise and work hours, and have protections from lead dust or asbestos dust becoming airborne when the building was demolished.

Replying to Chair Goodhue, Senior Planner Sandmeier said the City sends a notice to all the property owners and residents within 300 feet when the City first gets a project application. She said a notice was similarly sent again when a project was scheduled for a public hearing.

Chair Goodhue closed the public hearing.

Commission Comment: Commissioner John Onken asked about the policy on substandard lots as the applicant was requesting a variance to create two substandard lots. Senior Planner Sandmeier said the City would not generally encourage the creation of substandard lots. She said this was a specific case. She said the parcel was part of the North Palo Alto Subdivision that was recorded in 1906, and the majority of the lots in that subdivision were substandard. She said lots 15 and 16 were subsequently merged for the construction of the church. She said the applicant was requesting to subdivide the lot into the two previous parcels to add two residences. She said the existing parcel was twice the size of any of the parcels surrounding it and twice the square footage of the R1U zoning district. Commissioner Onken confirmed with staff that granting the variance would not set precedence for others to divide up standard lots into substandard lots.

Commissioner Kennedy asked if there was precedence anywhere in Menlo Park where two lots had been merged and subsequently subdivided again. Senior Planner Sandmeier said she thought there had been a couple of examples several years ago but it occurred very infrequently.

Commissioner Riggs said the proposed subdivision would create two lots equal to most of the lots on Menalto Avenue. He said regarding the neighbor's concerns about construction that the city and state jurisdictions had requirements about hazardous materials abatement during demolition and in particular regarding lead paint. He said tree roots have to be protected during demolition and construction. He moved to approve the subdivision as recommended in the staff report.

Chair Goodhue asked staff if the Commission had to address all the findings for the variance. Principal Planner Rogers said they did not and he was not sure when that was started. He said the motion could be to approve as recommended in the staff report.

Commissioner Combs asked how the property had been used since the church was no longer functioning.

Recognized by the Chair, Mr. Sam Akbarian, 545 Palmer Lane, said he and his cousin were doing the project. He said neighbors had asked if they could use the lot to park, and they allowed that as a favor.

Commissioner Onken said he was generally supportive of the project and variance given the context of the neighborhood. He said architecturally the architect had tried to make the two houses look slightly different. He encouraged the applicant to consider cladding material other than stone cladding as that was too heavy looking for a structure on a small lot. He seconded Commissioner Riggs' motion.

Chair Goodhue said she agreed it would be fine if the two residences looked similar.

Commissioner Riggs said he would like to include in his motion that it would be acceptable to the Commission if the applicant wanted to drop the stone cladding via submission of that change to staff. Commissioner Onken said as the maker of the second he accept that addition.

Chair Goodhue noted that there was a nodding of agreement from the architect and staff related to the motion modification.

Commissioner Barnes asked if the approval was conditioned upon removing the stone cladding or if it was a suggestion. Commissioner Riggs said the reference in the motion was to allow the applicant to remove the stone cladding with staff review and not have to come back for Planning Commission approval for that change.

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

1. Make the following findings relative to the environmental review of the proposal and adopt the Negative Declaration:
 - a. A Negative Declaration has been prepared and circulated for public review in accordance with current State California Environmental Quality Act Guidelines;
 - b. The Planning Commission has considered the Negative Declaration prepared for the proposal and any comments received during the public review period; and
 - c. Based on the Initial Study prepared for the Negative Declaration and any comments received on the document, there is no substantial evidence that the proposed project will have a significant effect on the environment.
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 findings that the proposed minor subdivision is technically correct and in compliance with all applicable State regulations and City General Plan, Zoning and Subdivision Ordinances, and the State Subdivision Map Act.
4. Make the following findings as per Section 16.82.340 of the Zoning Ordinance pertaining to the granting of the variance:
 - a. A hardship peculiar to the property and not created by any act of the current property owner exists. The subject site originally consisted of Parcels 15 and 16 of the North Palo Alto subdivision, recorded in 1906, prior to the area's incorporation into the City in 1951. Parcels 15 and 16 each had a lot width of 50 feet, consistent with many of the lots created by the North Palo Alto subdivision. These two parcels were merged prior to the construction of the

Menalto Baptist Church in 1965. The proposed variance would allow two single-family homes to be built on the newly created lots that are comparable in size to the development on many of the neighboring properties.

- b. The proposed variance is necessary for the preservation and enjoyment of substantial property rights possessed by other conforming property in the same vicinity, and the variance would not constitute a special privilege of the recipient not enjoyed by neighbors. In this case, the existing parcel size meets the minimum lot area requirements of two subdivided parcels. However, the lot widths, while consistent with surrounding parcels, would be substandard. The proposed variance would allow the subject parcel to be subdivided similar to neighboring properties.
 - c. The granting of the variance will not be materially detrimental to the public health, safety, or welfare, or will not impair an adequate supply of light and air to adjacent property. Except for the requested variance, the subdivision will conform to all other requirements of the Zoning Ordinance. Any future construction will meet the setback and daylight plane requirements per the R-1-U zoning district. The variance for minimum lot width would allow the subdivision and the creation of legal parcels, but it would not create standard lots. The provisions of Chapter 16.58 with regard to substandard lots would still apply to the two lots.
 - d. The conditions upon which the requested variance is based would not be applicable, generally, to other property within the same zoning classification. Only a small number of R-1-U parcels in the City consist of previously merged parcels that could be subdivided to re-establish the previous boundaries. Therefore, the conditions upon which the requested variance is based would not be applicable, generally, to other properties since the variance is based on the parcel's history and a parcel area that, uncommonly, is over twice the size of the R-1-U district minimum.
 - e. The property is not within any Specific Plan area. Hence, a finding regarding an unusual factor does not apply.
5. Approve the subdivision, variance, use permit, and Negative Declaration subject to the following **standard** conditions:
- a. Development of the project shall be substantially in conformance with the plans prepared by F. Ashrafi Architect consisting of 24 plan sheets, dated received June 7, 2018, and approved by the Planning Commission on June 18, 2018, except as modified by the conditions contained herein, subject to review and approval of the Planning Division.
 - b. The applicant is required to submit the parcel map for City's review and approval within two years from the date the tentative map is approved by the City.
 - c. Prior to building permit issuance, the parcel map shall be approved by the City and recorded with the County Recorder's Office.
 - d. Prior to City releasing the parcel map for recordation, the applicant is required to pay the Recreation In-Lieu Fee (\$127,400.00) to the City in accordance with the latest approved Master Fee Schedule.

- e. 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 plans should be prepared by a California licensed civil engineer and per the City's grading and drainage guidelines. The approval of the grading and drainage plan will be subject to conformance with the approved hydrology report. The Grading and Drainage Plan shall be approved prior to the issuance of grading, demolition or building permits.
- f. The public improvement plans must be reviewed and approved by the City prior to the issuance of building permit. The public improvement plans should be prepared by a California licensed civil engineer.
- g. Concurrent with building permit application submittal, the applicant shall submit proposed landscape and irrigation documentation as required by Chapter 12.44 (Water Efficient Landscaping) of the City of Menlo Park Municipal Code. The applicant shall submit all parts of the landscape project application as listed in section 12.44.040 of the City of Menlo Park Municipal Code. The proposed grading and drainage design shall not be affected by the proposed landscaping and irrigation design. The landscape and irrigation plans shall be subject to review and approval by the Engineering Division. The proposed landscaping shall be installed and a Landscape Audit Report submitted to the Engineering Division prior to final inspection of the building.
- h. All utilities shall be placed underground per Section 15.16.190 of the Menlo Park Subdivision Ordinance. All utilities to the buildings shall be placed underground from their point of service. Each unit shall have separate utility service connections.
- i. The applicant is required to show on the parcel map all existing and proposed easements that are directly applicable to the project.
- j. Construction within the City's right-of-way or the public easement areas shall conform to City standards. The applicant shall obtain an encroachment permit from the City Engineering Division prior to commencing any work within the City's right-of-way or the public easement areas. A bond will be required for any cutting or trenching of the vehicular travel way.
- k. The applicant shall schedule a pre-application meeting with the Senior Civil Engineer by calling 650-330-6743 to submit a complete parcel map submittal. The City will not accept the submittal submitted prior to the meeting. The required items for the submittal are listed in the City's parcel map checklist, which is available at the City counter and the City's website (www.menlopark.org/DocumentCenter/View/1320). All map review fees are due at the time of submittal based on the latest approved Master Fee Schedule.
- l. Improvement plans, hydrology report and grading and drainage plans must all be submitted as one package for review. Contact the Engineering Division for requirements as to number of plan sets required. The applicant shall submit a cost estimate for on-site and off-site improvements for City use after improvement plans and grading and drainage plans are approved by the City.

- m. The applicant shall pay an initial payment of \$700.00 of the Improvement Plan Review fee when improvement plans are first submitted to the City. The balance of the Improvement Plan Review fee shall be paid prior to building permit issuance.
- n. The applicant shall pay the following fees in accordance with City requirements and the latest approved Master Fee Schedule (www.menlopark.org/departments/dep_publicworks.html) prior to building permit issuance:
 - i. Improvement plan review fee (see condition 5(o) above)
 - ii. Construction inspection fee
 - iii. Water Efficient Landscape Plan Check fee
 - iv. Storm Drainage Connection fee
- o. 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.
- p. 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.
- q. 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.
- r. 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.
- s. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance and the arborist report prepared by Advance Tree Care, dated January 27, 2018.
- t. The TIF (Traffic Impact Fee) due is \$6,278.98. This was calculated by multiplying the fee of \$3,139.49 per single-family unit by 2 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.
- u. The approval of the subdivision is contingent upon the variance for lot width being approved and becoming effective.

Chair Goodhue said she would need to recuse herself for item F2 as she lived across the street from the project site.

- F2. Use Permit and Variance/Karen Xu/812 Woodland Avenue:
Request for a use permit to add a second floor, as well as conduct interior modifications to a single-family residence that would exceed 50 percent of the replacement value of the existing nonconforming structure in a 12-month period. The project also includes a variance request for the residence to have a left side setback of three feet, where the requirement is five feet, for the first story. The subject property is in the R-1-U (Single Family Urban Residential) zoning district. ([Staff Report #18-061-PC](#))

Staff Comment: Principal Planner Rogers noted a supplemental piece of correspondence submitted by the applicant and transmitted to the Planning Commission. He said copies were available for the public at the back table. He said it was a revised letter from the left side neighbors Krista Rosa and Darby Brennan, 824 Woodland Avenue. He said the neighbors had submitted a support letter that was included in the agenda packet. He said this correspondence stated their continued support of the project and added one clarification that their support was contingent upon remodeling occurring within the existing daylight plane norms and regulations. He said the variance request was only at the ground level for two small elements at the front and back, and would not affect the daylight plane. He said staff was recommending denial of the variance. He said If the Commission wanted to approve the variance, it would need to state positive variance findings for items 1, 2 and 4. He said staff believed those findings could not be made but if it was the Commission's desire to grant the variance, staff would assist and transmit accordingly.

Questions of Staff: Commissioner Combs asked if the Commission denied the variance request whether the project would have to come back to the Planning Commission for approval. Principal Planner Rogers said the denial of the variance request could occur with approval of the project so the applicant was not required to come back to the Planning Commission. He said condition 6.c stated that *Simultaneous with the submittal of the complete building permit application, the applicant shall revise the plans to remove the variance elements subject to review and approval of the Planning Division*. He said staff believed the changes would be relatively modest to correct the items to meet the setbacks. He said if the Commission felt differently it could set up an alternate review process through an email review or full Planning Commission re-review.

Applicant Presentation: Michael Ryan, project architect, said he and his client started work on this project starting in 2012 with a one-year hiatus and continuing until the present. He said he had done 25 to 30 sketches and iterations and met with Planning staff noting they had been stymied in the project design. He said they felt they were acting responsibly in asking for the variance. He said they thought it was good urban planning to get the bulk of the building situated so it was not squished or stretched out. He said they wanted to keep backyard with its beautiful open space. He said one plan that would have worked put the garage on the front of the façade but the owners did not want that at all. He said he thought the back variance element would be completely integrated and have no impact at all.

Commissioner Onken asked how the building would be compromised if the 13-square foot rectangle at the corner of the master bedroom was not there other than having a slightly smaller master bedroom. Mr. Ryan said the lot got smallish when he tried to fit something in there that was an appropriate size and that kept forcing the rest of the design to react to this little piece. He said moving the garage around to get the area separation so he could widen towards the right only caused the garage bulk to either be pushed back deeper into the property. He said their other choice was to demolish and build a new home.

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

Commission Comment: Commissioner Riggs suggested since there was ample clearance from the garage building that they could turn the master bedroom into a rectangle aligned with the depth of the property and put the bedroom on the door wall. He said that would create a 12-foot wide bedroom, which was not the best for a master bedroom but worked if all the furniture was on one wall. He said he thought there was definitely an alternative there and asked if the architect was open to that. Mr. Ryan said he was and apologized that his clients were not present as he would want them to agree. He said that the front porch would be an easy fix.

Commissioner Combs said a portion of the house was within a setback and asked if that occurred through a variance, or whether the setback was applied after the structure was built. Principal Planner Rogers said to the best of staff's knowledge that the current house was built before current setback requirements were enforced. He said due to that those walls could remain and be repaired, and the overall house could be expanded and altered, but the City did not have any provisions for extending an existing non-conforming wall other than through variance.

Commissioner Onken said the design otherwise was acceptable and a welcome addition to the neighborhood. He said the front porch post could almost be called a projection outside the building envelope, and though it required a variance, he did not think it bothered anyone. He noted that existing nonconforming features were allowed to remain as long as they were not increased. He said he did not see a good reason for extending the back wall per the other variance request. He moved to approve as recommended in the staff report to approve the project and deny the variance requests.

Commissioner Kennedy noted the good urban planning discussion, and said she felt to some degree that the applicants would have a suboptimal design due to regulations applied since the home's construction. She suggested that this was probably not an isolated case and looking for solutions for similar projects might be warranted.

Commissioner Riggs seconded the motion.

Commissioner Combs said he could support approving the use permit without granting the variances. He said he wished the City had something like a minor variance process. He said he could understand the desire in this case to have a continuation of the nonconforming wall, which was only adding a small amount of square footage and had no neighbor objections. He said the architect had indicated not wanting to push into the backyard, which however was preference and did not demonstrate a clear hardship.

ACTION: Motion and second (Onken/Riggs) to approve as recommended in the staff report; passes 5-0-1-1 with Commissioner Goodhue recused and Commissioner Strehl absent.

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 the following findings as per Section 16.82.340 of the Zoning Ordinance pertaining to the granting of a variance to permit a three-foot left side setback, for the purposes of a front porch post and a small rear expansion:

- a. While the parcel has a few unique attributes, including the intrusion of San Francisquito Creek onto the back corner of the parcel and the associated garage angle, these do not constitute a hardship, given the space that remains on the parcel for alternate, compliant development.
 - b. The requested variance would allow for a decorative front porch post and a rectangular bedroom at the rear, which may be desired features but which do not represent substantial property rights that need to be preserved.
 - c. The side setback encroachments would not be detrimental to the public health, safety, and welfare, or impair an adequate supply of light and air to the adjacent properties, given their limited size and restriction to the first level. In addition, the support of the adjacent left side neighbor, who can be presumed to have the strongest interest in preserving light and air, is a positive factor with regard to this finding.
 - d. Due to the lack of positive findings for items a) and b), the granting of this variance could be applicable, generally, to other property in the same zoning classification.
 - e. The property is not within any Specific Plan area. Hence, a finding regarding an unusual factor does not apply.
3. Deny the variance.
 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 Michael Ryan Architecture & Design consisting of 18 plan sheets, attached to this report and approved by the Planning Commission on June 18, 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.

6. Approve the use permit subject to the following **project-specific** conditions:

- a. Simultaneous with the submittal of a complete building permit application, the applicant shall submit full elevations for the detached garage, in order to ensure that it is aesthetically compatible with the revised main residence, subject to review and approval of the Planning Division.
- b. Simultaneous with the submittal of a complete building permit application, the applicant shall submit an arborist report, subject to review and approval of the City Arborist.
- c. Simultaneous with the submittal of a complete building permit application, the applicant shall revise the plans to remove the variance elements, subject to review and approval of the Planning Division

F3. Use Permit/Shasank Chavan/207 Felton Drive:

Request for a use permit to demolish an existing single-story, single family residence and detached garage and shed and construct a new two-story, single family residence with attached garage on a substandard lot with regard to lot width and lot area in the R-1-S(FG) (Single Family Suburban Residential, Felton Gables) zoning district. As part of the proposed development, two heritage trees (an African fern pine and a beech tree) are proposed for removal. ([Staff Report #18-062-PC](#))

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

Applicant Presentation: Pearl Renaker, project architect, said her clients had lived in Menlo Park for many years and had three small children. She said they recently purchased the subject property with the intent of building their dream house. She said they wanted a warm, light-filled home with space for entertaining their friends and family, and to take advantage of the climate with a good flow of indoor and outdoor living. She said those goals drove the design. She said that main view windows particularly on the second story, were at the front and back to preserve the side neighbors' privacy. She said the owners wanted to have the attached garage in the front instead of the pattern of the detached rear garage so it would be easier to park and bring the children and groceries into the house. She said the layout also made it possible to have more backyard space.

She said the house style was warm and contemporary. She said the colors would be earth toned using lighter stucco for the bulk of the house with a medium toned natural wood Western red cedar as accent material, and dark brown wood windows, doorframes, and fascia boards outlining the roof. She said the project's maximum height was under 23-feet with the second story smaller than the first story and setback to break up the volumes and reduce the street presence. She said there was substantial mature vegetation around the property that would screen the home even with removal of two heritage trees. She said the latter though heritage by definition were not particularly attractive specimen trees. She said that alternate replacement trees would be planted.

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

Commission Comment: Chair Goodhue noted some Commissioner concern about Felton Gables and a desire for that area to have more traditional architecture.

Commissioner Riggs said the plan was a nice layout and the massing was friendly to the neighborhood. He said when a neighborhood had a distinct character that should figure significantly into Planning Commission's review and that Felton Gables had as distinct a character as any neighborhood in Menlo Park. He said in this instance he would rather see an honest, modern 2018 design than a Contra Costa vaguely Spanish design, or yet another modern Craftsman. He moved to approve as recommended in the staff report.

Commissioner Onken said this proposal would fit well within Felton Gables but noted the 3-D rendering was much more convincing than the elevations. He said he would encourage the center section to be raised a couple of feet as stepping up the mass in the middle would be more in keeping with Felton Gables daylight plane. He said it was something for the architect to consider.

Commissioner Riggs said he was not inclined to amend his motion as one of the problems with modern, assembled block architecture was that the roof peak was not the perceived height of the building but the perimeter plate height that was. He said if the architect was comfortable with the second story proportions he did not want to change it.

Commissioner Combs seconded Commissioner Riggs motion to approve as recommended in the staff report. He said unlike Commissioner Riggs he did not appreciate the proposed design and had issues with contemporary design in general. He said he was supportive of the applicants having the home they desired as it met zoning requirements.

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

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 Tektive Design, consisting of 12 plan sheets, dated received May 31, 2018, and approved by the Planning Commission on June 18, 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 Kielty Arborist Services, LLC, dated received February 7, 2018

- F4. Variance/Jiawei Zhu/188 Elliot Drive:
Request for a variance to reduce the Subdivision Ordinance front setback from approximately 50 feet to 35 feet. The proposal includes additions and interior modifications to an existing one-story single-family residence on a standard lot in the R-1-U (Urban Residential) zoning district. Three heritage tree removal permit applications are associated with the proposed project. ***Continued to the Planning Commission meeting of July 16, 2018***

Chair Goodhue said she would need to recuse from item G1 due to her past association with Facebook.

G. Study Session

G1. Study Session/SP Menlo LLC/111 Independence Drive:

Request for a study session review for a future application for use permit, architectural control, and environmental review to redevelop the site with 94 multi-family dwelling units in one building with an above grade multi-story parking garage integrated into the proposed eight-story building, located in the R-MU-B (Residential Mixed Use, Bonus) zoning district. The project site currently contains an approximately 15,000 square foot single-story office building that would be demolished. The proposed 94-unit building would contain approximately 87,182 square feet of gross floor area, with a total proposed FAR of 213 percent. The proposal includes a request for an increase in height and FAR under the bonus level development allowance in exchange for community amenities. ([Staff Report #18-063-PC](#))

Staff Comment: Senior Planner Kyle Perata said that a materials board was distributed for the Commission's review. He said correspondence received after publication of the staff report included one specifically about the BMR required for the project and three additional ones generally commenting on BMR requirements pertaining to this study session item and the next study session item on tonight's agenda. He said staff had no additions to the written report. He said it would be beneficial for the Commission to refer to the questions staff had outlined in the report while hearing the applicant's presentation.

Applicant Presentation: Sateez Kadivar said he was co-developing the property with his mother, who had bought the property about 20 years prior and had operated several businesses there. He said his family was experienced in construction across a variety of industries and in technology for construction. He said their plan was to construct the project and hold the building for the long term. He said the project directly supported the live/work/play vision of ConnectMenlo as it would create housing in an area with nearby office buildings. He said the project had had quite a few iterations, and thanked staff for their efforts in this process to get to tonight's proposal. He said their site was directly across the street from the high rise Menlo Gateway project. He said their lot shape was somewhat unique best described as a triangle with a curve noting other RMU lots were mostly rectangular. He introduced the project architect, John Ennith, President of BD Architecture, and Paul Lettieri, Principal, The Guzzardo Partnership.

John Ennith introduced Nathan Simpson, the project architect, who was running the slide presentation. Mr. Ennith said the site was in the mixed use bonus district and the project was about 140,000 square feet and a height of 85 feet. He said the eight-story building had 94 dwelling units, and 134 parking spaces. He said unit size ranged from studios to three bedrooms. He said the open space provided was about twice what was required. He said the site essentially had one front and two sides. He said along the front of the building were the leasing office, the amenities lounge, fitness area, and a bicycle room. He said along the sides was some surface parking, a move in area, and a side yard along the right side. He said the base of the building was three floors with a dramatic change in massing above that. He said the arc at the third floor was convex along the street and then the building became concave. He said that was to respond to the Menlo Gateway building. He said they would use a high quality window with a factory painted finish, a variety of stucco colors, warm wood on the lower left panel, quite a bit of three coats plaster, and poured form concrete and other concrete at the base for the highlight entry area.

Paul Lettieri, The Guzzardo Partnership, said the first floor of the building was about 30 inches above the sidewalk level due to flood issues. He said the public plaza went from the street to the front of the building. He said the building on the ground floor had a patio and ADA ramp noting the building did not have direct entrances from the street except for where the lobby was. He said he would like feedback on that. He said they tried to organize the public open space with seating areas at various heights with some sculptural elements as well. He said they tried to alternate with the trees for a soft edge and paved areas with bollards to keep vehicles out and keep the connection to the streets fairly strong. He said they looked at the proportions of it noting they looked at it with more planting, with less planting. He said they would like feedback on its relationship to the street. He said there were several seating rooms and they had broadened out the paving to make it obviously publicly accessible but trying not to make it feel like an appendage to the building and rather just an extension. He said the grade change helped them do that due to the 30-inch difference in elevation. He said the front of the building on the fourth floor was mostly large private decks with planting spaces between them. He said on the other side of the building was a more active space with both private patios and a swimming pool, spa, see-through fireplace defining the edge of the pool, a barbecue area, and various kinds of seats and furnishings. He said the eighth floor roof deck was mostly a high use space and would not have a lot of plantings.

Commissioner Riggs said Independence Drive had been getting busier, and asked how Mr. Lettieri saw the open space as comfortable to use with a high volume of traffic passing by. Mr. Lettieri said that was part of why they allowed the seating zones to be off the street and having planting zones. He said they did not think the traffic levels were any different from anywhere else on Independence Drive and did not know if it was a high noise location. He said he did not see the cars as a negative to the activity within the space, and they wanted it to feel clearly public.

Commissioner Onken asked if the public space in the front was being stipulated as public benefit within the bonus level. Senior Planner Perata said the public space was a requirement of the zoning regardless of whether base or bonus development.

Vice Chair Barnes opened the public comment period.

Public Comment:

- Cecelia Taylor, Menlo Park resident, said her concern was the challenge of traffic for a neighborhood already surrounded by a freeway, a highway and bridge traffic. She said the traffic problem should be addressed with implementation of solutions before the City approved any more projects in the M2 and RMU noting the upcoming projects already approved for that area. She said looking at public safety throughout Menlo Park that traffic needed to be addressed before more projects were built.
- Karen Grove said she was a member of the Menlo Park Housing Commission but was speaking for herself. She said it was really important that the developer know what the City expected for BMR unit provision. She said it was important to her that developers building residential projects provide BMR units at all income levels and that they at least list an average value of the low income level as specified by the City's BMR Guidelines. She said the income mix was good because it made the unit easier to manage and better for tenants so that if their income increased they did not necessarily have to move as their unit could be re-designated as a different income level. She said the BMR units needed to be dispersed throughout the project

and indistinguishable from the market rate units. She said some people in the audience supported what she was saying and were raising their hands when she said something they agreed with to save the Commission's time. She said they had to take advantage of every opportunity to acquire a mix of affordability in their community. She said residents being displaced and workers needed housing.

- Matthew Zito, Facility Director for Sequoia Union High School District, said a project to add housing to the area was exciting. He said there was only one entrance into the business park in which the project was situated and they expected that half of the students attending Tide Academy would be take the same entrance into the business park. He said that entrance had a tight corner and expressed concern to address safety with the added construction activity. He said an 800 unit building was expected soon almost adjacent to this area. He said they wanted to make sure placement of driveways and parking would not create hazards for employees in the area and their students. He said the District was open to working with the developer and appreciated the work they had recently been able to do with the Sobrato Corporation.
- Adina Levin said she was on the Complete Streets Commission but was speaking for herself. She said a key feature of the General Plan was to enable housing near jobs to address the City and region housing shortage to mitigate displacement and with affordable housing enable people of all incomes to live here. She said she wanted to reinforce what Ms. Grove said about affordability. She said she understood community concerns with traffic. She said if people living near where they worked significantly reduced car traffic. She suggested that CalTrain shuttles could do a reverse service for residents to the train station for commuting. She said the nearest grocery store was the one at Marsh Manor, about three-quarter miles away but across a clover leaf, which was scary to walk and potentially lethal to bike. She said the City has a proposed bicycle and pedestrian overpass near here that would also help existing residents on Haven Avenue. She said for public benefit she would strongly encourage the City to accelerate the overpass to help with the health and safety of residents in the area. She said there were some elements about the circulation pattern including street configuration that were unclear to her reading the staff report. She said she would appreciate the Complete Streets Commission having the opportunity to provide input on circulation on all modes.
- Evelyn Stivers, Housing Leadership Council of San Mateo County, said they worked with communities and their leaders to create and preserve quality affordable homes. She said they commended the City for its recently adopted BMR inclusionary housing program. She said the BMR guidelines were very specific as to having BMR units dispersed throughout a project and range of income levels. She said if a developer wanted to deviate or get a variance from the regulations that they should provide significant public benefit to the building, and that would be much deeper levels of affordability, larger units for families, and accepting Section 8 for some of the units.
- Pamela Jones, Menlo Park, said looking at the community amenities list and having attended ConnectMenlo workshops she realized that developers as stakeholders were a large part of those meetings. She suggested the list might not reflect what the community most directly affected by this development really wanted. She said they needed to provide public benefit to the public most deeply affected by development in this area. She noted that the BMR units for this project were grouped at the third floor at the same level as the parking garage. She

recommended that those units be dispersed throughout the entire building and not just be located in one location.

- Rose Bickerstaff said she was representing the Belle Haven Neighborhood Association. She said the postage stamp size neighborhood where this project was proposed was maxed out with the highest population density in the whole city. She said the Association did not want anymore build out in this area at this time. She said in the past few years hundreds of units had been built in this community and there over 1,000 units proposed. She said that was not sustainable for the area and would create a real problem for the young people growing up in that community. She asked the Commission to make responsible decisions and address a plan for a sustainable community as the quality of life was little to none in that community.

Vice Chair Barnes closed the public comment period.

Commission Comment: Commissioner Onken said the City's rule to screen all mechanical equipment resulted in a five and half foot screen on this building. He suggested for a building 90-feet high that mechanical screening might not be appropriate. Senior Planner Perata said zoning requirements for equipment rooftop screening, except for the Specific Plan that had a different requirement, was to the height of the equipment being screened and fully around it.

Commissioner Onken said the project was parked at 134 spaces. He suggested the applicant park the project at the minimum level with no more than one space per unit and unbundle the parking so it was not included in the rent but paid for separately. He said he thought the design would improve considerably by reducing the amount of parking in the building. He said the floor plan seemed significantly compromised by the wider vision of the large curved building and all the parking leaving very strange small bits of common space. He asked why both elevators were not located next to each other. He said regarding the front public strip he liked that they were trying to maintain a lower scale base to the building. He said as there were no public facing services on the public space and no public access to the building on it that he doubted the space would be used much. He said regarding height that he hoped there were ways to fudge the top floor up a few feet to the high rise limit to be more generous with the underneath floors. He said he was supportive of the wider size range of BMR units and as they would be different sizes they would be spread throughout the building. He said he would encourage the development to support the full income range of BMR units as opposed to only moderate income. He said the units' design should not be distinguishable from any part of the building.

Commissioner Kennedy said she strongly encouraged a variety of mixes of BMR units. She said she saw that as providing a gateway to living and enjoying the community. She said as example a person who worked at, but not for, one of the employers in Menlo Park might have a low salary and able to afford low income housing only. She said getting one of the coveted BMR units would allow the person to take a breath, work really hard and then perhaps get into a moderate income unit with some flexibility around salary increases. She said the BMR units should be dispersed throughout the building. She said the building was gorgeous and a great design with a number of amenities.

Commissioner Riggs asked where the building entries were on the first floor plan. Mr. Ennith showed the main leasing office on a slide. Commissioner Riggs confirmed with Mr. Ennith that tenants who drove would enter through the leasing office entry. Replying to Commissioner Riggs'

concern that the area be attractive, Mr. Ennith said that there was a lot of turnover for such apartment buildings and a lot of activity in the leasing center so it would be very attractive. Commissioner Riggs said staff commented there was not really access from the leasing office to the public open space, which he assumed was just as available to residents as to the public. Mr. Ennith said during the 9 a.m. to 5 p.m. hours that the leasing office was open and public but it also often tended to become the living room for the building itself. He said there was a double door that led to an outside area, the leasing office patio, which was a private amenity. He said staff was asking if that could be public but he thought they wanted it to remain private. Commissioner Riggs said the warm wood bowed façade was really important to give residential character to the project. He said the rendering showed it as blocks. He asked if it would be eight inch board material. Mr. Ennith said the sample board picture was not for panel size, size would be per renderings; it showed material was wood veneer on a phenolic resin panel that would last forever and could be re-stained.

Commissioner Riggs said he did not really have an issue with any of the items listed on page 8 for the Commission's consideration. He said the item regarding building height item and the balconies on the corner asked for a response. He asked staff what the reference to the trellis related to.. Senior Planner Perata said it was the eave element that in earlier versions had been more open and trellis-like. He said staff was looking at height as being measured to the roof deck for the tower element or to the decking on the eighth level and to the very top roof cantilevered element. He said average height could not exceed 62.5-feet for this project although the building could be 95-feet high. Commissioner Riggs asked if the eave was included whether the average height would exceed 62.5 feet. Senior Planner Perata said technically the project average height was at 62.47 feet and that would be exceeded by factoring in the additional height area of the eaves.

Mr. Ennith asked if was acceptable to leave the shading elements at the deck and measure the height to the walking surface as they would like to keep the shading elements.

Commissioner Riggs asked if code identified eave separately from a parapet. Senior Planner Perata said essentially it was like an eave but these elements in staff's opinion were more significant in scale than a typical building eave. Commissioner Riggs said he recalled that it was the walking surfaces that they used as the measurement of height. Senior Planner Perata said that they had not historically included the little parapets that come up on a flat roof building particularly as those had some screening elements. Commissioner Riggs said the eave might look like an eyebrow if moved down three or four feet and that would impact the connection with the Bohannon building. He said it was a design issue.

Senior Planner Perata said the maximum height of the building was allowed at 95 feet. He said the applicant was proposing 84-feet. He said the average height requirement was 62.5-feet with the averages of essentially the footprints of the building based on the volume within it. He said historically they included the parking structure area. He said they have included the overall bulk of the building in the calculation. He said the balconies were definitely included in that element in terms of heights but the question was whether the Planning Commission thought the eaves extending over the top terrace balcony level should be counted in the height calculation in terms of the footprint and bulk of the tower element. He said staff thought it should be included.

Commissioner Riggs suggested the average height calculation not include the trellis element. He referred to staff's open space question stating that the proposed publicly accessible space qualified

as open space as much as it could along Constitution Drive, and it was space that could be attractive. He answered affirmatively about staff's question on architectural design and materials. He said regarding compliance with design standards that his concerns had increased about the rather specific requirements for major and minor modulations. He said a building of this scale next to a 125-foot high building was not overly monolithic or continuous at the street frontage for lack of modulation, but was an attractive and well integrated façade. He said his answer to staff would be that the interpretation should be more generous and allow this design to be compatible with the modulation requirements. He said regarding the question on the parking structure it was not a scale issue as it was surrounded by large buildings and the overall design was attractive from a distance. He said attempts to add detail or break up that surface was not going to create a pedestrian relationship it did not have or needed to. He said the density was absolutely right for the site. He said regarding floor area ratio (FAR) that staff made a good conclusion on how to interpret that. He said regarding the public access easement (PUE) he could agree with the proposal that a PUE allowed the lot area to remain more or less what the ownership has counted on for several decades. He said regarding the overall approach that the design aesthetic was very appropriate in scale given the environment of very large office buildings and created successful residential character through the wood façade and balconies.

Commissioner Kennedy asked what Mr. Ennith meant about high turnover. Mr. Ennith said that roughly half the tenants in these types of apartment buildings tended to move out after a year. Replying further to Commissioner Kennedy, he said that turnover was probably an industry average. Commissioner Kennedy asked if the property owners had contemplated any corporate leases. Mr. Kadivar said he had not gotten to that level of detail as to tenants. Commissioner Kennedy indicated the City would not approve corporate leasing for a residential project.

Vice Chair Barnes said he thought the cantilevered trellis should be included in the height calculation. He said the publicly accessible open space was fine. He said regarding architectural design and materials that the building had a full service hotel look to it but he did not have a problem with that and thought it an interesting design. He said compliance with design standards was fine. He said the parking structure was tucked in a way that was fine. He said density was appropriate for the site and FAR was appropriately calculated; He asked about the PUE. Senior Planner Perata said Independence Drive was actually over a portion of the subject property. He said they were asking the applicant to dedicate the portion of that in the actual physical roadway vehicle circulation area so that it was removed from the subject property. He said they were proposing to work with the applicant to allow use of a PUE for the required sidewalk improvements. He said staff's question was whether that square footage should count toward density for the site. He said if it was deducted the unit count would decrease to 93. He said the Specific Plan called out that PUEs could be counted towards density. Vice Chair Barnes said he had no problem with the PUE being included for the calculation for density.

Vice Chair Barnes asked the applicant if they had thought what public amenity they would provide. Mr. Kadivar said he had not yet. Vice Chair Barnes said beyond the provision of the 14 BMR units there was a requirement for 50% of the value of the additional gross floor area (GFA) for bonus development to fulfill some community amenity. Senior Planner Perata said staff was working on the appraisal process instructions. He said once those were ready to use they would determine the increased value the applicant would get from the bonus level development. He said they would then look at the community amenities list to see what 50% of that increased value would be used

for most appropriately. Vice Chair Barnes encouraged the applicant to continue working with staff on determining an appropriate community amenity.

Vice Chair Barnes said correspondence and comments were received about BMR units, the associated income levels and their distribution. He asked if the applicant's intention was to have all of the BMR units at the moderate income level. Mr. Kadivar said that was correct and noted he had come before the Commission two months prior to comment on the topic of providing BMRs all at moderate income level. He said the reason was to address the "missing middle" as the City was at 1% of what they should have for moderate income level affordable housing.

Vice Chair Barnes asked if the applicant chose to have all the BMR units at a moderate income level whether it would go to the City Council for that exception. Senior Planner Perata said if the Council adopted the following evening the proposed BMR ordinance amendment recommended by the Planning Commission and staff then a request to limit BMR units to one income level could be authorized by the final approving body, which for this project would be the Planning Commission.

Vice Chair Barnes asked the applicant about his thoughts on the parking and unbundling it. Mr. Kadivar said he thought that unbundling parking was required under the zoning. Vice Chair Barnes asked staff whether unbundling parking was a TDM measure and not prescriptive. Senior Planner Perata said it was required in this case and for any project where a single garage was not directly connected to a unit. Vice Chair Barnes asked the applicant what parking ratio they were considering. Mr. Kadivar said they were looking at 1.3 or 1.25 per unit. He said it might be a little over-parked but historically it was a reasonable level. Vice Chair Barnes confirmed the applicant was willing to consider a slightly lower parking ratio but not 1.1 as that was the minimum required parking. Vice Chair Barnes said he was predisposed to favor lower parking ratios and TDM measures. Mr. Ennith noted on parking ratios that the 80-85% parking utilization mentioned earlier by a commissioner was based on more vintage projects that had up to 1.75 parking spaces per unit.

Commissioner Combs said he wanted to be responsive to neighbors and the concern about the huge increase in density in the area. He said he would have liked the applicant to be somewhat more responsive to the traffic concerns and to have lowered parking ratios. He said regarding height that he agreed with Commissioner Riggs that the trellis was a decorative element and that the deck was more the appropriate measure for determining the average height. He said regarding the publicly accessible space he found it problematic that they put a private patio right at the front door to the building. He said although this was not what could be considered a high pedestrian traffic area that with a major office building across the street and Hotel Mia there was an opportunity or possibility to stimulate pedestrian traffic in the area. He said that would be helped with a more inviting front façade and a real front door rather than a setoff private space with limited accessibility through the leasing office. He said the project was well designed. He said they took a unique and interesting site and were putting a very unique and interesting building on it. He encouraged the applicants to do additional outreach to the community and the Belle Haven Homeowners Association and other stakeholders there.

Commissioner Onken said he would encourage the applicant to reduce the parking to the minimum.

The Commission discussed with staff the community amenities list and process for creating it and

using it.

Commissioner Riggs said there was a traffic infrastructure issue that remained. He said communities were already impacted by the development that was built and other projects had already been approved that would add onto that. He said a lot of work was being done behind the scenes to improve transportation specifically so the area of the project site might grow. He said in two years an important if intermediate step to address traffic would take place, but there would not be significant transportation improvement for 15 years. He said it was a bit unfair to tell an architect and property owner with a nice project that they could not develop. He said it was going to be hard for him to approve another project even one providing housing without any transportation infrastructure solutions in sight.

Senior Planner Perata asked if there was more collective guidance on how to treat the eave in terms of the average height. He said two Commissioners had one opinion and one Commissioner had another. Commissioner Onken said he was comfortable with either including the eaves or not in the average height. Commissioner Kennedy did not comment.

Chair Goodhue returned to the dais.

- G2. Amendments to the El Camino Real/Downtown Specific Plan:
Study session on potential amendments to the El Camino Real/Downtown Specific Plan. ([Staff Report #18-064-PC](#))

Staff Comment: Senior Planner Sandmeier said emails received since publication of the staff report had been distributed to the Commissioners and were available to the public at the back table. She said most of the emails voiced concerns about jobs and housing imbalance and also a desire for more affordable housing and additional retail. She said one email spoke of the need to update the sign area limits for larger projects, which was one of the short term goals outlined in the staff report.

Senior Planner Sandmeier made a PowerPoint presentation. She referred to a development summary as of June 2018. She said after the staff report was published they realized some of the numbers for the 201 El Camino Real project were not up to date. She said the Specific Plan set maximum allowable development at 680 net new residential units and 474,000 net new non-residential square footage. She said total entitlements approved to date were 71% of the maximum allowed net new residential units (486) and 82% of the maximum allowed new non-residential square footage (389,400). She said total entitlements approved and proposed were 508 net new residential units (75%) of the maximum and 439,730 net new non-residential square footage (93%) of the maximum. She reviewed the projects under the Plan that had completed construction, were under construction, had entitlements and had not started construction, and projects pending discretionary approval.

Senior Planner Sandmeier said that some of the work had started for the short term goals outlined in the staff report resulting from the 2015 Plan review, many of which were text updates to the Plan. She said the main direction from the Commission needed this evening was on the long term goals: hotel incentives, infrastructure project list, outreach to encourage housing particularly affordable housing, parking in-lieu fees and parking reduction, and preservation of small businesses and retail uses. She said other priorities identified by the City Council and also public

comment included addition of another entertainment use, addition of a parking structure, an increase in residential and/or commercial caps, and a modification to height limits that mainly referred to Santa Cruz Avenue and the discrepancy between its height limits and those in the southeast sub-districts. She said as noted in the staff report those height limits were developed with public input during the Plan development. She said the final priority was to strengthen sustainability requirements. She said regarding the addition of another entertainment use and/or addition of a parking structure that if that became one mixed-use project it would require amendments to the Plan and would have a separate amendment process.

Senior Planner Sandmeier said this item would be taken to the Housing Commission on July 11. She said staff would then prepare a scope of work to be presented at future Planning Commission and City Council meetings. She said staff would then prepare an analysis on proposed changes and make revisions to the Specific Plan document and environmental review, which likely would take the form of an environmental impact report. She said the proposed changes would be brought to the Planning Commission for review and recommendation, and then the City Council would take action. She said the final step would be the final revisions to the Specific Plan document.

Questions of Staff: Commissioner Barnes referred to Table 2 in the staff report and priority to encourage housing and affordable housing. He asked how affordable was defined for the purpose of this document. Senior Planner Sandmeier said generally it would be in compliance with the BMR Guidelines. Commissioner Barnes asked if the priority was to encourage market rate housing with an inclusionary component. Senior Planner Sandmeier said that would be one option. Commissioner Barnes confirmed with staff that essentially it was all housing. He said the table referred to an infrastructure project list and asked what the intent was and generally what was meant by infrastructure. Senior Planner Sandmeier said those would be improvements such as bicycle lanes and grade separation for the train. Commissioner Barnes confirmed with staff that TDM was not considered infrastructure. He referred to preservation of small businesses and retail use and asked if that included food and beverage and restaurants. Senior Planner Sandmeier said she thought it could include restaurants. He said the paragraph under Table 2 referred to a public amenity fund. He asked whether by law the funds in that fund had to be used within that Plan area. Principal Planner Rogers said he did not think there was a legal requirement as it was not a specific fund under state law that had to be used in that way. He said it was set up by the Council's direction on the Specific Plan and any action from that fund would be subject to the Council's approval through public process. He said indications to date point that the funds would be used in the Plan area.

Chair Goodhue opened the public comment period.

Public Comment:

- Evelyn Stivers, Executive Director of Housing Leadership Council for San Mateo County, said it was very encouraging that this process was started. She said they were very interested in the idea of making affordable housing in the Specific Plan area a reality. She suggested to make that happen that the City be more specific about what was wanted and where it was wanted; and identifying a site perhaps a publicly owned site for housing. She said land was one of the largest costs for affordable housing projects. She said they would be happy to work with the City to identify best sites and on policies and what was needed to enable that to happen. She

said they highly recommended working with a consultant both on the public participation plan and moving this item forward.

- Diane Bailey, Director of Menlo Spark, said she supported the Specific Plan update and all the priorities noted. She hoped they would all be studied together. She said she wanted to support by reference comments already made and emailed by Karen Grove and Jan Wallison, comments that would be made by Adina Levin as well as those just made by Evelyn Stivers. She said regarding sustainability that it was important for all new development to be as close to zero carbon as possible. She said there were a number of new technologies that could be incorporated to help make that happen. She said the new zoning in the Bayfront area and General Plan Update was a great step in that direction and they hoped to see that with the Specific Plan. She said it was very important to factor climate into every decision made with development and the broader plan. She said the Environmental Quality Commission would make recommendations on zero carbon building standards at their next meeting for the Specific Plan. She said she hoped those could be followed and adopted by the Planning Commission. She said regarding transportation priorities and housing that she very much supported meeting the need for affordable housing. She said the Transportation Management Association was very critical to begin. She said they looked forward to a discussion on better parking management and as the garage entered into the discussion she wanted to note that could free up some of the parking plazas, that were publicly owned, and ideally suited for affordable housing.
- Adina Levin, Complete Streets Commission member, said her comments would represent what the Housing Commission addressed originally in a memo to City Council as well as the consensus of a subcommittee on the Specific Plan that did not yet have full Commission approval. She said she would then speak as an individual. She said the Complete Streets Commission encouraged holistic consideration of the transportation items in the Specific Plan including reconsidering the amount of parking needed in a walkable area near CalTrain, being able to have smaller properties pay in-lieu fees to reduce driving or for shared parking, and TMA. She asked that those things be continued to be studied and together. She said the Commission's subcommittee agreed with the value of having housing including affordable housing downtown in an area near jobs, transit, services and that was walkable. She said her personal comments were she would support lifting the cap on housing and addressing some of the technical barriers including height and technicalities that prevented housing from being added. She said regarding village character that desirable vibrant European villages people loved to visit had streets lined with retail storefronts and five to six story walkups with nice architecture.
- Rachel Horst said she was on the Housing Commission but was speaking as an individual. She said she was a Menlo Park resident as a renter. She said it was a great time to revisit the Plan as things had changed even in the last two years. She said as a resident she looked to the Planning Commission and the City Council to represent the big principles such as equity, sustainability, accessibility and diversity. She said the downtown represented an opportunity to realize those principles. She said regarding housing she suggested thinking about raising the cap in the Plan area of units to be built in the downtown that emphasized affordable housing and market rate. She said housing should be built in the downtown too and not just in the Bayfront area. She said they had a built in opportunity for transit oriented development in the downtown, which was a perfect opportunity for sustainability. She said public lands should be

leveraged for housing. She said as a resident the library discussions had been somewhat frustrating. She said she did not really want to talk about the parking structure unless also talking about opportunities to build houses. She encouraged the Commission to embrace TDM and mitigations for traffic.

- Tom Kabat said he was on the Environmental Quality Commission (EQC) but was speaking as an individual resident. He said that they were now seeing some very dramatic changes in the understanding of natural gas. He said leakage rates were much higher than what had been self-reported. He said another change was the understanding of the global warming potential of the methane molecule itself. He said as that molecule was concentrating it was growing and becoming a bigger component of the atmosphere and getting better at reflecting back and interfering with the ability for the earth to shed the heat it needed to shed to keep temperature balance. He said they should take on the role of climate leadership to take advantage of new technologies such as induction cooking and heat pumps. He said the policy direction he would discuss with the EQC would be to consider not installing gas pipes for new development.
- Fran Dehn, Chamber of Commerce, said the Specific Plan had in many ways functioned as intended. She said it relieved as intended the decade long visual decay and abandonment of buildings along El Camino Real. She said they were just starting to see projects introduced in the downtown. She said the success there she thought was dependent upon future examination of the rules and how they looked at the downtown. She referenced a project that came forward in the downtown and the applicant commented that the design had to provide what the Plan dictated. She asked if they were not too restrictive with the Plan in the downtown. She said parking structures were mentioned in the staff report as being dealt with separately as a Council priority, which she thought was great. She said page 5 of the staff report commented on establishing a parking rate for personal improvement service uses and eliminate case by case review. She said the Plan was intended to create a template and reduce development uncertainty and case by case staff involvement. She said what was being proposed was great but cautioned understanding the elasticity of prevented use until ensuring adequate parking without compromise to retail. She said she was talking about balance and making sure that it was maintained. She said Santa Cruz Avenue was ground floor retail and to make sure the City had the ability to bring people in for ground floor retail. She said another area was setbacks, window sizes and placement. She said front setbacks were not allowed in the downtown portion of the Plan however window treatment such as planter boxes could soften facades and allow for variation in those facades. She referenced E3.3.01 on page E21 that had some visual examples of that. She said there was concern that development could result, noting window sizes, in repetitiveness, void of uniqueness and character. She said the Chamber was in agreement with described standards for the ground floor for entry, retail frontage and the like on page E30 including ground floor transparency. She said the purpose however should be an invitation to enter the retail space. She said the windows and frontage if masked by interior screening such as plywood shades disabled the Plan's criteria. She suggested going further and not allowing interior screening. She said regarding signage on page 6 of the staff report for referenced developments there and similar large building complexes that the commercial signage should be congruent with the type and location of the development. She said standards were needed for sidewalks, sidewalk furniture, and signage cluster. She said these were little details and there were numerous little details. She said people were talking about the big picture of housing, parking and TDM that were phenomenally important. She said they needed to go down another layer. She said if they were going to protect retail and say they had

a downtown retail district then they needed to protect the downtown, make it inviting and help businesses not only be retained but attract new businesses.

- Karen Grove, Housing Commission member, Menlo Park, said she was speaking as an individual. She expressed support for many of the comments made by Adina Levin, Diane Bailey, and Rachel Horst regarding the importance of affordable housing. She said the benefits of putting housing in the downtown were traffic reduction, sustainability and vibrancy. She said regarding the definition of affordable housing that it was inclusionary affordable housing but she thought that the City could define what was meant by that. She said they had an extreme need for low and very low income housing. She said the people most likely to use public transit and not a car were the very lowest income residents. She said they should prioritize low and extremely low income affordable housing in the downtown. She said they could also try to address between moderate and market rate housing. She said she wanted to emphasize Ms. Bickerstaff's comments regarding the development impacts on Belle Haven, wanting it to stop and questioning why it was not happening in the downtown. She said she also wanted to echo Ms. Stivers' comment to be very specific about affordable housing and look at dedicating public land for affordable housing.

Replying to Chair Goodhue, Senior Planner Sandmeier said there were several main questions. She said one was about increasing the residential and/or commercial development caps. She said items that came up during Council hearings were additions of another entertainment use and parking structure. She said modification of height limits was a possibility. She said they had received many comments about the strengthening of sustainability requirements. She referred also to the long term goals outlined in the staff report.

Chair Goodhue closed the public comment period.

Commission Comment: Commissioner Onken said the Plan had been serving its purpose of increased density and vibrancy, which had been more market led than prescriptive of what the City wanted. He said they had a lot more office space than maybe they expected, and perhaps a few less hotel rooms downtown and more hotel rooms in the M2. He said his recommendation was to let the Plan play out noting they would hit the non-residential cap in five years rather than 20 years. He said after that they could have a discretionary moratorium on office space, which he thought was fine. He said he did not think it was appropriate to force more retail into the area as it was contracting now in most town centers and shopping centers as they all turned to food and other ways of making money. He suggested that when the Plan was effectively built out would be a great opportunity for the City to prescribe what it wanted. He said he thought they had to be careful of not asking too much now as that would create an entirely new EIR structure. He said it was very important to work with staff to carefully manage the EIR process so that a year from now with sites coming up for development to know what they could build rather than wait several years to figure out the EIR process.

Commissioner Combs asked what the process would be when the caps under the Plan were reached for a property owner who wanted to develop in the Plan area. Senior Planner Sandmeier said any project needing to go over the cap would need to apply for a Plan amendment and do the environmental review for that project.

Commissioner Combs said addressing LEED seemed nonexistent in what was being proposed. He said items highlighted were affordability, affordable housing, sustainability and transportation issues on which there was limited to no agreement on. He said the present issue was the caps and whether those should be increased or not. He questioned whether the Plan was a moment in time that was now passed and whether to return to zoning where development projects were treated on an individual basis and therefore above the caps, or whether to begin a process that recognized an underestimate of what the demand would be in the Plan area and think about how to increase for both residential and non-residential uses.

Commissioner Barnes said he thought the lead time associated with a Plan EIR done was important. He said if there was intent to add housing that going to a Plan amendment development process would be difficult and more costly for applicants. He said the economics of non-market rate housing were by definition worse than for market rate housing. He said if the community wanted to add housing then having a Plan EIR that covered the Plan to allow for housing needed to start timely. He said he agreed that housing and more housing in the Plan area was a good thing, and they should start on that now in terms of preparing for it as it would take time to get there.

Commissioner Barnes asked staff if height and density were to remain the same in the Plan whether they thought there was the ability to increase the amount of units that could be added to the Plan area. He asked without those changes what would stimulate the development of housing in the Plan area. Senior Planner Sandmeier said she thought required parking could be reduced and that would help stimulate housing. She said also changing the review process from conditional review to ministerial would help. Principal Planner Rogers said in the R-4-S district located along Willow Road, Hamilton Avenue and a few other locations projects came to the Planning Commission for a study session and its input was taken as value. He said the decision maker was the Community Development Director noting approval was based on some stricter standards. He said that meant less time spent which made the project more feasible and increased certainty.

Commissioner Barnes said that to have more housing that density and height might have to increase and setbacks might have to be addressed for upper floors. He said he thought it was a community discussion whether to have more housing downtown and changing the look of buildings was acceptable. He said he thought this was a worthy thing for the City to pursue.

Commissioner Barnes said the parking garage was a side issue but it was almost impossible to discuss how to locate space in the Plan area without that garage. He asked whether the incremental density would come from in-lieu fees. He said the Guild Theater was just approved and parking was identified at 280 spaces, which was a lot of revenue based on parking space costs committed to that development. He said how affordable housing would pay in-lieu fees for a parking garage needed to be discussed. He said he did not think any of those discussions would work without a parking structure that was linked to in-lieu fees linked to density. He asked regarding preserving retail if closing Santa Cruz Avenue to car traffic was a good idea that had been considered. Principal Planner Rogers said that idea surfaced during the original Plan development process. He said there were advocates but more opponents to it so the idea was abandoned fairly quickly. Commissioner Barnes said if a parking garage became a reality parking along Santa Cruz Avenue could be parked in the garage.

Commissioner Barnes referred to his comment on the community amenities fund and equitable allocation that the impact of vibrancy would be people coming into that area and getting there from places outside the area. He proposed reexamining traffic patterns. He said let the money from an impact or amenities fund ostensibly caused by development in that area be used to relieve the traffic problems for getting to that area. He said he wanted to advocate for smart usage of community amenities funds for areas that get the impact of the downtown vibrancy as it might not be where the actual development was happening.

Commissioner Riggs said he supported revision to the permitted signage and incentivizing affordable housing in the downtown. He said reducing or excluding parking would be a huge incentive for developers and was consistent with the City building a parking structure. He said the City had suffered from a bottleneck in downtown El Camino Real for as long as he had lived in Menlo Park. He said they were now in a great position to increase their own traffic flow without inducing increased demand noting bottlenecks in Palo Alto and Redwood City. He said what was approved with the Plan was the recognition there could be more development on El Camino Real than what was historically the case. He said to mitigate traffic there and make traffic flow better on El Camino Real was a citywide responsibility and process. He said the City had to get back to serious thought about making the local traffic work. He said he would support augmenting the housing limit and not augmenting the non-residential limit square footage. He said he would favor for the latter an exception for retail under 10,000 square feet as they wanted more people to come downtown to shop or eat and more places for them to eat and shop. He said he thought the part of the Plan that defined modulation of façade should be changed to allow alternative ways to break up mass. He said the Stanford project design looked like the graphic in the Plan. He said another project in the downtown came with the exact same modulations as well as another in the train station area. He said the last thing they had wanted was to make it prescriptive but it was. He said amending the Plan should not require hiring a consultant. He said it was a great time and opportunity to make some modifications to the Plan.

Commissioner Onken said he wanted to contradict one of his earlier comments. He said once the caps were hit he would like to give the desired growth of small incremental improvements the ability to happen. He said steering toward housing was important but allowing small incremental increases was desired. He said dropping the parking requirement was important. He said what was holding development back at the smaller level was the parking burden that housing developers had to comply with, which he suggested softening a bit.

Commissioner Kennedy said they were looking at amending the Plan, looking at things done in the past and over time that people were comfortable with and slowly pushing the envelope to get people more comfortable with things they were not yet comfortable with. She said she suspected at some point a downturn might result in empty spaces in the downtown. She said to bring back some robust activity at the street level they might fill spaces with other uses than what was intended. She asked regarding amending the Plan if there was space for a more tactical rather than a strategic approach to give a little more flexibility into how robust the downtown spaces becomes. She said she supported increased housing and density in the Plan area. She said it would be helpful to think about what greater density through height would look like on Santa Cruz Avenue and adjacent streets. She said regarding El Camino Real and its bottleneck that even if they did no development there would be that bottleneck. She said they might consider how to take the things that were troublesome and make them work to the City's advantage.

Commissioner Barnes said all this highlighted the importance of TDM programs. He said when they talked of scaling back parking requirements they needed to understand what that mean in real time and how people were getting in and out of the City. He said TDM programs were very good in tracking that. He said non-residential uses paid for things. He said housing was lagging behind commercial development as it was not as profitable. He said to see more affordable housing in the downtown they would need a parking structure. He said even after the reduction in parking rates they should consider the importance of commercial uses in paying in-lieu fees for the parking garage. He said regarding sustainability he liked the idea of standardizing the requirements across the City. He questioned whether the smaller parcel and footprints of buildings in the Plan area could accommodate some of the requirements that the ConnectMenlo process had. He said reducing parking around transit hubs with more information about that was something to be pursued. He said if adding density on Santa Cruz Avenue that it was not just the height but the setbacks on the upper floors that made a difference in unit counts.

H. Informational Items

H1. Future Planning Commission Meeting Schedule.

- Regular Meeting: July 16, 2018
- Regular Meeting: July 30, 2018
- Regular Meeting: August 13, 2018

I. Adjournment

Chair Goodhue adjourned the meeting at 11:27 p.m.

Staff Liaison: Thomas Rogers, Principal Planner

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on July 16, 2018