



REGULAR MEETING MINUTES

Date: 9/17/2018
Time: 7:00 p.m.
City Council Chambers
701 Laurel St., Menlo Park, CA 94025

A. Call To Order

Vice Chair Andrew Barnes called the meeting to order at 7:02 p.m.

B. Roll Call

Present: Andrew Barnes (Vice Chair), Drew Combs, Camille Kennedy, John Onken, Henry Riggs (arrived at 7:04 p.m.)

Absent: Susan Goodhue (Chair)

Staff: Arnold Mammarella, Contract Architect; Kaitie Meador, Associate Planner; Ori Paz, Assistant Planner; Kyle Perata, Acting Principal Planner; Matt Pruter, Associate Planner

C. Reports and Announcements

Acting Principal Planner Kyle Perata said the City Council at its August 27, 2018 meeting reviewed the proposed EV Charger ordinance and directed modifications to it related to exemptions for affordable housing projects and for the City's Environmental Quality Commission to weigh in upon those changes prior to it returning to Council. He said the appeal of the 840 Menlo Avenue project set to be considered by the Council at the same meeting was continued to allow the applicant and appellant time to discuss a potential solution to the loading zone, which would require review by the Complete Streets Commission before returning to the Council. He said the item was tentatively expected to return to Council at its October 23 meeting.

Commissioner Drew Combs said the Heritage Tree Ordinance Task Force, which he was serving on as a Planning Commission representative, had met twice. He said he would keep the Commission informed on the Task Force's accomplishments under *Reports and Announcements*. He said when the work reached a critical point that he would coordinate with staff to agendize a report.

D. Public Comment

There was none.

E. Consent Calendar

- E1. Approval of minutes from the August 27, 2018, Planning Commission meeting. ([Attachment](#))

ACTION: Motion and second (Katherine Strehl/Camille Kennedy) to approve the minutes of August 27, 2018 as presented; passes 6-0-1 with Commissioner Susan Goodhue absent.

F. Public Hearing

- F1. Use Permit and Variance/Mark Milani/1346 Hoover Street:
Request for a use permit to demolish an existing detached garage and construct an addition to an existing nonconforming single-family residence, consisting of an attached two-car garage and a second story with a second dwelling unit. The proposal includes a variance request to modify the left side setback to five feet (where 10 feet is required) for the new addition of the garage and the second unit above. The proposal also includes a request to modify the balcony setback to five feet (where 10 feet is required) for an entry landing for the second floor unit. The subject parcel is a substandard lot with respect to lot area and width in the R-3 (Apartment) zoning district. ([Staff Report #18-078-PC](#))

Assistant Planner Ori Paz noted an email from Noel Smith received by staff on September 12, 2018 that had been distributed previously to Commissioners. He said it commented on this item and others on the agenda with general comments on variance requests. He said the email was copied and provided to the public at the back table.

Applicant Presentation: Ross Stilleson, design consultant, made a visual presentation. He said the project site was one block off El Camino Real on Hoover Street in the R-3 multi-family residential zoning district. He provided an aerial view of the project site and adjacent properties. He said the lot was substandard in width and size with a heritage oak and existing home to be preserved. He noted the cantilevered solution to the garage recommended by staff. He said that was much more structurally complex and not the preferred solution.

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

Commission Comment: Commissioner John Onken said he could not recall the Commission allowing a two-story encroachment previously due to an existing nonconformity. He said in terms of design planning that he could see why the variance for the second story was preferable to the applicants. He said at this point he could not support a variance to support Option A, which was the proposal before the Commission for the first and second story encroachments. He said that the Option B described in the staff report seemed awkward but approvable. He encouraged the applicant to push the kitchen onto the side wall property line so that large windows viewed to the rear, which he thought was preferable.

Commissioner Henry Riggs said he thought the lot was buildable without the need for a variance. He suggested a first-floor residential addition within the setbacks with a separate garage and carport. He said another alternative might be to have the garage directly entered from the rear line.

Vice Chair Barnes said he could not make the findings for a variance. He said he supported staff's recommendation for a continuance.

Mr. Stilleson said staff agreed that the proposed first floor needed a variance. He said the existing house would remain. He said if they had a garage and a first-floor secondary dwelling unit that would exceed allowable lot coverage. He said if the garage was in the back corner they could not

build over it. He said to build to the back of the house would be over 30% lot coverage and that would require a variance.

Vice Chair Barnes moved to continue the requests for a use permit and variance to allow the applicant to develop the project plans more closely aligned with what was presented as Option B in the staff report.

Commissioner Combs asked if the Commission could approve Option B as the plan. Vice Chair Barnes said his understanding was the applicant had not requested Option B as an option to pursue but was requesting approval of Option A. Assistant Planner Paz said if the Commission directed the applicant to do Option B that would require additional noticing.

Commissioner Riggs asked if Vice Chair Barnes would accept amending his motion to allow for other redesign options not requiring a second-floor variance but not necessarily the same as Option B. Vice Chair Barnes said his motion was for the applicant to pursue other options and inclusive of Option B. Commissioner Combs seconded the motion.

Commissioner Riggs said he had no prejudice against the proposed first floor variance as that would solve an awkward situation. He said approving that variance did not appear to have any harm that would result from it.

Vice Chair Barnes asked for a vote on the motion. Acting Principal Planner Perata asked if the motion was the same as staff's recommendation for a continuance or if the motion proposed something other than that language. Vice Chair Barnes and Commissioner Combs as the makers of the motion and second said staff's recommendation for continuation was what they had intended.

ACTION: Motion and second (Barnes/Combs) to continue the project as recommended in the staff report; passes 6-0-1 with Commissioner Goodhue absent.

1. Provide input and direction on staff's support for the proposed ground floor variance and direction to the applicant to redesign the second story addition to conform with the required 10 foot setback where five feet is currently proposed and continue the requests for a use permit and variance to demolish an existing detached garage, and construct a two-story addition consisting of a second unit and new attached garage to an existing nonconforming single-family residence.

- F2. Use Permit/Ravinder S. Sethi/933 Hermosa Way:
Request for a use permit to demolish an existing single-story, single-family residence and construct a new two-story, single-family residence with an attached two-car garage on a substandard lot with respect to lot width, depth, and area in the R-E (Residential Estate) zoning district. ([Staff Report #18-079-PC](#))

Staff Comment: Associate Planner Matt Pruter referred to the email mentioned in the prior item from Noel Smith regarding variances in general. He said it did not apply to this item as no variance was being requested.

Applicant Presentation: Roger Kohler, project architect, said the owner and he had been working

with staff on the project for over a year. He said a notable change to the design during that time was smaller windows on the second-floor sides and orienting larger windows to the front and rear of the project. He said the property owner surveyed all homes on the street as to where they were located in terms of the front setback, whether they were one- or two-stories, and the style and materials used. He said a swimming pool on the lot and shrubs and trees along the front would be retained.

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

Commission Comment: Commissioner Onken said the project built as much as possible within the zoning code. He said excavation would occur for a basement, which was acceptable. He said trees and shrubs would be retained. He said he could support the project.

Commissioner Combs said the proposal was a large house. He moved to approve the project as recommended in the staff report. Commissioner Kennedy seconded the motion.

ACTION: Motion and second (Combs/Kennedy) to approve the project as recommended in the staff report; passes 6-0-1 with Commissioner Goodhue 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 Kohler Architects, consisting of 16 plan sheets, dated received September 12, 2018, and approved by the Planning Commission on September 17, 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 Mayne Tree Expert Company, Inc., dated received September 5, 2018.

F3. Use Permit Revision and Variance/Christina Courtney/904 Harmon Drive:

Request for a use permit revision and variance to rebuild nonconforming walls in the required rear setback and exceed 100 percent of the replacement value of the existing nonconforming structure in a 12-month period. The subject parcel is located in the R-1-U (LM) (Single-Family Urban Residential, Lorelei Manor) zoning district. ([Staff Report #18-080-PC](#))

Commissioner Riggs said he would recuse himself due to the proximity of his residence to the project site but as a neighbor he would make public comment on the proposed project.

Staff Comment: Associate Planner Kaitie Meador noted the email from Noel Smith, referenced previously by Associate Planner Paz that made general comments about variances.

Applicant Presentation: Chip Jessup, project architect, said the project had previously been approved and then during construction, an existing wall was removed, which was unfortunate, and they believe inadvertent.

James Courtney introduced himself and his wife Christina, the property owners. He said during demolition their contractor went too far and took down an existing nonconforming wall that was intended to be retained. He said they believed it was an honest mistake on the part of the contractor, but it brought the project to a halt about three months prior. He said since they had worked with staff to apply for a variance to basically continue the project as it was originally intended. He said staff had suggested moving the affected area of the home from the modern setback three and a half feet forward in the back of the house. He said that would mean a drastic shift to the floorplan and would remove three and a half feet from the kitchen and dining area that would then impact the living area and an area intended as home office space. He noted he worked from home regularly. He said there was additional time and expense now needed to remove the existing foundation from that area and lay new foundation. He said they would like, while saying they were very sorry, to be approved to put the wall back and get the project going again so he and his family might move back into their home.

Mr. Jessup said if the revised use permit and variance were granted that there would be no change to the house previously permitted by the Commission.

Commissioner Combs asked if the framing had damage and if that was why it was removed. Mr. Courtney said it was an oversight during demolition only and that portion was to remain, but it was demolished. He said the contractor was moving things to get under the house to work on the foundation and did too much.

Commissioner Combs asked in a situation where a project was intending to keep an existing nonconforming wall, and when the area was opened, what leeway did an applicant have to do anything if rot or some other damage was found. He said this was a general question and not related to the proposal before them. Associate Planner Meador said to keep an existing nonconforming wall the existing framing had to be kept intact. She said sometimes dry rot and termites might be found but the framing members would have to be retained. She said they tell people they can add reinforcement to the existing framing, but they cannot remove the existing framing.

Vice Chair Barnes opened the public hearing.

Public Comment:

- Gus Carroll, Carroll Custom Homes, said he was the Courtneys' contractor, and the reason they were here this evening requesting a variance. He said he misinterpreted the plans that he could remove and replace the wall during construction. He said a building inspector pointed out his mistake and he realized he had made an error. He said the wall he temporarily removed remained on the property and he put it back. He said he removed it to get access for some of the underpinning for the concrete. He said he was devastated with the scenario he had created for the property owners and would very much like to complete the project as planned. He said he had photos showing the wall replaced, which he shared with the Commissioners.
- Mahadev Somasundaram, neighbor, said the proposed revision would not cause any impact to the neighborhood, noting his home was right across the street from the project site. He said effectively replacing the wall would create the same building structure as existing for that wall. He recommended approval.
- Henry Riggs said he was speaking as a resident of Lorelei Manor. He said staff was correct in all its actions of recognizing the rules and taking action. He said the Commission had discretion and suggested that it was always intended for the Commission to be able to discern when a foolish but unwitting mistake was made such that no advantage was taken, and no harm done. He said that was the case with this variance request and he hoped the Commission could support it.
- Arlen Comfort, 48 Lorelei Lane, said he was a neighbor. He said a very minor mistake was made removing a few two by fours to no benefit to anyone, either the builder or the owner. He said he thought the Commission's approval of this use permit revision and variance request was the best outcome for the City and the property owners and builder. He said the property owners and builder had already been punished with delay and expense.
- Kitty Craven, 41 Lorelei Lane, related history regarding the annexation of properties in Lorelei Manor to the City in the 70s and the establishment of a zoning overlay for them due to the

substandard lots and the need to get variances to develop. She indicated that families left the area because of the frustrations with enlarging their homes. She said this project site was an oddly shaped lot and granting the variance would not set a precedent in any way. She said the family was not requesting anything more than what had been granted in the first place. She said the wall in question had been there for 60 years, no one had objected to the variance request, and she hoped they would grant the variance and allow the family to get on with their lives.

- Newton Craven, 41 Lorelei Lane, said he looked at the project plans and felt bad that not only was the project not at its final stages, but it was not even at the beginning stage yet. He said a mistake was made but the homeowner had paid a terrible price. He asked that the Commission approve the project, so it might be built as originally planned and approved.
- Mimi McKay, 920 Christopher Way, said she agreed with the other speakers. She said it was an honest mistake and the property owners were not requesting anything more than what had been originally approved by the Commission.

Vice Chair Barnes closed the public hearing.

Commission Comment: Commissioner Strehl moved to approve the use permit revision and variance noting that nothing of the originally approved project was changed.

Commissioner Combs said staff was not recommending approval of the variance request. He asked if the Commission had to make the findings for the variance approval. Associate Planner Meador said if the Commission wanted to approve the variance request it would need to provide justification for the five findings.

Commissioner Combs said regarding the first finding for a variance that to not approve a variance would require a redesign of the project and prolong its completion. He said the need for a variance was the result of a mistake made.

Vice Chair Barnes asked if there was a second to the motion. Commissioner Combs said it could not be seconded until the findings were clarified.

Vice Chair Barnes asked if other Commissioners wished to weigh in as to whether to approve or deny the variance request. No comments were made. Commissioner Combs continued saying the property owners were fortunate to have supportive neighbors. He said the value of the Commission was apparent in an instance such as this. He said he supported the request noting that it occurred because of a mistake and the stalling of the project was a punitive situation for the property owners.

Vice Chair Barnes said that the staff report called out the potential of applicants in the future to take down walls meant to be retained and then calling it a mistake. He asked if it was a function of eight or 10 neighbors appearing and vouching for a project or applicant to override denial. He asked what turned the balance of what was a mistake and what problematically they might allow to happen across the City in approving such a variance. He said in potentially supporting the variance he felt comfort that the project would return to the original design that was started some months prior. He said they were in the zone of residents making decisions on behalf of other residents

assuming the best of intentions in trying to navigate clear regulations in Menlo Park and bending the rules in this instance.

Commissioner Strehl said for the record that she did not think applicants would want to go through the Commission public hearing process again. She said a mistake was made and this project was delayed considerably. She said if someone thought they could get a variance and knock down a wall they would have their project stopped dead in its tracks, which was highly undesirable. She said that was her perception. She stated suggestions for making the findings for a variance:

1. *That a of hardship peculiar to the property and not created by any act of the owner exists.*
 - The subject site is not a typical, rectangular-shaped lot, but rather a trapezoid shape.
2. *That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other conforming property in the same vicinity and that a variance, if granted, would not constitute a special privilege of the recipient not enjoyed by his/her neighbors.*
 - The variance is necessary to create a functional floor plan and functional space.
 - The new rear wall would be positioned in the same location as the existing rear wall which would allow for efficient use of space rather than significantly modifying the floor plan and reducing the size of several rooms.
3. *That 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;*
 - Rebuilding the rear wall in the setback would 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.
4. *That the conditions upon which the requested variance is based would not be applicable, generally, to other property within the same zoning classification.*
 - The house is aligned to the rear of the property rather than the side and front lines which presents a number of challenges that are not generally applicable to other properties noting the unusual shape of the lot.
5. *That the condition upon which the requested variance is based is an unusual factor that was not anticipated or discussed in detail during any applicable Specific Plan process.*
 - The project is not within any Specific Plan area.

Commissioner Combs seconded the motion.

ACTION: Motion and second (Strehl/Combs) to make the findings to approve the variance and use permit revision with following modifications; passes 5-0-1-1 with Commissioner Riggs recused and Commissioner Goodhue 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 Guidelines.
2. Make the following findings as per Section 16.82.340 of the Zoning Ordinance pertaining to the approval of the variance for the reconstruction of the nonconforming rear wall and eaves:
 - a. The subject site is not a typical, rectangular-shaped lot, but rather a trapezoid shape. The existing residence is also sited in a non-orthogonal manner with regard to the property lines. The combination of the irregular lot shape and the placement of the existing residence, creates a hardship.
 - b. The variance is necessary to create a conventional floor plan and functional space. The new rear wall would be positioned in the same location as the existing rear wall, which would allow for an efficient use of space, rather than significantly modifying the floor plan and reducing the size of several rooms.
 - c. Rebuilding the rear wall within the required rear setback would not be detrimental to the public health, safety, and welfare, or impair an adequate supply of light and air to the adjacent properties.
 - d. The orientation of the existing residence and the existing encroachment into the required rear yard create a unique situation. The house is aligned with the rear property line, rather than the side or front property lines, which presents a number of challenges that would not be generally applicable to other properties.
 - e. The property is not within any Specific Plan area. Hence, a finding regarding an unusual factor does not apply.
3. 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.
4. 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 Schneider Design Associates, consisting of 24 plan sheets, dated received September 11, 2018, and approved by the Planning Commission on September 17, 2018, except as modified by the conditions contained herein, subject to review and approval by the Planning Division.
 - b. Prior to building permit issuance, the applicants shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies’ regulations that are directly applicable to the project.
 - c. Prior to building permit issuance; the applicants shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.

- d. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval by the Planning, Engineering and Building Divisions. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
- e. Simultaneous with the submittal of a complete building permit application, the applicant shall submit plans indicating that the applicant shall remove and replace any damaged and significantly worn sections of frontage improvements. The plans shall be submitted for review and approval of the Engineering Division.
- f. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a Grading and Drainage Plan for review and approval of the Engineering Division. The Grading and Drainage Plan shall be approved prior to the issuance of grading, demolition or building permits.
- g. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance and the arborist report prepared by Henry Ardalan and dated March 25, 2017.

G. Regular Business

- G1. Architectural Control/Oak Grove LP/855 Oak Grove Avenue:
Request for architectural control to modify the exterior of an existing two-story office building in the SP-ECR/D (El Camino Real/Downtown Specific Plan) zoning district. The proposed exterior changes would include replacing the existing building rock veneer and wood window trim with cement plaster, replacing the roof eave soffits and fascia with natural wood siding, and replacing the front entry with an accessible sloped walk and stairway. The courtyard and the entry to the courtyard would also be redesigned, and the existing concrete and tile fountain would be restored. ([Staff Report #18-081-PC](#))

Staff Comment: Associate Planner Matt Pruter said a colors and materials board was distributed to the Commission.

Applicant Presentation: Christian Hansen said he and his partner Robert Wheatley owned the subject property. He said they had worked with staff to develop a plan to upgrade the look of a 1950's office building. He said the project began because of the need for an accessible ramp. He said they would remove the lava rock from the front. He said A3.1b showed the before and after look of the building. He said the building also had some two by four clamp-ons between the window mullions that they would remove and re-stucco. He said they would also add screening for mechanical equipment on the roof.

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

Commission Comment: Commissioner Onken noted this was a simple exterior upgrade and moved to approve as recommended in the staff report. Commissioner Kennedy seconded the motion.

ACTION: Motion and second (Onken/Kennedy) to approve make the findings to approve the architectural control as recommended in the staff report; passes 6-0-1 with Commissioner Goodhue absent.

1. Make findings with regard to the California Environmental Quality Act (CEQA) that the proposal is within the scope of the project covered by the El Camino Real/Downtown Specific Plan Program EIR, which was certified on June 5, 2012. Specifically, make findings that:
 - a. The project is categorically exempt under Class 1 (Section 15301, “Existing Facilities”) of the current CEQA Guidelines.
 - b. Relevant mitigation measures have been incorporated into the project through the Mitigation Monitoring and Reporting Program (Attachment G), which is approved as part of this finding.
2. Adopt the following findings, as per Section 16.68.020 of the Zoning Ordinance, pertaining to architectural control approval:
 - a. The general appearance of the structure is in keeping with the character of the neighborhood.
 - b. The development will not be detrimental to the harmonious and orderly growth of the City.
 - c. The development will not impair the desirability of investment or occupation in the neighborhood.
 - d. The development provides adequate parking as required in all applicable City Ordinances and has made adequate provisions for access to such parking.
 - e. The development is consistent with the El Camino Real/Downtown Specific Plan, as verified in detail in the Standards and Guidelines Compliance Worksheet (Attachment F).
3. Approve the use permit subject to the following **standard** conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by Brick, Inc., consisting of 26 plan sheets, dated received September 11, 2018, and approved by the Planning Commission on September 17, 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. 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.
 - e. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance and the arborist report prepared by Davey Resource Group, dated received September 7, 2018.
4. Approve the architectural control subject to the following **project-specific** conditions:
- a. All rooftop mechanical equipment shall be screened, where appropriate, to not be visible from the public right-of-way.

H. Study Session

- H1. Architectural Control and Major Subdivision/Vasile Oros/706-716 Santa Cruz Avenue: Study Session on a request for architectural control for the demolition of an existing commercial building and the construction of a new three-story mixed use building with a below ground parking lot, retail and parking on the first floor, office on the second floor, and office and four residential units on the third floor in the SP-ECR/D (El Camino Real Downtown/Specific Plan) zoning district. The project includes a request for a major subdivision to create six parcels including four residential units, one commercial/retail unit, and one office unit, and a Below Market Rate (BMR) housing agreement for compliance with the City's below market rate housing program. Removal of one on-street parking space on Chestnut Street would be required to meet fire access requirements. As part of the proposed project, two heritage trees would be removed: one on-site tree located in the parking lot at the rear of the property and one street tree on Chestnut Street. ([Staff Report #18-082-PC](#))

Staff Comment: Associate Planner Meador said correspondence was received after publication of the staff report. She said those had been provided to the Commission at the dais. She said one was an email communication between the applicant and a neighbor that focused on trash collection for the site and a few other things. She said a letter was received supporting the project. She said two other emails had concerns with the project as far as its consistency with other projects in the downtown area and its size. She said the City's consulting contract architect, Arnold Mammarella, was present.

Applicant Presentation: Bob Giannini, Form4 Architecture, project architect, said one of the major goals of the Specific Plan was that buildings having minimal or zero lot lines have a special relationship with the street. He said they worked to create a building that was extroverted using clear glass and bay windows. He said the retail on the bottom was meant to be a glassy kind of warm modern expression and the office space on the second floor with its bay windows pushed out into the street with a glimpse of the roof and residential units. He said they re-worked the geometry of the building to address concerns about Chestnut Lane by pushing the driveway to the underground garage to the far edge of the site and beyond the shops that were across Chestnut Lane. He said the garage driveway was minimum width and went straight into the garage, so cars could get in and out quicker. He said the bottom area contained a staging area for trash and deliveries and allowed access to the back of all the retail units. He noted they had brought a

materials board. He said the building base would be a buff-colored limestone with the base of the columns slightly darker. He said the upper material was a gray in either stone or tile that wrapped down through the major modulation.

Mr. Giannini said this application tried to resolve several of the major issues from the previous proposal related to Chestnut Lane. He said the street width was the same as before, but they had pulled the building back and created a five-foot sidewalk behind the columns with wall plantings to create an interesting entrance into Chestnut Lane. He said related to trash and deliveries they made the garage somewhat deeper to another half-level that freed up several ground parking spaces to use for staging for trash and deliveries.

Commissioner Riggs asked about the availability of space to allow for the ceiling height on the third floor for the office space there. Mr. Giannini said the ceiling height on the third floor would be relatively low, but they had made a good portion of the roof of that space skylight. He said they were within the height limit of 38-feet.

Commissioner Onken said it seemed a complicated mixed-use strategy and asked the level of confidence that access for different uses was accommodated. Mr. Giannini said he was sure it would all work. He said the office lobby had an elevator and a stair and the elevator was specifically for the office. He said the residential lobby had an elevator and stair and that elevator was specifically for the residential used and would pass through the office floor. He said the stairs were connected by a corridor on the third floor so both uses have two exits. He said in an emergency each of the two uses would share each of the two lobbies.

Commissioner Onken asked about the plantings and maintaining those. Mr. Giannini said the edge of the roof deck above was the planter. Commissioner Onken said the edge of the deck was the glass guardrail. Mr. Giannini said the plantings would be a low-maintenance plant material and they would study how to maintain it. He said the idea of putting planters on an edge like that was something they had done often and sometimes with very large trees. He said the value of having plantings up in the air like that was huge and the logistics of doing that could be worked out. He said that when they returned next they could discuss that in more detail. Commissioner Onken said he would like to see how they would support that and the question of maintenance of it.

Commissioner Strehl asked about the restroom facility for the third-floor office space. Mr. Giannini said he would need to check on that and get back to the Commission.

Vice Chair Barnes opened the public comment period.

Public Comment:

- Wouter Suverkropp said he was representing Lynn McMillan, one of the owners of the two-story building on Chestnut Lane opposite the project site. He thanked the applicant and his team for work on the project. He said their remaining concerns were that garbage collection would occur on Chestnut Lane, which meant trash bins on the lane or illegally in the municipal parking lot or potential idling of the garbage truck if the bins were to be brought up individually. He said they proposed requiring red curb on both sides of Chestnut Lane as that would resolve the issue, insure safety (the ability of full size emergency vehicles to access the lane), and minimize disruption for all addresses on that lane. He said secondly to require that future

owners of the building maintain that agreement by having a development agreement mandating staging of trash collection vehicles and loading and unloading vehicles inside the property as just proposed by the applicant. He said the garbage collection door was located towards Chestnut Lane and relatively close to the residential lobby. He said they proposed moving the door to the entry exit ramp. He said that would simplify the garbage truck parking in the municipal parking lot and dealing with the trash bin. He said the project proposed a sidewalk along Chestnut Lane with planters under an overhang. He said they were concerned that the space behind the planters effectively created an enclosed space at the back of the building. He said they were requesting that the planters be removed, and the wall be activated with some attractive wall treatment to make the space more open.

Vice Chair Barnes closed the public comment period.

Commission Comment: Commissioner Onken said there was some confusion around the materials. Associate Planner Meador said the applicant had brought a new materials board. Commissioner Onken said the darker one was a porcelain tile and questioned if the lighter one was stone or tile.

Mr. Giannini said they were still studying materials. He said as shown on the materials board the limestone was the buff color, the base was a porcelain and the gray was porcelain. He said they were thinking they could get a better gray color if they went with porcelain. Commissioner Onken said they had had mixed results with people using porcelain tiles where it seemed to be one thing and turned out to be another.

Commissioner Onken noted the other project application and now this one for the site. He said he thought the proposed location for the garage access was much improved and in the right place. He said the points about the trash enclosure and electrical closet (or whatever it was) flipping seemed perfectly doable. He said it was a good suggestion and would help the project if trash was dragged out in front of where the cars were. He said he was not sure if the planters on Chestnut Lane added anything other than separation. He said the first-floor transparency was good. He said the project as proposed was still a modern substantial development that was the same project from one corner to the others, but it was somewhat less monumental than the previously proposed project. He said it also had a higher level of finesse and detail, which was good for the community. He said generally it was on the right track.

Commissioner Kennedy said she saw the previously proposed project when the Housing Commission reviewed it. She said this proposal was much improved. She said whether the planters along the building on Chestnut Lane, were attractive or not, she thought they or something else there would force pedestrians/people to exit off that sidewalk into Chestnut Lane in one place. She said she thought that was good to have such a forced exit and if not there to create it somewhere else. She said having the area entirely permeable to the roadway did not seem ideal.

Commissioner Combs said the project was improved since the previously presented project and noted he appreciated the location of the garage entry. He said the project would tend to set the tone for projects coming after as it was the first downtown project under the Specific Plan. He said he was not sure what tone it would set and what other projects would draw from it for architectural conversation. He said in many respects the building was a nicely designed, fine looking building but it could be placed in the middle of a parking lot. He said there was nothing that registered it

was located on a pedestrian-heavy, small downtown strip. He said he would have liked at least the pretense of smaller storefronts. He said the proposal certainly met the Specific Plan requirements.

Commissioner Riggs said he agreed with Commissioner Combs that the project had added burden as the first to be developed on Santa Cruz Avenue under the Specific Plan. He said in architectural terms, Menlo Park was finding its way. He said modern architecture was born of an excess of the formal and over decorated architecture of the Baroque period in Europe. He said it was clear what rules it was breaking and what its message was. He said with this project unfortunately it had no context to work with, so it was a standalone building. He said he would like the building to have more unity and he had issue with the tallest and boldest element of a fairly lateral building being a recessed tower. He said he did not know if that could be addressed. He said he found it problematic that the third-floor materials occasionally dropped down into the second floor as that caused the building to not be read as a building. He said successes of the design were the fun of transparency and play of the glass recessed at the lower level and put forward on the second level, the pedestrian scale in large part due to the drop from the bay windows, the notably different color of the column bases, visible joints in the stone bringing solidity, the use of color other than beige, the garage solution, and the wonderful element of the sidewalk and Chestnut Lane. He said the base color appeared brown on the materials board. He said in a larger scale and more sunlight, he thought it would be more colorful and used nicely at the second-floor line. He asked regarding the planting on the roof whether the applicant could show them another project where something similar had been done and worked. He said he might not get staff or Commission support for his encouragement to the architect to challenge the requirements of the Specific Plan that conflicted with having a good building.

Vice Chair Barnes said that as a non-architect the plans presented were the easiest for him to understand since being on the Planning Commission. He noted the retail facing Santa Cruz Avenue and asked what retail was anticipated there. Mr. Vasile Oros said he was the project proponent and expected restaurant and coffee shop use. He said other retail was purchased so much online that he was not sure what other retail would work there.

Vice Chair Barnes asked staff if this project would be able to get bulb outs for seating along Santa Cruz Avenue. Acting Principal Planner Perata said he did not know directly but he recalled it was a process years ago working with the businesses in an application process with some cost sharing. He said he did not know if there was the opportunity to expand that to additional restaurants. He said they could investigate and report back.

Vice Chair Barnes said the project was under parked by three spaces and asked how hard it would be to get those spaces. Mr. Giannini said there was an inconsistency on the data sheet to be corrected to show 65 spaces, which was the minimum required number of spaces and what they were providing. He said they were showing a fire pump room in the garage, which they might not need. He said if they did not they could pick up a space or two.

Vice Chair Barnes said page seven of the staff report indicated seven revisions needed. Mr. Giannini said they would resolve those noting the magnitude of the numbers was small as to whether a column counted for floor area ratio (FAR) or not. He said they might have to count the space above Chestnut Lane as FAR. He said also there was a minor revision to make the modulation perfect under the Specific Plan requirements.

Vice Chair Barnes said the staff report asked the Commission to weigh in on three areas. The first was whether further refinement of the design and/or materials was needed. He said he thought it was well done and he had no issues with the design or materials. He said regarding the question of further modification to the design's access and circulation on Chestnut Lane that what was being proposed now worked well for the site.

Vice Chair Barnes asked about the radius needed for turning into the garage and whether upon exiting one could turn left or right. Mr. Giannini noted that the radius was the same as for any turn into a driveway. He noted the garage entrance and exit were flat for some distance and then ramped down or up. He said vehicles could make a left or right onto Chestnut Lane. He said the visibility was good as the building was set back some creating a staging area before a vehicle was out onto Chestnut Lane. Vice Chair Barnes asked if removing the planters would improve visibility for vehicles entering or exiting the garage. Mr. Giannini said it would not as the columns would block view before the planters would. He said he would look at removing the columns and cantilevering the second floor, noting that would resolve one of the FAR issues and improve visibility if that change did not hurt the elevation.

Vice Chair Barnes said staff asked the Commission to consider whether to require photo-voltaic (PV) installation on the roof. He asked if that or using 100% renewable energy had been contemplated for this project. Mr. Giannini said per City guidelines they had to reserve space on the roof for PVs. He said that was shown on the plans but at this point there was not a plan to do PVs. He said their energy models did not show inability to meet LEED requirements without the use of PVs, so they had not contemplated it. Vice Chair Barnes said there was the option of using 100% renewable energy source.

Vice Chair Barnes said the project refinements suited Santa Cruz Avenue noting the prior proposal was bulky. He said related to the project setting the bar for future projects in the downtown under the Specific Plan he thought the project was fine in its aesthetic and architecture.

Commissioner Onken said Commissioner Riggs had brought up scale and the question of whether the building should be more unified or more of a single entity. He referred to comments about whether this building was appropriate for Santa Cruz Avenue. He said he thought that they needed to go back to the founding principles of this land development, which was whether they were happy that smaller lots were being combined into larger projects. He said if they were then the question was whether they wanted the larger building or a building that gave the feel of smaller buildings. He said the latter was what he thought the Specific Plan attempted to do. He said he would like to see further development as to how the actual retail signage would work noting concerns of losing "Main Street" and to solve for that by putting more focus on the retailers less than the building.

Commissioner Riggs said regarding unity of a building and being out of scale, one trick that was used was to have a central area that might be half of a façade express itself as the building with the remaining portions appearing to be wings to the building. He said that was pushing too far as the project already had one architectural direction. He said the rhythm of the columns worked and he liked the Chestnut Street façade the best.

Replying to Vice Chair Barnes, Associate Planner Meador said the amount of the project's office square footage triggered a requirement of Below Market Rate (BMR) housing. She said previously the project required .9 of a BMR unit. She said with this proposal it was 1.2 BMR units. She said

they needed to review the BMR requirement by taking the project back to the Housing Commission.

I. Informational Items

I1. Future Planning Commission Meeting Schedule

Acting Principal Planner Perata said that items for future agenda were preliminary at this point.

Commissioner Onken said he would be absent from the October 8, 2018 meeting

- Regular Meeting: October 8, 2018
- Regular Meeting: October 22, 2018
- Regular Meeting: November 5, 2018

J. Adjournment

Vice Chair Barnes adjourned the meeting at 9:34 p.m.

Staff Liaison: Kyle Perata, Acting Principal Planner

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on October 8, 2018