



PLANNING COMMISSION MINUTES

August 24, 2009

7:00 p.m.

City Council Chambers

701 Laurel Street, Menlo Park, CA 94025

CALL TO ORDER – 7:04 p.m.

ROLL CALL – Bressler, Ferrick, Kadvany, Keith (departed at 11:40 p.m.), O'Malley (Vice chair), Pagee (departed at 11:40 p.m.), Riggs (Chair)

INTRODUCTION OF STAFF – Deanna Chow, Senior Planner; Megan Fisher, Associate Planner; Thomas Rogers, Associate Planner

A. VISIT FROM COUNCIL MEMBER FERGUSSON

Council Member Fergusson will be attending the Commission meeting to address the importance of the Commission's role in the review of major land use projects including the El Camino Real/Downtown Specific Plan, Menlo Gateway project, mixed use project proposed for 1300 El Camino Real and the Burgess Gymnasium. ***Continued from the meeting of August 10, 2009.***

Council Member Fergusson said she was the Council liaison to the Planning Commission. She said that Council's goal was to improve and nurture the relationship between the Council and Planning Commission and noted that Commissioners volunteered their time. She said the Commission would have large projects to consider in the near future. She said the Commission's advice and discussion of those projects would be critical to the Council's ultimate decision-making. She thanked the Commission for their work. She said the Council was looking forward to the Commission's recommendations for these upcoming large projects.

B. PUBLIC COMMENTS

Project Architect Mr. Harmon Fisk asked if 555 Morey Drive could be moved to a higher place on the agenda as it was bumped previously. He said the item was straight forward. Recognized by the Chair, Planner Chow said that 555 Morey Drive was Regular Business which was why it was placed later on the agenda; she said her only concern would be someone coming to speak on the item later in the meeting since it was scheduled later. Commissioner Ferrick suggested that the item be moved prior to the study session and after D-5. Chair Riggs asked if the proposed revisions to 555 Morey Drive had raised concerns from the neighbors. Planner Chow indicated she had not received any comments from the neighbors. Mr. Fisk said he had one email from

the adjacent neighbor, who supported the revised plans. Chair Riggs asked for Commission input. Commissioner Ferrick said she thought with moving the item before the study session that it would probably be an hour and a half before the Commission considered it which she thought was a safe margin of time should anyone come later to speak on the item. Chair Riggs said if staff did not object, he would move 555 Morey Drive from its current listing on the agenda to before the study session.

C. CONSENT

1. **Approval of minutes from the June 1, 2009, Planning Commission meeting Continued from the meeting of August 10, 2009.**

Chair Riggs said he would like to pull the July 13 minutes from the consent agenda.

Commission Action: M/S O'Malley/Pagee to approve the minutes with the following modifications. (Commissioners had sent modifications to staff prior to the meeting and those had been reviewed by the Commission.)

- Page 2, last paragraph, 3rd line: Replace “the existing code” with “existing practices.”
- Page 2, last paragraph, 2nd line from bottom: Add “for one type of restriction floor space” at the end of the sentence.
- Page 2, last paragraph, 4th line from bottom: Replace “had received numerous communications that were critical of what the Commission had done with those numbers.” With “had received several communications about them.”
- Page 4, 2nd full paragraph, 4th line: Replace “Commissioner” with “Council Member.”
- Page 5, 1st paragraph, 8th line from bottom: Replace “Council Members” with “Planning Commissioners.”
- Page 5, 1st paragraph, 6th line from bottom: Add “and was told it is very rare.” at the end of the sentence.
- Page 5, 3rd paragraph, 8th line: Replace “baseline” with “not rules for size.”
- Page 6, 1st paragraph, after last sentence: Add “Commissioner Riggs stated that they tried, and that the summary effort was part of it and why Council Member Cohen designated the three of us to work on it.”
- Page 6, 3rd paragraph, 5th line: Replace “City Manager Rojas” with “Mayor Robinson.”
- Page 19, last paragraph, 3rd line: Replace “evaluate all three alternatives as a whole” with “choose one of the three alternatives at the time, because it is too early in the process to do so.”
- Page 20, 1st paragraph, 3rd line: Delete “and kiddie bike planes.”

2. **Approval of minutes from the July 13, 2009, Planning Commission meeting.**

Commissioner Pagee said she had a change on page 9, 4th paragraph, 4th line, that she “asked” rather than “said.” Commissioner O’Malley said on page 9, 3rd paragraph, 7th line, remove “and” and replace with a comma. Chair Riggs said on page 7, 2nd paragraph, 2nd line from bottom to correct punctuation; page 7, 4th paragraph, 7th line, replace “style” with “size;” page 15, 1st paragraph, 7th line, replace “flexibility” with “variation;” and page 15, 1st paragraph, 7th line, insert “for” between the words “tools” and “that.”

Chair Riggs confirmed the Commission had had time to review Commissioner Kadvany’s written comments.

Commission Action: M/S Pagee/Kadvany to approve the minutes with the following modifications. (Modifications included changes made verbally and changes submitted in writing.)

- Page 7, 2nd paragraph, 2nd line from the bottom: Replace “successful. Redeveloped” with “successful redeveloped.”
- Page 7, 4th paragraph, 7th line: Replace “style” with “size.”
- Page 9, 3rd paragraph, 7th line: Replace “and” with a comma.
- Page 9, 4th paragraph, 4th line: Replace “said” with “asked.”
- Page 14, 6th paragraph, 1st line: Replace “H” with “He.”
- Page 15, 1st paragraph, 7th line: Replace “flexibility” with “variation.”
- Page 15, 1st paragraph, 7th line: Insert “for” between the words “tools” and “that.”
- Page 15, 3rd paragraph, 3rd line: Replace “certainties” with “uncertainties.”
- Page 15, 3rd paragraph, 3rd line: Replace “equally well with health care nor does planning necessarily prevent suburban sprawl.” with “equally well as with health care, similarly planning is needed to prevent suburban sprawl.”
- Page 15, 3rd paragraph, 4th line: Replace “they could not have transit oriented housing along the whole” with “Menlo Park probably will not have housing along the entire.”

Motion carried 7-0.

3. Approval of minutes from the July 27, 2009, Planning Commission meeting

Commission Action: M/S O’Malley/Pagee to approve the minutes as submitted.

Motion carried 7-0.

D. PUBLIC HEARING

- 1. Use Permit/Yvette Keller and Mark Bessey/1015 Berkeley Avenue:** Request for a use permit to construct single-story additions to an existing single-story, single-family, nonconforming residence that would exceed 75 percent of the

replacement value of the existing structure in a 12-month period in the R-1-U (Single-Family Urban) zoning district. ***Continued from the meeting of August 10, 2009.***

Staff Comment: Planner Rogers said staff had no additions to the staff report noting that a materials and color sheet had been distributed to the Commission at the dais.

Public Comment: Ms. Yvette Keller said she and her husband had bought the property with the hope that they could update the home in the future. She said they invited the neighbors over in May to discuss with them their ideas to improve the home and had a very positive reception from them.

Chair Riggs closed the public hearing.

Commission Comment: Commissioner Keith moved to approve noting that it was a sensitive plan and would be an attractive addition to the neighborhood. Commissioner Pagee seconded the motion noting that it was great the applicants approached the neighbors early on in the process. Chair Riggs noted that the plans were very readable.

Commission Action: M/S Keith/Pagee to approve the items as recommended in the staff report.

1. Make a finding that the project is categorically exempt under Class 1 (Section 15301, "Existing Facilities") of the current California Environmental Quality Act (CEQA) Guidelines.
2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
3. Approve the use permit subject to the following ***standard*** conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by JE Architects, consisting of 11 plan sheets, dated received June 30, 2008, and approved by the Planning Commission on July 13, 2009, 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 of the Planning, Engineering and Building Divisions. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
- 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 the 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 issuance of a grading, demolition or building permit.
- g. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance.

Motion carried 7-0.

- 2. **Use Permit/Robin and Byron Connell/263 Santa Margarita Avenue:** Request for a use permit to construct first- and second-story additions to an existing single-story, single-family, nonconforming residence that would exceed 50 percent of the replacement value of the existing structure in a 12-month period in the R-1-U (Single-Family Urban) zoning district.

Staff Comment: Planner Fisher said that a Commissioner had pointed out that the second floor plan did not align with the elevations. She said she spoke with the project architect who indicated that the windows shown on the elevation for the master bathroom on the front were correct and the corresponding ones shown on the second floor plan were misrepresented.

Questions of Staff: Chair Riggs asked if the photographs were of the existing house's front door and the enclosed "u" area. Planner Fisher said they were of the existing house and the front elevation.

Commissioner Kadvany asked what was happening with the bay window. Planner Fisher said the depth of the proposed bay window needed to be narrower as it would otherwise encroach too far into the setback. She said that side of the home was nonconforming and so the bay window could not encroach more than 18-inches.

Ms. Robin Connell introduced her husband Mr. Byron Connell and said they had lived at the property for 17 years, and were looking to improve the home. She said they might eliminate the bay window altogether.

Commissioner Pagee said the windows on the left hand side of the master bedroom on the second floor had sills at three-foot height. She asked if the sills could be raised. Ms. Connell said that they were willing to do that and had suggested it but the adjacent neighbor had looked at the plans and was comfortable with the three-foot height sills. Commissioner Pagee said she was uncomfortable with the second story being off-center and asked if they had looked at tucking the second story into the center. Ms. Connell said the room adjacent to the new section of the house had a vaulted ceiling which would create issues with the roof line. She said the reasoning was it was better to add to the new section for the second floor rather than have to reinforce the existing first floor. Commissioner Pagee said in another application on tonight's agenda that the applicant had lowered the walls on the second floor to take advantage of the vault to get the high ceiling. She said the second floor had a nine-foot ceiling as opposed to an eight-foot ceiling on the first floor. She asked if they were willing to look at making that change. Ms. Connell said they could look at that if it would make it more aesthetically pleasing. Commissioner Pagee referred to sheet A1.2 that noted a removal of the attic in the existing living room. Mr. Sherwood Coombs, project architect, said they would raise the ceiling height on the first floor so the attic space on the second floor would be less than five feet so it would not be counted as extra square footage. He said they also wanted to coffer the ceiling in the living room.

Chair Riggs closed the public hearing.

Commission Comment: Chair Riggs said in the past the Commission had been uncomfortable with a second floor addition on the existing back of a house. He said a difference he saw with this project was that the addition would be behind the forward roof. He said this was something that might have been done if the building were being built from scratch and was a modern architectural element. Commissioner O'Malley said his first impression was similar to Commissioner Pagee's but he thought the front elevation and materials were quite acceptable.

Commissioner Pagee asked the project architect if the chimney could be lower. Mr. Coombs said the gas fireplace needed that size chimney. Commissioner Pagee asked about a smaller flue. Mr. Coombs said they could reduce the flue size.

Commissioner Ferrick said she thought the addition toward the back of the house within the context of the neighborhood would work.

Commissioner Keith said there was a project on Willow Road with the addition all on one side with a long wall and this was different from that project.

Commissioner O'Malley moved to approve as recommended by staff; Commissioner Ferrick seconded the motion.

Commission Action: M/S O'Malley/Ferrick to approve the item as recommended in the staff report.

1. Make a finding that the project is categorically exempt under Class 1 (Section 15301, "Existing Facilities") of the current California Environmental Quality Act (CEQA) Guidelines.
2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
3. Approve the use permit subject to the following **standard** conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by ACS Architects, consisting of nine plan sheets, dated received August 12, 2009, and approved by the Planning Commission on August 24, 2009, 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 of the Planning, Engineering and Building Divisions. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
 - e. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance. Prior to the building permit issuance, the applicant shall implement arborist recommended tree protection measures for all applicable trees.
4. Approve the use permit subject to the following **project specific** conditions:

- a. Concurrent with the submittal of a complete building permit application, the applicant shall revise the floor plan to show the proposed cantilevered window off the kitchen as having a depth of no more than 13 inches subject to review and approval by the Planning Division.

Motion carried 6-1 with Commissioner Pagee opposed.

- 3. Use Permit Revision/Mitchel J. Slomiak/205 Pope Street:** Request for a revision to an existing use permit, which was granted in 2007 for the construction of first- and second-story additions to an existing single-story, single-family residence, and the construction of a new detached garage on a substandard lot in the R-1-U (Single Family Urban) zoning district. The proposed revisions to the detached garage would include the enclosure of a covered porch, the raising of the garage floor, and a number of other interior and exterior modifications.

Staff Comment: Planner Rogers said there was one item of correspondence received after the publication of the staff report from Mr. Carl Hess, a neighbor, who indicated he had reviewed the changes and supported them.

Questions of Staff: Chair Riggs asked if the applicant had been notified that the Commission preferred to see applications prior to construction. Planner Rogers said that had been relayed to the applicant.

Public Comment: Mr. Mitch Slomiak said he was one of the two owners of the property, noting for the record that he was the Chair of the Environmental Quality Commission but was speaking as the applicant. He said the objective of the application was to make minor modifications to the garage, which would not change the footprint, to make the garage multi-functional to include utilities, storage, exercise, meditation and/or laundry space, and parking. He said the revision would make all ground floor entry ways zero elevation entries. He said they had discussed these changes with their neighbors and they supported the changes.

Commissioner Pagee said there was a conflict on sheets two and three of the plans as to the height of the accessory structure with sheet two indicating 13-feet eight-inches and sheet three indicating 14-feet. She asked if that was because the structure was raised. Ms. Michelle Belden, project architect, said the 13-foot eight-inch height was the maximum height of the structure but with an allowable height for the daylight plane of 14-feet. Commissioner Pagee said it was indicated that there was a new slab in the accessory structure but the section showed it was a framed floor on top of the existing slab. Ms. Belden said it was a concrete slab poured over the existing slab except for the bathroom area which needed a raised floor. Commissioner Pagee asked how that would be accomplished. Ms. Belden said the existing walls would sit on the sill plate for the existing foundation; she said the new slab would abut against sheet metal flashing so the concrete would not connect with the lumber. She said the design had been

reviewed and approved by a structural engineer. Commissioner Pagee confirmed that the building would not be raised to add to the slab. She noted there were four adults living at the home and asked about parking and the number of vehicles. Mr. Slomiak said they had four vehicles, three or four which could be parked on the driveway and one parked in the garage.

Chair Riggs closed the public hearing.

Commission Action: Commissioner Keith moved to approve as recommended in the staff report; Commissioner Ferrick seconded the motion.

Commission Action: M/S Keith/Ferrick to approve the item as recommended in the staff report.

1. Make a finding that the project is categorically exempt under Class 1 (Section 15301, "Existing Facilities") of the current California Environmental Quality Act (CEQA) Guidelines.
2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
3. Approve the use permit revision subject to the following **standard** conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by Michelle Beldin AIA Architect, consisting of seven plan sheets, dated received August 5, 2009, and approved by the Planning Commission on August 24, 2009, except as modified by the conditions contained herein, subject to review and approval of the Planning Division.
 - b. Prior to building permit issuance, the applicant shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.
 - c. Prior to building permit issuance, the applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
 - d. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval of the Planning, Engineering and Building Divisions. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.

- 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 Plan shall be approved prior to issuance of a grading or building permit.
- f. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance. Prior to the building permit issuance, the applicant shall implement the tree protection plan and technique recommendations in the Arborist Report for all applicable heritage trees.

Motion carried 7-0.

- 4. **Use Permit/Danielle Paye/761 Partridge Avenue:** Request for a use permit to demolish two single-story, single-family dwelling units and construct two two-story, single-family dwelling units and a detached garage on a substandard lot with regard to lot width in the R-2 (Low Density Apartment) zoning district. As part of this development, the following heritage tree is proposed for removal: a multi-trunk fig at the left rear of the property with a 36-inch diameter at the point the trunks diverge, in poor condition.

Staff Comment: Planner Rogers said there was a labeling error on the plans on attachment B-6 or plan sheet A-6. He said the top left elevation was labeled the south elevation but was actually the north or left-side elevation; the top right was the west or front elevation; the bottom left labeled as the north elevation was the east or rear elevation; and the bottom right labeled as the east elevation was the south elevation or right-side elevation.

Public Comment: Ms. Danielle Paye said she was the owner of the property and had previously been before the Commission in March when her project was continued for redesign. She said as preferred by the Commission the driveway was left where it currently is. She said the Fire District had given permission to slightly narrow the driveway which allowed the residences to be centered and to have almost equal setbacks. She said they changed the materials based on staff input and would clapboard on the front unit and shingles on the back unit with window boxes and shutters. She said they also made sure that none of the windows lined up with neighbors' windows. She said she thought the neighbors were generally satisfied although one neighbor preferred the original design.

Commissioner Pagee asked what the driveway material would be. Ms. Paye said it was asphalt and permeable pavers.

Mr. Mossamo Cavallero, Menlo Park, said that he and his sister, owners of property near the project, were pleased with the compromises made by the applicant and supported the proposal as now presented.

Ms. Wendy Hasemeyer, Menlo Park, said that new construction overall was positive. She said she had met with the property owner originally because of her concern that the two-story project would block light to her property. She said her property either faced a wall or trees and her only light came from the direction of the project property. She said that she was not included in the later discussions held by the applicant with neighbors. She said with this proposal there would be yet another wall on the other side of her property and would impact her light.

Chair Riggs asked how close Ms. Hasemeyer's nearest window was to the property line fence. Ms. Hasemeyer said it was about three-quarters of a car's length. She said she would like the second floor windows opaque, the second floor pushed back and the removal of the privet trees.

Chair Riggs closed the public hearing.

Commission Comment: Commissioner Kadvany asked about staff's review of structures on Partridge Avenue. Planner Rogers said staff followed broad rules. He noted on attachment B-1 that the applicant had done extra work to illustrate the distance between windows. He said staff was looking at the distances between window locations and that there was no direct privacy impacts. He said between the second story elements and the left-hand neighbor that there was a distance of 29 feet with no direct visible window lineup. He said they also looked at daylight plane. He said sheet A-6, showed the daylight plane. He said there was a fairly wide separation between what was allowed to be proposed and the significantly larger setback of the project design.

Commissioner Pagee said that daylight plane was not an automatic protection from light impacts. She said the neighbor was concerned that even at a distance of 10-feet her light would be impacted. She said within the allowed building envelope however the structures were more centered than the previous design and that the applicant was trying to be responsible to both sides of the fence.

Commissioner Keith moved to approve as recommended in the staff report noting that the project had been before them previously and they had continued for redesign. She said that the applicant had taken the Commission's direction and redesigned very nicely. She said she liked that the driveway was being kept and that the applicant got an allowance from the Fire District to narrow the driveway. She said she appreciated that two street trees were being kept with this design; she said she liked the changes to the look with each unit unique with quality materials. She said the two smaller windows on the second floor were more sensitive to the neighbors. She said there were problems with two-story homes next to other two-story homes, but the proposed homes were more centered, which was fairer to both property owners. Commissioner Pagee seconded the motion and said she agreed with Commissioner Keith's comments. She said that she much preferred this project over the earlier submittal.

Chair Riggs said it was unfortunate that buildings had to be next to each other but agreed with Commissioner Keith's comments about the driveway, design, materials and preserving trees.

Commissioner Bressler said it appeared the neighbor would have good light in the morning noting that the neighbor's corner was four feet from the property line in the area where there were privets. He said they should consider the neighbor's request to have the privets removed. He said there was a good effort to make the design fair to everyone. He made a friendly amendment to remove the privets. Chair Riggs said that usually the Commission asked for plantings between two story buildings that were fairly close. Commissioner Ferrick suggested removal of the privets and the planting of a tree of the neighbor's choice. Chair Riggs said the privet provided privacy for the new building from Ms. Hasemeyer's building. He asked if staff had a recommendation as how to protect light for the neighbor without compromising privacy of the project. Planner Rogers suggested checking with the neighbor and applicant about the privets.

Recognized by the Chair, Ms. Paye said she was concerned that Ms. Hasemeyer's might have led the Commission to think that she had not met with Ms. Hasemeyer about the revised plan. She said she met with Ms. Hasemeyer, who needed some clarifications about the plan. Ms. Paye said she had her architect address those and she met with Ms. Hasemeyer a second time with the architect's responses. She said that large redwoods and oaks overhang Ms. Hasemeyer's yard creating a shade garden. She said the privets line up between the property fence and the neighbor's part of the house having a single-story element with a high vaulted ceiling room. She said she was not attached to privet but she wanted the ability to screen her property from her neighbor's property. She noted that the privets grew fairly thin at the top of their height.

Recognized by the Chair, Ms. Hasemeyer said she would like the two privets removed and opaque windows used in the second-story windows facing her property. Chair Riggs asked if she was okay with a different tree planted for screening. Ms. Hasemeyer said she was as long as it was a variety that grew at the maximum one and a half stories tall as this area was the only direction from which her property gets light.

Chair Riggs said it appeared the applicant would not object to removing the privets and replacing with a less-aggressively growing tree; he offered that condition as a friendly amendment. Commissioner Keith, as the maker of the motion, accepted the friendly amendment; Commissioner Ferrick as the maker of the second also accepted the friendly amendment.

Commissioner O'Malley thanked the applicant for listening to the Commission at the March meeting and for her flexibility in agreeing to a last minute request.

Commission Action: M/S Keith/Pagee to approve the item as recommended in the staff report with the following modification.

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 Robinson Architects, consisting of 10 plan sheets, dated received August 12, 2009, and approved by the Planning Commission on August 24, 2009, 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 of the Planning, Engineering and Building Divisions. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
 - 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 the 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 issuance of a grading, demolition or building permit.
 - g. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance.

4. **Approve the use permit subject to the following specific condition:**
 - a. **Concurrent with the submittal of a complete building permit application, the applicant shall submit a revised landscape plan that specifies the removal of the privets along the left side property line (trees #5-7). The revisions may include the planting of a replacement tree with a moderate mature height (approximately one to one-and-a-half stories tall). The revised landscape plan shall be subject to review and approval by the Planning Division.**

Motion carried 7-0.

5. **Use Permit and Architectural Control/100 Middlefield, LLC/100 Middlefield Road**: Request for a use permit and architectural control for the construction of a new two-story, 8,936-square-foot, non-medical office building and associated site improvements located in the C-4 (General Commercial - Other than El Camino Real) zoning district. The application also includes a request to provide 45 parking spaces, of which nine are in landscape reserve, where 54 spaces are required per the zoning-district-based requirements.

Staff Comment: Planner Chow said two letters of support for the project had been distributed to the Commission, one from Sunset Magazine and the other from Mr. Mike Wallau , the owner of Mike's Café. She said that a colors and materials board was also being distributed to the Commission. She noted that the applicant just handed her another letter of support for the project from the owners 125 Willow Road.

Public Comment: Mr. Robert Wheatley said he was partners with Mr. Boyd Smith for this project. He said they had done neighbor outreach, noting that Ms. Leslie Mills, the property owner of 200 Middlefield Road, also supported the project but had not had the time to write a letter. He said they also met with Mr. Stu Soffer, who could not attend this evening's meeting, but who wished them success with the proposed project. He said the project would benefit the City and serve as a gateway to Menlo Park.

Mr. Wheatley said the zoning ordinance amendment on the calculation of gross floor area (GFA) had created some confusion as to whether columns and other architectural features should be counted as square footage. He said they hoped the Commission would agree that architectural features, which enhanced the design, would not add square footage. He said it would make buildings less interesting if architectural features were counted as square footage.

Commissioner Pagee asked if the columns in the building framed the windows. Mr. Wheatley said on the second floor the windows were somewhat cantilevered and counted as square footage but were free standing on the first floor. Mr. Wheatley said there was steel within the wood columns.

Commissioner Ferrick said the plan indicated wood clad windows. Mr. Wheatley said they would like to use wood clad windows to enhance the exterior.

Commissioner O'Malley said he appreciated meeting with the applicant earlier. He said the applicant had indicated they were planning to include LEED elements in the project but would not seek formal certification, and asked why not. Mr. Wheatley said the project would incorporate many LEED elements such as shading, operable windows and doors, and its location on public transit routes. He said that he did not know what level of LEED those elements would support. He said there were many levels of certification and until they got to the building design phase it was not clear how many of those elements would be incorporated.

Commissioner O'Malley said he had pointed out to the applicant in their earlier conversation that the original drawing of the building showed a strong focal point, which was now changed. Mr. Wheatley said they had met with Commissioners O'Malley and Riggs and they had revised the drawing to reintroduce the feature of a raised roof on the corner for a more dramatic roofline. He said they would accept a condition for that design in the approval.

Commissioner Ferrick asked if they found they qualified for LEED certification whether it would be pursued. Mr. Wheatley said he did not know whether the cost and time to hire a consultant to do a separate process for actual certification was worth it since they intended to incorporate many energy efficient features in the building.

Mr. Bill Bocook, project architect, said since the March study session, they have worked with City departments and other reviewing agencies to develop this plan. He said he was pleased with the results in the design based on the Commission's comments at the study session. He said this was an important site for a gateway building. He said the building was slightly less than 9,000 square feet, and while they had thought about a parking structure underneath that ultimately had not made sense as it would be too costly for this size building. He said the zoning requirements for parking was six spaces per 1,000 square feet but really this non-medical office building would only need four spaces per 1,000 square feet. He said in 25 years of using landscape reserve he only knew of one project that needed to convert those to parking spaces and in that instance the ratio was less than four spaces per 1,000 square feet. He said their project would provide five parking spaces per 1,000 square feet with landscape reserve for nine spaces. He said the landscape reserve would be used to benefit the tenants' employees and provide open sitting and lunch areas. He said the entrance to the site would be from Willow Road but back from the intersection and the exit from the site would be to Middlefield Road. He said the parking lot would be screened with patio buffer walls. He said the project was less than 30 feet in height, the maximum allowable height, and mechanical equipment would be placed on the flat roof. He said they would also want to use solar panels but at this point it was not clear how much those could be utilized. He said the sloping roof and overhangs gave the project residential

characteristics similar to the 1600 Willow Road project and buildings on Sand Hill Road. He said they would use natural stone for the base of the building on the first floor and smooth stucco on the second floor. He said the windows would be very friendly with exposed wood inside and wood clad on the outside in a soft color. He said the patio walls would have views through them combining with iron grating. He said that all four sides of this building would be seen and each of the corners would have focal features. He said there was a two-story glass conference area in one corner and two other corners would have recessed patios and balconies. He said there would be one exterior stair with stone and stucco finish and one interior stair. He said the owners would encourage the tenants to have showers for their employees and have carpooling bulletins. He said the site was on every transit route from Palo Alto to Menlo Park and was within walking distance to the library, park, child care, restaurants, grocery stores, and pharmacies. He said that it was expensive to do LEED certification for a small building. He said he had done a gold LEED building for the Hewlett Foundation but the Foundation had the resources to pay. Chair Riggs asked how much the LEED certification for Hewlett Foundation had cost. Mr. Bocook said there was a large amount of staff time for engineering and for the contractor's time in the construction budget.

Commissioner Keith said the smooth plaster on the materials board did not look really smooth to her and asked about plaster referred to as "wedding cake." Mr. Bocook said that was Italian stucco and that was what they planned to use. Commissioner Keith said she preferred the original design for the corner. She said regarding LEED that many people were not getting certification because of the expense. Mr. Bocook said the certification process required a third party consultant and it was very time consuming. He said their contractor would be required to have bins for all recyclable construction waste. He said they would use energy management systems, economizers, upgraded filters, ventilation and janitor closets. He said for electrical the owner would insist on motion sensors for light fixtures of three bulbs with two bulbs triggered by motion and the third bulb on a wall switch.

Mr. Bocook showed the Commission a rendering that was done in the last 48 hours which showed a focal point on the corner similar to what they had earlier with the roof higher and separated from the other roof with greater overhang than a typical roof. He said at the first floor level they introduced a small glass canopy or a metal face with a glass canopy, or a metal face with trellis elements to shade the first floor. He said those would be incorporated into the drawings with the Commission's approval.

Mr. Paul Letterieri, principal with Guzzardo Partnership, said that the original landscape design presented in March had evolved and become more sophisticated. He said open space was used well with either plantings or physically usable. He said they designed to how the landscaping looked to the outside world and how it felt to those using the site. He said around the perimeter the City required a separated sidewalk so they would use tall grass in the planting strip but could not plant street trees because of utilities. He said they would plant smaller scale trees under the overhang of the building.

He said walls around the edges created private patio and garden space. He said they would use interlocking pavers in the project that look like stone. He said the entry way was bracketed by four trees and they would use truncated bollards and cones for the handicapped spaces. He said they would use pavers in the landscape reserve so it would be useful outdoor space for outdoor dining and sitting surrounded by walls with slots to provide some transparency. He said oak trees on the adjacent property would provide shade for the parking lot. He said the Sun Reflection Index rating for the pavers was such that there would be much less absorbed heat and their permeability would help with storm water runoff; there would be swales on site for water treatment. He noted the pavers were made locally;

Chair Riggs closed the public hearing.

Commission Comment: Commissioner Ferrick said she was glad that a significant and thoughtful project would go at this site. She said she was frustrated that LEED certification was so time consuming and expensive. She said the more articulated roof line was better. She said that the stone shown on the materials board were two types and asked where those would be used. Mr. Bocook said the heavier rough stone would be used on the first floor base 12 to 15 inches high and then above that the smooth stone.

Commissioner Bressler said no answer had been given about the cost for LEED certification. He said the applicant wanted a lower parking ratio and would save money there. He said they should know how much LEED certification would cost and how much money the applicant was saving from not meeting the parking requirements for the zoning district.

Commissioner Pagee said she was working on an 11,000 square foot LEED project and would have the costs related to that in two months. She said with LEED certification that sometimes there was a learning curve for those doing the certification and suggested finding consultants with experience. She said she strongly encouraged the applicant to get LEED certification. She said without certification it would not be a LEED project.

Commissioner Keith asked what type of building was located next to the Willow Market and if it was in the C-4 zoning district. Planner Chow said it was an office building and was located in the C-1A zoning district. Commissioner Keith asked about the parking requirement. Planner Chow said it was five spaces per 1,000 square feet. She said Sunset Magazine was in the C-1 zoning district and had a parking requirement of five spaces per 1,000 square feet. Commissioner Keith asked if any parking reduction had been given to the office building located next to the Willow Market. Planner Chow said she did not think so. Commissioner Keith asked what size building it was. Planner Chow said it was approximately 9, 270 square feet. Commissioner Keith noted that the size was comparable to the proposed project building size.

Commissioner Keith said she liked the architectural features of the columns and would like to exclude them from the GFA or apply an exception. She said she preferred the original design with the more intricate corner. She said she also liked the one most recently done. She said she did not like the stucco shown on the materials board. She said she would strongly encourage LEED certification. She said she liked that the access and circulation had been moved away from the intersection. She said she had not seen the parking full for the office building across the street. She said she liked the landscaping plan and the open spaces for employees.

Commissioner Bressler said he had not heard complaints about parking in the area, but having less parking required was a benefit for the applicant.

Commissioner Ferrick said that with the project's proximity to public transit and that it was a non-medical use that the parking need might actually be less than the five spaces per 1,000 square feet.

Commissioner Pagee said that when the Commission had approved Mike's Café that there was a special agreement with an adjacent neighbor to use their parking lot for employee parking. She asked if there were parking issues with Mike's Café. She said also the corner of Santa Margarita and Middlefield Road was being renovated and asked about the parking requirement there. Planner Chow said there were no neighbor complaints about parking for Mike's Café. She said that the project at 170 Middlefield Road was the headquarters building for the Menlo Park Fire District and the parking requirement was five spaces per 1,000 square feet. Commissioner Pagee noted that the Fire District project site had no history of parking as it had been vacant a long time.

Commissioner Kadvany said he really liked that the applicant had looked at the project environmentally. He said if this type of design became the norm than those LEED elements would be expected for larger projects. He suggested that the roof might be a lighter color. He said he was comfortable with the parking. He said he had not liked the initial design but liked the second one better except for the rounded corner feature.

Commissioner O'Malley said he thought they should encourage architectural details and give the application the exception requested for the columns. He said the parking was adequate and he supported the use of landscape reserve. He said he really would like formal LEED certification for this project as it was a gateway building to the City. He said he preferred the roof design that was presented tonight.

Commissioner Keith moved to approve as recommended in the staff report. She said while she would like LEED certification she was not sure whether to require it. She said her motion included that the stucco shown on the materials board would not be used but Italian stucco would be used.

Chair Riggs said this was the first building with architectural features that fell under the ordinance amendment regarding GFA. He said that the columns were not simply steel

supports but architectural elements. Planner Chow said the City Attorney had considered the discussion of GFA for this project and said that either the architectural details fell under an exception or it had to be shown how it did not apply to the definition of GFA.

Commissioner Pagee said she thought an exception could be made from GFA for the columns. She said that it was important for the Commission to stay firm about the GFA so that they would not get fuzzy projects. She said this project was being developed while the zoning ordinance amendment related to GFA was being developed and warranted an exception to GFA.

Chair Riggs said there seemed to be a consensus that this qualified as an exception. He asked if the staff recommendation was based on acceptance of the exception. Planner Chow said that was correct.

Commissioner Keith said her motion would include the architectural plans done within the last 48 hours. Commissioner Ferrick seconded the motion. Commissioner Keith said she was accepting parking as in the staff recommendation. She said she would not make LEED certification a part of the motion.

Commissioner Pagee said that in the future this building would benefit from being LEED certified. She said she would highly encourage this project to be LEED certified. Commissioner Keith said the applicant had indicated they would follow the LEED checklist; she asked whether the City verifies that those things were done. Planner Chow said they did for architectural features like overhang but interior features were part of the building permit phase.

Chair Riggs said he had some information on costs for commissioning certification but it was not definitive yet. Commissioner Pagee said the commissioning should be automatic with the specifications for mechanical and electrical contractors as a normal architectural boilerplate but there was a separate LEED commissioning. Chair Riggs said he hesitated to press LEED certification on an applicant.

Chair Riggs said the architect had made comparisons of this project to 1600 El Camino Real but he did not think this building was similar to 1600 El Camino Real. He said he hoped that the four-foot height screen wall would have openings and be built at a proper scale. He said the corner was significant as it was visible from all four directions. He said overall it was an attractive project.

Commissioner Ferrick asked if they could include in the motion to strongly encourage the applicant to get LEED certification. Planner Chow said the Commission could make that recommendation as a separate item under this motion. Commissioner Keith asked if the applicant could be required to do all of the things mentioned on the LEED checklist. Recognized by the Chair, Mr. Wheatley said they did not have a fixed list at this time so it would be hard for them to agree to that but there were many things they

would need to do such as the pavers and the architectural features that would count toward that checklist. He said it was not clear yet if solar panels would provide sufficient savings.

Commissioner Kadvany asked about the design of the corner. Mr. Wheatley said he was not sure how the original iteration was lost through the revision process but it had not been a deliberate change. He said they had gone through at least six iterations of the design but they thought the corner design as presented tonight was a great feature.

It was agreeable to both Commissioners Keith and Ferrick as the maker of the motion and second to include a separate time strongly encouraging LEED certification.

Commission Action: M/S Keith/Ferrick to approve the item as recommended in the staff report with the following modifications.

1. Make findings that the project is categorically exempt under Class 3 (Section 15303, "New Construction or Conversion of Small Structures") of the current 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. Make 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.
- a. Approve the use permit and architectural control subject to the following **standard** conditions:

- a. Development of the project shall be substantially in conformance with the plans prepared by Bill Bocook, Lea and Braze Engineering, Inc. and The Guzzardo Partnership, Inc. consisting of 16 plan sheets, dated received August 17, 2009 and approved by the Planning Commission on August 24, 2009, 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, Allied Waste, 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, dimensions, and colors of all meters, transformers, junction boxes, relay boxes, and other equipment boxes.
- e. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance and tree protection and preservation measures identified in the April 9, 2009 arborist report shall be followed.
- f. Concurrent 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 prepared based on the City's Grading and Drainage Plan Guidelines and Checklist and the Project Applicant Checklist for the National Pollution Discharge Elimination System (NPDES) Permit Requirements and in conformance with the hydrology report approved by the Engineering Division. The Grading and Drainage Plan shall be approved prior to issuance of a building permit.
- g. Prior to building permit issuance, the applicant shall file a Notice of Intent (NOI) with the State Water Resources Control Board and prepare a Stormwater Pollution Prevention Plan (SWPPP) per Section III of the "Project Applicant Checklist for NPDES Permit Requirements". The SWPPP must be maintained onsite and made available to RWQCB staff upon request. A copy of the NOI and SWPPP shall be provided to the Engineering Division prior to approval of the grading and drainage plans.

- h. Prior to building permit issuance, the applicant shall obtain an encroachment permit, based upon the improvement plans, for work within the public right-of-way. Additional requirements, such as street lighting load calculations, insurance, licensing, and preparation of detailed traffic control plans shall apply and be submitted at the time of the encroachment permit application.
 - i. Prior to the building permit issuance, the applicant shall pay the applicable Building Construction Street Impact Fee.
 - j. Prior to building permit issuance, the applicant shall enter into and record a "Stormwater Treatment Measures Operations and Maintenance (O&M) Agreement" with the City subject to review and approval by the Engineering Division. With the executed agreement, the property owner is responsible for the operation and maintenance of all stormwater treatment measures for the project. The agreement shall run with the land and shall be recorded by the applicant with the San Mateo County Recorder's Office.
 - k. The applicant shall comply with the requirements of Chapter 12.48 (Salvaging and Recycling of Construction and Demolition Debris) of the City of Menlo Park Municipal Code, and is subject to review and approval by the Engineering and Building Divisions.
 - l. Concurrent with the submittal of a complete building permit application, the applicant shall submit a plan for 1) construction safety fences around the periphery of the construction area, 2) dust control, and 3) construction vehicle parking and staging. The plans shall be subject to review and approval by the Building Division prior to building permit issuance. The construction safety and tree protection fences shall be installed according to the approved plan prior to commencing construction.
 - m. Concurrent with the submittal of a complete building permit application, the applicant shall submit a lighting plan, providing the location, architectural details and specifications for all exterior lighting subject to review and approval by the Planning Division. The lighting plan shall minimize glare and confirm that there is no spillover onto adjacent properties and the public right-of-way.
5. Approve the use permit and architectural control subject to the following **project-specific** conditions:
- a. Non-medical office is the only permitted use for the building.

- b. The applicant shall maintain a minimum of 45 off-street parking spaces, of which nine parking spaces are in landscape reserve. If landscape reserve parking needs to be converted into parking spaces in the future, either the applicant or the City can make a request, which is subject to review and approval by the Planning Division.
- c. Prior to issuance of a grading or building permit, the applicant shall obtain the necessary approvals to merge the two legal lots into a single lot subject to the review and approval of the Planning and Engineering Divisions and submit documentation of recordation with the San Mateo County Recorder's Office to the Building Division.
- d. Concurrent with the submittal of a complete building permit application, the applicant shall submit a detailed landscape and irrigation plan demonstrating compliance with Chapter 12.44 (Water-Efficient Landscaping) of the City of Menlo Park Municipal Code. The comprehensive landscape plan shall contain information regarding the size, species, location, and quantity of trees, shrubs, and plants. Additionally, elevations of the garden wall and construction details of the wall shall be provided and designed to meet Building Code requirements. This plan shall be subject to review and approval by the Planning, Building and Engineering Divisions. The landscaping shall be installed prior to final inspection of the building.
- e. The applicant shall apply for a separate Sign Permit for signage at the site, subject to review and approval of the Planning and Building Divisions.
- f. Concurrent with the submittal of a complete building permit application, the plans shall show the sight distance triangles from the intersection of Willow Road and Middlefield Road, subject to the review of the Transportation Division.
- g. Prior to building permit issuance, the applicant shall be required to pay a Traffic Impact Fee, if applicable, subject to review by the Planning and Transportation Divisions.
- h. Concurrent with the submittal of a complete building permit application, the applicant shall submit revised plans showing a modified roofline over the corner window element with a new canopy as presented at the public hearing on August 24, 2009, subject to review and approval by the Planning Division.**

- i. Concurrent with the submittal of a complete building permit application, the applicant shall submit a sample of the proposed smooth stucco plaster finish, which shall be different than the rough/sand finish as displayed on the materials board presented at the hearing on August 24, 2009, subject to review and approval by the Planning Division.***

As a separate item, the Planning Commission strongly encouraged the applicant to pursue LEED certification for the project.

Motion carried 7-0.

E. STUDY SESSION

- 1. Study Session/El Camino Real/Downtown Specific Plan:** Review of project status and opportunity for individual commissioner comments.

Staff Comment: Planner Rogers said that hard copies of the presentation had been distributed to the Commission and copies had been made available to the audience. He said Community Services Director Heineck was also available for questions.

Mr. Mark Hoffheimer, Perkins + Will, project consultant, said they were in the development phase of the framework of the plan with September 17 being the next community workshop. He said that Community Workshop #2 was attended by 150 people and they had 10 breakout groups with a facilitator to work with each group. He said the groups looked at various concepts for different areas and gathered input on connectivity, public space, vibrancy, land use and character. He said the major things that came up with connectivity, public space and vibrancy was identification of mixed use with an emphasis on residential, mixed commercial and in the downtown retail and some residential infill with the potential for residential infill development on some of the parking plazas and the potential locations of parking structures. He said streetscape improvements on Santa Cruz Avenue had a high importance with a marketplace concept suggested to bring vibrancy to the downtown. He said strong desire to intensify uses near the train station and the intersection of Santa Cruz Avenue and El Camino Real. He said related to character modulation, articulation and second story setbacks were identified as desirable. He said traffic generation was a major concern. He said they then met with the Outreach and Oversight Committee who said the presentation at the second workshop was too long and that issues should be presented so they could be understood better as to the pros and cons, and to provide a list of table discussion items. He said since then they have been going through an evaluation refinement process to define what traffic generation looked like and to create prototypes of financial feasibility and the economics of density. He said they were looking at strategies for parking downtown, improvements to the El Camino Real, Santa Cruz Avenue and overall public space, bicycle connectivity and impacts on schools.

Mr. Hoffheimer said for the Community Workshop #3 their objective was to present a preferred alternative developed from the workshops and comments from the Council and Planning Commission, and to begin critical feedback on final revisions. He said the scheduled was to preview from 6:30 to 7 p.m., a presentation from 7 to 7:30 p.m., an open house for an hour and 15 minutes, comments limited to two minutes, and conclusionary next steps with expectation to be done at 9:45 p.m. He said there would be three identical stations and people would be separated into one of those three groups. Boards would explain the preferred plan and focus on public space and what that meant in terms of density, height and land use. He said they would have one station with background information. He said related to the public space board they would want input as to the adequacy and diversity of public spaces in the preferred alternative and what changes needed to be considered. He said another board would look at character such as massing and part of that would be the density financial feasibility and public benefit study. He said related to vibrancy they would want input on the mix of uses proposed and the results of financial impact. He said related to the connectivity and traffic board they wanted input on whether the plan provided for a variety of circulation improvements and traffic and were people prepared to live with traffic generated from improvements. He said they would have traffic study results. He said the background board would show the Phase 1 planning goals, the table discussion items, and the land use comparison table. The public would be asked to look at an evaluation of land uses and what that meant in traffic, connectivity and vibrancy. He said there would be a shadow study related to impacts with the development of two to five story buildings. He said to show the full complexity of the work undertaken they would use graphics - plan views, open space network sections, plans, 3-D models, map showing proposed height limits, photo montages and sketches. He asked the Commission for any comments or questions regarding the presentation on the preferred alternative and whether 45 minutes was enough time for the groups to report back on individual comments.

Commissioner Keith said after attending the workshop in June that she would really encourage them to stick to the schedule as presented. She said she questioned whether 45 minutes was enough time for discussion. Commissioner Keith asked how many people would be at each of the three stations. Mr. Hoffheimer said if the attendance was comparable to the previous workshop there could be 50 people at each station. Commissioner Keith said at that workshop she had sat at a table with 10 people and there had not been enough time. She said also there was an open house at Hillview School the same night as the third workshop. She asked how people who came late to the workshop would participate. Mr. Hoffheimer said when people arrived they would sign in and be assigned to a station. Commissioner Keith asked if the shadow study would be a paper presentation. Mr. Hoffheimer said they would present it through a 3-D model. Commissioner Keith said that was good and suggested they add time for discussion

Commissioner Ferrick asked whether comments would be made by all of the groups or just within the groups. Mr. Hoffheimer said it would be similar to a Town Hall meeting.

Commissioner Ferrick asked whether facilitators would play an active role or were there to answer questions. Mr. Hoffheimer said the facilitators would be something in between; they would answer questions or engage someone who seemed to not understand. Commissioner Ferrick asked why there were only three station groups. Mr. Hoffheimer said it was the constraint of the room but they could consider four stations with two facilitators at each rather than three facilitators. .

Commissioner Bressler said at the last workshop what was shown regarding traffic were changes in the number of trips and he would like information on impacts to the time it would take to get from point A to point B because of the changes. Mr. Hoffheimer said they were working with a traffic consultant to explain traffic changes to improve understanding and to have a discussion. Commissioner Bressler said he did not see much on pedestrian movement across El Camino Real and through the train area except for bulbouts, and asked if that would be better addressed. Mr. Hoffheimer said most of the improvements with pedestrian connectivity had to do sidewalk extensions or bulbouts and tweaking traffic lights to improve connectivity. Commissioner Bressler said it would be very important how measures to improve connectivity were presented.

Chair Riggs asked for public comment and asked limit of three minutes.

Ms. Nancy Couperis, Menlo Park, said she owned property downtown and was one of the founders of the Menlo Park Farmers Market. She said she was very concerned with proportions, density and changes to surfacing parking being discussed. She said that only a quarter of the downtown business owners have a Menlo Park address and most of those owners were unaware of these proposed changes and no idea of this planning process. She asked 14 owners if they had received notices about the planning. She found that they either had not or thrown it away because it did not look like the City's typical notice. She recommended that notices be mailed to all of the downtown business owners and look like other notices sent by the City rather the glossy ones which had been used. She said that Plaza 6 had been the home of the Farmers Market for 17 years and had brought vibrancy to the downtown. She said surface parking was very valued and that plaza had recently been improved with tax payers' money. She said eliminating surface parking would impact shops as customers preferred surface parking behind or in front of the shops they wish to visit. She said the underlying philosophy of all the plans was to develop the open surface parking but surface parking was the lifeblood of the downtown retail businesses.

Ms. Jo Eggers, Menlo Park, said she and her husband believe that there was enough parking in Lot 1 to meet business needs and others in her building agree. She said she was not sure of any need to create parking structures and eliminate surface parking. She said her husband was a dentist and his clients did not want to walk three blocks for their appointments. She said that accessible parking was important. She said the 18 buildings around plaza 1 were interested in keeping parking plaza. She urged the City to keep surface parking for curbside access to business as businesses would be hurt if curbside access to their businesses was removed. She said existing businesses had

not been included in this process. She urged the City to provide meetings for businesses to represent their needs and said that commercial, professional and retail business owners downtown need to speak out. She said the material provided this evening was hard to read. Chair Riggs said there was one larger version.

Commissioner Keith asked if Ms. Eggers was a member of the Chamber of Commerce. Ms. Eggers said she was not. Commissioner Keith suggested the Commission ask Ms. Fran Dehn, Chamber of Commerce, about their involvement in the visioning process. Chair Riggs said that he thought the City had gone to great lengths to include business owners. Recognized by the Chair, Ms. Dehn, Chamber of Commerce, said she would like to know the expected outcome of Community Workshop #3 and if the presentation would make people aware of what would happen at stations, explain why they might want to make public comment, and why their comments should be different than what was collected to date. She said she did not think three stations were sufficient to receive all of the public comments. She said there needed to be definitions noting that there was not a common definition of "village character." She said vibrancy was another desired outcome that was not defined. She said vibrancy on El Camino Real was different from vibrancy on Santa Cruz Avenue. She said putting El Camino Real and Santa Cruz Avenue in the same bucket so as to afford the visioning process was wrong and that they should be separated so as to create correct vibrancy for each area.

Commissioner Keith asked Ms. Dehn what the Chamber had done to make members aware of the visioning process. Ms. Dehn said it was not only making them aware but trying to get them out to participate. She said their website has a link to the City's website, they send reminders, weekly notices, and put information in their newsletter. They exhort members to provide input even if they cannot attend the workshops. She said some members were residents, some were business owners and residents, and some business owners did not live in Menlo Park. She said a number of people have joined the Chamber to get more information on visioning and traffic. Commissioner Keith asked if there had been business owners at previous workshops. Ms. Dehn said she had seen some but not enough. She said the plan had to work for the business owners. She said the City had done a great job on outreach but the question was how to get people out to make a difference. Commissioner Keith said that the consultant should add another station to allow more people to speak.

Commissioner Kadvany said he agreed with much that was said by Ms. Dehn and the two members of the public. He asked what was goal of the workshop within the context of what the Council would do. He said he did not know to what extent building height applied. He said people could provide information on completely fallacious assumptions. He said before Workshop #2 there was discussion about preferred alternatives but now there was a single preferred alternative and he questioned how that could handle all the different parts of town. He said there was information overload. He said the question was the output, what it would represent and how it would play into the political process. He said that El Camino Real was being marginalized in this process and that was there the City should be looking for its big success. He said

Santa Cruz Avenue was already pretty good. He said this upcoming workshop did not feel like the end but more like the prior two workshops. He said they should be careful about Santa Cruz Avenue and have a clear idea of the desired outcome and if that was for the residents or for it to be a new destination place.

Commissioner Keith said the objectives for the workshop were to present a preferred alternative and get feedback on the final vision and one alternative would be presented. Mr. Hoffheimer said that was generally correct but the preferred alternative needed more discussion. He said there was an overarching preferred plan but there might be two options. Commissioner Keith said the objectives needed to be really clear and understandable for people coming to workshops. She asked if they would be just considering the preferred plan or options. Mr. Hoffheimer said that 90 percent of this related to the preferred plan.

Commissioner Bressler said he did not know what vibrancy meant and there should be a definition. He said he was concerned with in-fill housing on parking surfaces. He said he was concerned when the plan went to the Council that this would become controversial. He said there should be some flexibility built into the process to allow the Council some flexibility when dealing with business owners. He suggested that it be asked at the workshop if it would be okay to have flexibility with the plan when it was considered by the Council. .

Commissioner Ferrick said at the beginning of Phase 2 the schedule laid out three workshops with the expectation that by the third workshop there would be a preferred plan. She said the consultant had been taking results in and those were coming together slightly more than just conceptual but not yet set in stone. She said the consultant might want to restate why they were showing one plan rather than the dozens looked at over the past years. She said that perhaps this should be looked at as a comment period on the presentation as it was different from the other workshops. She said if the consultant was making presentation that reviewed the history of how the plan had gotten to this point got to this point and the preferred plan itself then perhaps the hour and 15 minutes to look at the boards could be shorter and more time give to comments.

Chair Riggs said the paseos had been dropped but he hoped that a parking plaza ribbon had not been dropped. He suggested that a traditional looking notice be sent to business owners for the next workshop. He said the consultant and their economics consultant needed to look at available surface parking and business needs to confirm parking needs. He said having tiered parking allowed people to park in front of businesses for a fee. He said it would help to define vibrancy. He said it was important to bring more people into the process and speak to an uninitiated audience. He said there was a need to keep presenting pictures of buildings in various locations as suggested. He said related to El Camino Real and traffic that they needed to find out if people's complains were length of travel time or volume of traffic. He said the economic feasibility expert should address business owner needs and have supporting

documentation to pitch revitalization. He said it was good to have multiple facilitators at each station. He said Commissioner Bressler was one voices reminding that these changes were good for someone but asking if they were good for the residents. He said there had to be an awareness that the “City would get more than open space as a tradeoff to having four storied buildings on the east side of El Camino Real. He said related to parking that perhaps people might be persuaded of the benefit of parking their vehicle in one place and visit numerous places without worrying about moving their car, noting this parking system was successful in the cities of San Mateo and Redwood City. He said they needed to address the fear that surface parking would be eliminated. He said related to heavy traffic on El Camino Real when the plan was built out in 15 years to start now on a movement out of single-occupancy vehicles.

Mr. Hoffheimer said it was a complex process responding the myriad of voices hear. He said they would review what they had looked at in the past about vibrancy, mixed use, and ways to look at the basics to give context for participants in the next workshop and presenting issues in bite sizes.

Commissioners Pagee and Keith left the meeting at this point (11:40 p.m.)

Commissioner Ferrick said related to the objectives for Workshop #3 objectives that the third objective indicated they would use public comments made but she hoped that more vocal speakers would not override the work done over the last year and a half. Mr. Hoffheimer said they would also provide written comment forms and collect those at the end of the workshop. He said this work would then translate into a set of policies and guidelines for the Commission and Council to look at in October for additional comment and review. .

Planner Rogers said that the Council would have a similar session with the consultant at their August 25 meeting, which would start at 5 p.m.

F. REGULAR BUSINESS *(Item taken out of order and discussed prior to Item E)*

- 1. Review of Substantial Conformance/Chris and Kristine Ball/555 Morey Drive:** Review of a proposed reconstruction of the first floor, right side wall at the required 5.3-foot setback, resulting in a two-story unbroken wall for substantial conformance with a previously approved use permit. The proposed change is the result of the demolition of the existing nonconforming right side wall. ***Continued from the meeting of August 10, 2009.***

Staff Comment: Planner Fisher said she received an email from the property owner of 565 Morey Drive expressing support of the revised design.

Questions of Staff: Chair Riggs asked if that neighbor was the closest to the changed part of the project. Planner Fisher confirmed that was correct.

Public Comment: Mr. Robert Pugh, Page and Pugh Construction, said they were the general contractor. He said he wanted to apologize that this revision had to come back. He said the incidental removal of the wall was a field mistake as this nonconforming wall was to remain. He said one of their subcontractors made a proposal to replace some of the floor sheeting which appeared substandard. He said they thought that was a great idea and okayed the work; however the subcontractor removed the wall to do the subfloor with the intent to replace it. He said it should not have happened.

Ms. Kristine Ball said this mistake caused a six week delay for the project and that they could not put the wall back where it had been.

Chair Riggs asked if this was the right side wall next to the chimney and living room and dining room sidewalls. Ms. Ball said that was correct.

Chair Riggs closed the public comment period.

Commission Action: M/S Keith/O'Malley to find the proposed revisions in substantial conformance with the approved use permit.

Motion carried 7-0.

G. COMMISSION BUSINESS

1. Review of planning items on City Council agendas.

- A. El Camino Real/Downtown Specific Plan (Phase II) Process
- B. Appeal of Use Permit for 825 Santa Cruz Avenue scheduled for September 1, 2009

Planner Chow said the use permit for 825 Santa Cruz Avenue was appealed and scheduled for September 1, 2009 before the Council. Responding to Commissioner O'Malley, she said the appeal was about the non-retail use and was made by Mr. Brian Flegel. She said if the overall approval was not overturned that the appellant wanted the imposition of an in-lieu fee.

H. REPORTS AND ANNOUNCEMENTS

Planner Chow said August 31 would be a regular meeting for the consideration of 1300 El Camino Real.

Chair Riggs asked if the Santa Cruz Avenue storefront would also be on the August 31 agenda. Planner Chow said it would be.

ADJOURNMENT

The meeting adjourned at 11:45 p.m.

Staff Liaison: Deanna Chow, Senior Planner

Recording Secretary: Brenda Bennett