



REGULAR MEETING MINUTES

Date: 1/9/2017
Time: 7:00 p.m.
City Council Chambers
701 Laurel St., Menlo Park, CA 94025

A. Call To Order

Chair Katherine Strehl called the meeting to order at 7:00 p.m.

B. Roll Call

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

Staff: Thomas Rogers, Principal Planner; Kaitie Meador, Associate Planner; Yesenia Jimenez, Associate Planner; Tom Smith, Associate Planner

C. Reports and Announcements

Principal Planner Rogers said the City Council would hold a joint study session with the Housing Commission on January 10, 2017 on housing displacement and the Council would consider the Planning Commission's recommendations on the Station 1300 project on January 24, 2017. He said also at that meeting the Council would consider Commission recommendations on changes to secondary dwelling unit and child care regulations to bring those into compliance with state law. He said on Friday, January 27, 2017 at 1:00 p.m., the Council would hold its annual goal and priorities setting session.

D. Public Comment

There was none.

E. Consent Calendar

E1. Approval of minutes from the December 5, 2016 Planning Commission meeting. (Attachment)

Chair Katherine Strehl noted suggested changes to the minutes sent in by Commissioner Henry Riggs.

ACTION: Motion and second (Riggs/Onken) to approve the minutes with the recommended modifications; passes 6-0-1 with Commissioner Goodhue abstaining.

- Page 15, 1st paragraph, 2nd to last sentence: Delete "She noted that" before "Ms. Nagaya..."
- Page 15, last paragraph: Replace "Commissioner Riggs said City pursued Alternative C that they request the train bridge be widened by six to eight feet to have bike path" with

“Commissioner Riggs asked, if City pursues Alternative C that they request the train bridge be widened by six to eight feet to include bike path.”

F. Public Hearing

- F1. Use Permit Revision/Shannon Thoke/116 O'Connor Street:
Request for a use permit revision to add first- and second-story additions to an existing previously-approved nonconforming single-family, two-story residence with a basement on a substandard lot with regard to lot width in the R-1-U (Single-Family Urban) zoning district. The previous use permit was approved by the Planning Commission on March 5, 2012.

Continued to the Planning Commission meeting of January 23, 2017

- F2. Use Permit/Brian Nguyen/445 Oak Ct:
Request for a use permit for the construction of a new two-story single-family residence with a basement, detached two-car garage, and secondary dwelling unit on a substandard lot with respect to width in the R-1-U (Single Family Urban Residential) Zoning District. The proposal includes the removal of two heritage trees. ([Staff Report #17-001-PC](#))

Staff Comment: Associate Planner Kaitie Meador said there were no changes to the staff report but noted that five additional letters had been received and distributed to the Commission and made available to the public.

Applicant Presentation: Mr. Brian Nguyen introduced his fiancée Virginia noting they were Bay area natives and had bought their property as they wanted to live close to family and work. He said their design proposal was for a classic Spanish California design that would be harmonious with the neighborhood. He said the home was proposed as four bedroom, four bathrooms and a basement with one bedroom and one bathroom. He said they were also proposing a one-story, one bedroom, one bathroom secondary dwelling unit that would be ADA compliant noting that unit would be for his parents. He said in their culture it was the responsibility and privilege to take care of the older generation. He said they were proposing removal of an English walnut tree and cedar tree both in very poor health. He said they also had permission for removal of a camphor tree and a magnolia tree. He said the magnolia tree had been a great plumbing problem for them when they moved into the home in February 2016. He said after six months of consultation with arborists and plumbers and opposition from neighbors to remove the magnolia tree they had resolved the issue and kept the magnolia tree. He said they had reached resolution with neighbors on privacy concerns by raising the bedroom balcony railing to 42-inches, raising the secondary dwelling unit's window heights, planting cypress trees along the east border, and using translucent glass on selected second floor windows. He said over the last seven months he and his fiancée had done outreach with their neighbors. He said to date they had received eight letters of support.

Mr. Tom Sloane, project architect, said the legal width in this zoning district was 65-feet and depth was 100-feet. He said at the rear of this property was a very small area that did not meet the 65-foot width requirement. He said they did a shadow study for winter from noon to 3 p.m. and provided visual representation showing that impact was minimal to neighbors.

Commissioner Larry Kahle asked if they had considered combining the detached garage and secondary dwelling unit. Mr. Sloane said they had not considered that. He said they wanted to have a detached garage to keep it out of the view of the street and to narrow the profile of the primary home. He said the secondary dwelling unit in the rear was low profile and tucked among the trees. Commissioner Kahle said the ceilings were 10 to 11 feet on the first floor and nine feet

on the second floor. He asked if they would consider lowering the plate heights to lower the overall height and reduce massing impact. Mr. Nguyen said they were within the height limits and there were no driving factors to reduce the plate heights. He said he could discuss the possibility with his fiancée and architect.

Chair Strehl confirmed with staff that the property was not within the flood zone.

Public Hearing:

- David Jones said that two other speakers (both named Anna) had donated their three minutes to him. He said his property was adjacent to the subject property. He said they opposed the use permit application for three specific reasons and two neighborhood reasons: 1) loss of privacy 2) loss of solar access 3) loss of significant sky view; and 1) changing the character of the neighborhood, and 2) loss of heritage trees. He said they hired an architectural firm to demonstrate visually the impacts to their home from a second story residence next door. He said he would present the visuals and would not review the details in the letter he had submitted. He showed slides of views from the subject property second floor windows onto his property. He showed a video demonstrating shadow impact on November 21 from 11 a.m. until sunset. He said after 1:10 p.m. their family room would be in shadow or one-third of the daytime hours in winter, and even more hours in the spring and summer. He noted increased energy need impacts and loss of sky view. He said the best solution was for the neighbor to build a one-story home scaled back in square footage and with everything done possible to protect the heritage trees on the property.
- Edurne, Mr. Jones' wife, said their backyard was the only outdoor place in their home where they have privacy. She said with the proposed development that privacy would be gone for both their backyard and their home were visible through the proposed second story windows and balcony. She said they were very concerned as this was the area they entertained. She said the proposal for cypress trees was not a solution as those would take a long time to grow. She asked that the Commission not approve a two-story design.
- Candace Hathaway said she had lived in her home over 30 years and 21 of 44 neighbors on Oak Court had written regarding their concerns with this project proposal. She said Oak Court was a small country lane right off of San Francisquito Creek and one of the original neighborhoods in Menlo Park. She said her home was a farmhouse built in 1911 and this area was one of the few areas able to maintain a pastoral quality. She said the homes were a variety of architectural styles but bound together by massing and scale that created an identity and character in the neighborhood. She said the proposed project was truly massive and out of context with the home being almost three times the size of other homes on the court. She said it was 70% larger than the largest existing home on the court. She said there were no other full basements in the homes on the court and they flooded terribly when the creek topped. She said she had to buy flood insurance. Replying to Chair Strehl's request to wrap her comments up, Ms. Hathaway said she had three minutes donated by Virginia. She said the removal of the magnolia had been repealed when protested against by neighbors but the plans submitted with the application removed the magnolia tree. She said the applicants indicated the tree was distressed and might need to be removed. She said the concern was the tree would be removed sooner than necessary so the area could be paved for additional parking. She asked the Commission to consider the project proposal in the context of the neighborhood and ask the applicant to modify the design to be more harmonious.
- Tamara Striffler said her property on Woodland was directly behind the development. She said

her concern was privacy. She said there had been a lack of discussion about the secondary dwelling unit and heritage trees noting her back deck would look directly into that structure. She said she was concerned with her children's privacy. She said the parking for the project seemed to have only three spaces. She said her concern was the amount of paving and the potential for the property to become a rental and problems associated with that use.

- John Kelley said the proposal was for 8,000 square feet of building and paved area, which he said was excessive. He said the proposed home was much bigger than any of the other homes on the street. He said if neighbors' concerns were not addressed at the Commission level, neighbors would appeal to the City Council.
- Chuck Bernstein said he lived across from the subject property, and he opposed it. He said the eight letters of support mentioned by the property owners were actually not in support but expressions of appreciation for communicating. He said he thought the property was being redeveloped for resale noting everything proposed was maxed out or close to it. He said the lot was substandard and they would be building right up to neighbors' lots. He said it was not clear what the intrusions from the basement would be. He said he had provided the Commission with a letter and asked that they consider requiring the project to be reduced including the second floor, the driveway and parking
- Valentina Cogoni said she had lived many years on Oak Court and owned two homes there. She said Mr. Nguyen had said the home was in line with the vision of Oak Court, but it was not. She said although it was a beautiful design it did not fit with the neighborhood. She suggested it would work in the hills of Los Gatos or Woodside with a lot of land. She said her home was 850 square feet and she lived very well. She said neighbors when they remodeled took their neighbors into consideration.
- Margaret Kim said they bought a home on Oak Court that was 1400 square feet, and noted that her family has two teenage boys and a large dog. She said they love the new school and the community. She said she appreciated the property owners' efforts to communicate and try to save trees but said she had similar concerns as other neighbors. She said she hoped the applicants would reduce the size of the house, scale it back and listening to neighbors' concerns.

Chair Strehl closed the public hearing.

Commission Comment: Commissioner John Onken asked staff to clarify whether the property was in the flood zone. Principal Planner Rogers said he had reviewed at the City's GIS map, and this property and those in the immediate vicinity were outside of the flood zone.

Commissioner Combs said Mr. Jones had talked a great deal about solar access. He asked if the City had any regulations regarding this and what a neighbor might expect. Associate Planner Meador said there were provisions to protect solar access including setback and daylight plane requirements. Commissioner Combs confirmed with staff that the proposed project met guidelines and requirements protecting solar access. Principal Planner Rogers said as the architect mentioned the substandard width only occurred at the back corner of the property. He said if this was a standard lot they would have been able to build out to the setbacks and the daylight plane on both sides without any Planning Commission review.

Commissioner Kahle said he thought the entry way gable might be the cause of concern about

mass. He asked if the applicants had discussed reducing the floor to ceiling heights and if they would reconsider the front elevation to minimize its apparent mass.

Mr. Sloane said they thought the center of the home being the greatest height did not create impact unless there was a view. He said reducing the home two feet down for instance would probably result in their proposal remaining in an appellant situation. He said the opposition was a well-organized group and unless they chose to not do a second story the group would not be satisfied.

Commissioner Riggs noted a rather large amount of paving on the site plan and asked what the standard for pervious pavers was. Principal Planner Rogers said the zoning district did not establish any standards for the pavers but the Engineering Division had standards regarding storm water outflow, with credit given for pervious pavers. He said those pavers had to specifically be designed as pervious pavers and be able to transfer water through them.

Commissioner Drew Combs referred to the architect's comment about not changing the design as the neighbors' opinions would not change and asked if they were opposed to making changes. Mr. Sloane said they had discussed taking the height down one foot per floor and that would not substantially change the essence of the project. He said they had done their shadow studies. He said the video shown by one of the speakers actually showed shadow cast by a tree. Mr. Sloane said the upper story windows of concern were in the closet and the toilet room. He said they were obscured glass but they could remove them all together. Chair Strehl said that would leave a flat wall. Mr. Sloane said that they had proposed the windows there for articulation.

Chair Strehl asked about the neighbor's concern that there would be a view into their master bedroom from the project's deck. Mr. Nguyen said they had discussed this that with the neighbor and the conclusion was they would raise the rail height and plant cypress trees along the property line in addition to installing a lattice on the east wall of the deck, which would completely block their view of the neighbor's property. Chair Strehl said cypress trees were large and would impact solar access even more. Mr. Nguyen said in the discussion with that neighbor there was no mention of solar access until comments made today.

Commissioner Susan Goodhue asked what size cypress trees would be planted. Mr. Sloane said 24-inch box. He said the trees would establish quickly but when transplanted from larger boxes their growth would be slower.

Commissioner Riggs made remarks about regulations and neighborhood concern with projects proposed to the maximum standards allowed, and recommended that neighborhoods where that was a concern consider petitioning the City Council for a zoning overlay for their neighborhood. He suggested that for a zoning overlay of Oak Court they might want to ask for a significantly lower daylight plane standard, even 10-foot lower. He said if a majority of the neighbors agreed that restriction would apply to all homes, not just the subject property. He said the City Council historically had listened to such applications noting the zoning overlay for Felton Gables and Lorelei Manor. He said without a new set of rules, people were allowed to build under the existing rules. He said whatever the outcome for this project, he would like the cypress trees to be reconsidered as he did not think any property line in Menlo Park deserved 30 of them as it would create a wall that would get higher every year for a century. He said one or two medium trees appropriately placed would address some of the privacy concern. He suggested those be planted on the neighbor's property at 465 Oak Court as the angle would not have to be as high to provide view relief from the subject property's second floor to the neighbor's landscaped area. He said

there seemed to be a great deal of paving proposed but legally. He said he thought the left side of the second story balcony needed to be enclosed and might need more than lattice. He said the proposed house like its neighbor at 444 Oak Court was larger than other neighbors' homes and was quite a classic design, which most of the other homes were not. He said unlike the property at 444 Oak Court this lot was only average size with average setbacks. He said the house design was handsome and agreed with the architect that squeezing the second floor in would not be an advantage aesthetically. He said the proposed home was architecturally better than most homes proposed in Menlo Park and was built to the standards.

Commissioner Andrew Barnes said the lot was over 13,000 square feet with a relatively reasonable building coverage of 25.5% and significantly less than what was allowable for the parcel. He said the applicant was maxing out on the Floor Area Limit (FAL). He said from a materials and style viewpoint, the project was well done. He said the first and second floor setbacks were greater than what was required, was within the daylight plane, had reasonable articulation, and the applicants had shown responsiveness to the neighbors. He said regarding the heritage tree removals that previously he had served on the Environmental Quality Commission. He said there were two things they focused on when looking at projects with proposed tree removals and that was the existing canopy and the canopy that would come in later. He said regarding the existing canopy, the trees to be removed were reported to be in poor health and the standards for preservation and protection of other trees within the project and on neighbors' lots looked to be extensive. He said regarding the canopy to come in there were 24-inch box replacement trees. He concluded that although the project was not what the neighbors wanted it was not an aberration.

Commissioner John Onken said he wanted to echo Commissioner Riggs' suggestion for neighbors to apply for a zoning overlay. He said the house as proposed, and outside of neighbors' comments, accomplished much of what the Planning Commission wanted a project to do, noting the use of glazed glass to reduce privacy concerns and putting the setback a bit further from the property line. He said in many ways the project was perfectly acceptable but was in a slightly more sensitive location than other parts of Menlo Park. He said the basement did not count toward floor area and if it flooded that was the property owner's problem and not the neighbors'. He said he was relying on the arborist's report and the tree protection plan to preserve heritage trees. He said he would like to see a reduction of the overall height of the structure, noting that even with a three foot height reduction the result would be a gracious looking house. He said the loss of the windows on the side would create an apartment wall impact. He said he would like the project to be continued with a reduction in height as part of a redesign.

Commissioner Kahle said he generally agreed with Commissioner Onken's comments. He said the project was a very well-designed house and the struggle was with the neighborhood context. He said the tipping point for him was the overall height and mass. He said it seemed top-heavy and the entry gable seemed massive. He said if that could be addressed he could support the project.

Chair Strehl said in the past the Commission has looked at the context of the neighborhood and sent a project back for redesign to better fit the character of the neighborhood. She said the home was well-designed but she understood the next door neighbor's concerns. She said she agreed with Commissioners Onken and Kahle that reducing the height by three feet would hopefully address some of the neighbors' concerns. She suggested looking at more suitable replacement trees than cypress trees. She said putting trees on the neighbors' property might not be feasible or desirable. She said she would like the project to be continued to have the applicant work with the neighbors to have a redesign to lower the height of the house.

Commissioner Goodhue said she agreed with much of what had been said by other Commissioners, but did not think lowering the height three feet would satisfy the neighbors. She said she drove by the lot that day and it was an incredible tree-studded area. She said she did not know that lowering the home three feet would make a difference as there was a large tree that would filter the view of the front façade. She said she agreed with the comment to not remove the windows on the side as that would create a big, tall blank wall. She said the organized neighbors cared about their community and questioned the property owners' motive for building. She asked that they consider the project from the applicants' perspective, and regardless of whether the design was maxing out or the home was being built for spec, the applicants had worked within the current regulations for the zoning district. She said if those needed to be changed the neighbors could pursue the overlay process mentioned by Commissioner Riggs.

Commissioner Combs said he met with Mr. Nguyen and his fiancé and with Mr. Jones. He said he agreed that reducing the height might not get the project to where it would be acceptable to the neighbors. He said that the applicants' position and the neighbors' positions were very far apart. He said he would like to vote upon the project as proposed rather than putting the applicants through the process of trying to make modifications to satisfy the neighbors for approval that well might be appealed by the neighbors anyway.

Commissioner Barnes said if there was an opportunity to relook at the project that the amount of pavers was something he hoped could be reduced as that would be helpful for the project.

Commissioner Onken said that 30 or more cypress trees around the perimeter could feel very oppressive once they were grown. He referred to a house on Santa Margarita Avenue facing Seminary Oaks Park between Nash and Gilbert which was a mock Tuscan design with cypress trees on both sides. He said the trees created a large black tunnel feeling space that was oppressive to the property owners and neighbors. He said the backyard's openness was important to everyone.

Commissioner Riggs said he thought the neighborhood would benefit from a reduction in building height of at least two, if not three feet and did not foresee a downside to the architecture to do that. He said that could be done without the project needing to come back before the Commission. He said efforts to mollify the organized opposition was good for the neighborhood and making a height reduction change would make the project more defensible in front of City Council if that was needed. He made a motion to approve the project with a condition to reduce the building height on the second story two or three feet and that tree plantings be worked out with the neighbors. Commissioner Kahle seconded the motion. Commissioner Riggs said the motion should include additional screening on the balcony east side. Chair Strehl asked about the pavers. Commissioner Riggs said he really thought that was up to engineering but he would prefer less pavers.

Commissioner Onken said because of the design he would prefer to see the project come back with a design two to three feet lower so they could see how that worked between the first and second stories, with the fenestration, gables, and the home's front tall slender look. Commissioner Riggs asked if he would entertain having that emailed to the Commission for conformance findings. Commissioner Onken said he thought the proper way to review a change to a project of this scale would be for it to come back to the Commission for a hearing. Chair Strehl said she would prefer that. Commissioner Kahle said as the maker of the second he would prefer to see the project again.

Commissioner Riggs said he would amend his motion to continue the application requesting a reduction in height of two feet, rethinking the trees, being more specific about the balcony, and reconsider the pavers. Commissioner Barnes said the pavers were an internal feature and did not have to be part of the motion as it had been called out to the applicants for consideration. He asked if they should specify the height reduction as to where it was hoped it would end up. Chair Strehl suggested three feet. Commissioner Riggs asked if lowering the ceiling height two feet was enough. Commissioner Onken said he would like an eave height reduction of three feet whether the applicants wanted to remove that from the first or second story, or some combination.

Commissioner Combs said the motion had moved from an approval with conditions to a continuance. He said he disagreed with Commissioner Onken that lowering the height would require the project to come back for a Commission hearing particularly with the statement that he did not care what portion the height was removed from.

Chair Strehl said Commissioner Riggs had moved to continue the project for redesign and Commission Kahle had seconded with the redesign to include lowering the height of the building, to consider different screening trees rather than the 30 cypress trees, balcony screening, and reconsideration of the paving.

Commissioner Goodhue, through the Chair, asked the applicant if reducing the height was something they were open to considering. Chair Strehl noted the applicants were nodding affirmatively. Commissioner Goodhue said the neighborhood had indicated it would appeal whatever action the Commission took. Chair Strehl said she had not heard that nor thought they should make that assumption. Commissioner Goodhue said she thought they might be prolonging a process that might well be appealed anyway and suggested that the points mentioned were all good things to be considered but questioned whether the project with those changes would really need to come back to the Commission but might rather be considered through the email conformance process.

Commissioner Riggs, through the Chair, asked staff when they might see the project again if it was continued. Principal Planner Rogers said it was dependent on the applicants' responsiveness and expected the second February meeting would be the earliest it could be noticed. He said for the public's benefit he noted that the City Attorney had stated a continuance was not appealable, and that any appealable action could occur only for an approval or denial of a project

ACTION: Motion and second (Riggs/Kahle) to continue the project for redesign to a future Commission meeting date with the following direction to the applicants; passes 4-2-1 with Commissioners Combs and Goodhue opposed, and Commissioner Riggs abstaining.

- Reduce the building height by approximately three feet
- Consider different screening trees other than cypress trees,
- Screen balcony on the second story
- Reconsider the amount of paving

- F3. Use Permit/Peter Impala/720 Menlo Avenue:
Request for a use permit for the sale of alcohol to include the consumption of beer or wine on the premises within a restricted area of an existing grocery store (Trader Joe's) in the SP-ECR/D (El Camino Real/Downtown Specific Plan) zoning district. The applicant is simultaneously applying for a Type 42 ABC License. ([Staff Report #17-002-PC](#))

Staff Comment: Associate Planner Meador noted a change to Attachment A for the addition of a finding required by ABC regarding public convenience such that the proposed use supported the existing off sale license and was a public convenience as there were no similar businesses within that immediate area.

Applicant Comment: Mr. Peter Impala said he was representing his client, Trader Joe's, and their request to have onsite alcohol tasting in a small area in their store. He said with a Type 42 ABC license that tastings were in small clear plastic cups and might include one to three different types of wines available for tasting. He said this was to enhance wine sales and introduce customers to products they might not otherwise purchase.

Commissioner Kahle asked about the hours for tastings. Mr. Impala said those would occur during regular store hours and would be one or two hours when sommelier staff was available. He indicated the timing would be sporadic.

Commissioner Barnes asked if they would be willing to limit tasting hours to after noon time. Mr. Impala said as the tastings were limited in nature he would not want that restriction as they might want to do a special event with a winery and start at 10:30 a.m. Commissioner Barnes clarified with Mr. Impala that he represented clients seeking ABC approval. Mr. Impala said that the tasting license would allow for beer and wine, but that Trader Joe's only planned to offer wine tastings.

Commissioner Combs asked why the Menlo Park location was selected. Mr. Impala said room was needed for this activity. He said the Menlo Park store would be remodeled and space for this would be included. He said at other stores the wine tasting had improved sales.

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

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

1. 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. Make a finding that the proposed project would serve a Public Convenience because the proposed use would complement the existing off-sale license by allowing customers to sample small amounts of alcohol available for purchase at the store, and because the area in which this business is located does not contain a similar type use.
4. Approve the use permit subject to the following **standard** conditions:
 - a. Development of the project shall be substantially in conformance with the sketches prepared by Kip Klayton Architects, consisting of five sheets, dated received December 15, 2016, and the project description letter, dated received January 4, 2017, and approved by the Planning Commission on January 9, 2017, except as modified by the conditions contained herein, subject to review and approval of the Planning Division.

- b. Prior to building permit issuance, the applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
5. Approve the use permit subject to the following **project-specific** conditions:
- a. Any citation or notification of violation by the California Department of Alcoholic Beverage Control or other agency having responsibility to assure public health and safety for the sale of alcoholic beverages will be grounds for considering revocation of the use permit

Commissioner Riggs noted on the cover sheet two-thirds down that it referred to office buildings on Gilbert Avenue and that should be Menlo Avenue or Chestnut Avenue.

F4. Use Permit/Molly Swenson/103 Gilbert Avenue:

Request for a use permit to convert a spa to a medical office within an existing building on a parcel that is substandard with regard to parking in the C-2 (Neighborhood Shopping) zoning district. The parcel has 23 usable parking stalls where 23 are required. However, because 10 of the 23 parking stalls are located completely within required setbacks, the stalls do not count as legal parking spaces and make the parcel substandard in parking. ([Staff Report #17-003-PC](#))

Staff Comment: Associate Planner Yesenia Jimenez said a project-specific condition, 4.d, was recommended for removal as the action no longer applied regarding the Transportation Impact Fee. She noted that the redlined Attachment A had been distributed to the Commission.

Applicant Presentation: Mr. Tom Squance, project manager, Stanford, said this would provide pediatric care in Menlo Park.

Commissioner Kahle asked about the interest in the neighborhood for this practice. Mr. Squance said through outreach and marketing surveys they had determined the need in the local community. Commissioner Kahle said there was no work proposed for the front of the building such as signage. Mr. Squance said if the project was approved they would apply for a sign permit.

Commissioner Onken said he was concerned with the flow of traffic from the parking lot and asked if it would work without use of the alley. Mr. Squance said that access was currently chained. Replying to Commissioner Onken, Mr. Squance said they would look at formalizing non access from the alley except for emergency access.

Chair Strehl opened the public hearing.

- Kathleen Daly, Café Zoe, said she supported the project. She said regarding the parking and traffic, she and others had met with the development team and lead pediatrician. She said that they could resolve any parking concerns and help make this work for everyone. She said the salon uses at the site had just not worked and a pediatric clinic would work well for the neighborhood. She said she had a petition with 70 community members' signatures that supported the use.
- Female speaker said she supported and liked the community.
- Ana Pedros, Oak Court, said about 70% of the homes in the area have children and having pediatric services close by would be great.

Chair Strehl closed the public hearing.

Commission Comment: Commissioner Onken said he supported the project and did not think the parking within the setbacks was a problem. He said the concept of disseminating smaller clinics throughout communities was a good strategy. He said he would approve with a request to formalize non-access from the alley.

Commissioner Barnes said this was a good location and a good community serving use.

Commissioner Combs asked if there had been any previous uses at this site that generated sales tax for the City. Ms. Jimenez said not with the proposed use and had been very limited with previous uses such as hair salons.

Commissioner Riggs said the traffic issue was generally limited with a clinic as there was a rotation and turnover in the parking lot. He said it was supported by neighborhood.

Chair Strehl said she met with the applicant and lived in the neighborhood and supported the application.

ACTION: Motion and second (Strehl/Goodhue) to approve with the following modification; passes 7-0.

1. Make a finding that the project is categorically exempt 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 Greenbough Design, consisting of 7 plan sheets, dated December 18, 2016 and stamped received on January 3, 2017, and the project description letter dated December 22, 2016 and stamped received January 3, 2017, and approved by the Planning Commission on January 9, 2017, 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. 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 **project-specific** conditions:

- a. Simultaneous with a building permit application, a floodproofing certificate shall be submitted, for review and approval by the Engineering Division.
- b. Prior to building permit issuance, the property owner shall enter into an agreement with the City regarding the operation and maintenance of all dry-flood proofing measures, as required by the Engineering Division.
- c. Prior to building permit issuance, a Flood Emergency Action Plan shall be submitted for review and approval by the Engineering Division, which demonstrates that the floodproofing components will operate properly under all conditions, including power failures.
- d. ~~Prior to building permit issuance, the applicant shall pay the Transportation Impact Fee, currently estimated at \$22,515, as required by the Transportation Division~~
- e. **Simultaneous with a building permit application, a revised site plan shall be submitted to indicate that the entrance and exit from the alley shall be used for emergency purposes only. The site plan shall be subject to review and approval of the Planning Division, Transportation Division, and the Menlo Park Fire Protection District.**

- F5. Development Agreement Annual Review/Bohannon Development Company/101-155 Constitution Drive and 100-190 Independence Drive (Menlo Gateway Project): Annual review of the property owner's good faith compliance with the terms of the Development Agreement for the Menlo Gateway (Bohannon Hotel & Office) project. ([Staff Report #17-004-PC](#))

Staff Comment: Associate Planner Tom Smith said he had no changes to the staff report.

Questions of Staff: Commissioner Onken asked how many years the agreement allowed for the annual check-in. Associate Planner Smith said this was through the development of the Constitution site.

Commissioner Barnes said Exhibit A, 5.2, Capital Improvements, referred to other citywide recreational improvements and included notes about funds. He asked specific to the Bohannon capital improvement funds referenced if it was permissible for that money to not be spent in that jurisdiction but for instance spent to build a dog park in the Willows. Associate Planner Smith said there was a specification that \$750,000 would be spent on the Belle Haven neighborhood and \$500,000 was available for Bedwell Bayfront Park or for other citywide recreational improvements. Responding to Commissioner Barnes' question as to when the use of those funds might come into play, Associate Planner Smith said they wanted to combine discussions about that with a Parks Master Plan to get a broad range of public input, which was expected to occur 2017-2018.

Commissioner Riggs said on sheet C.2, item 5.3, it indicated that the owner had conducted

community outreach. He said this development was across from the Lorelei Manor, and it would be nice if Lorelei Manor residents would be consulted as they had been asking formally for a year and informally for six years for attention to the Hetch Hetchy reserve which Menlo Park had agreed to maintain but had not done so yet. He noted on Page D.2, 8.71, regarding a right turn from Marsh Road to Florence, that staff had suggested a change to have concepts for bicycle lanes on Marsh Road. He said that was in conflict with Planning Commission approval and in conflict with current efforts underway on the opposite side of Marsh Road. He asked if the installation of bike lanes would be on the north or south side of the road.

Associate Planner Smith said the reason for that change was that Redwood City had a somewhat tepid interest in this project and that two large, possibly heritage trees would be impacted by the westbound right turn lane and that would also impede some of the future efforts to put bicycle lanes on Marsh Road. He said staff asked the developer for concepts of bicycle lanes on Marsh Road.

Mr. David Bohannon said he believed there was an issue with a right turn at Florence related to a tree. He said it was messy the way the right-of-way worked with the property line. He said staff asked if it would be okay if that obligation was converted to a bicycle lane obligation, which he was amenable to. He said since the north side was either County or Redwood City he thought the bicycle lanes would need to be in Menlo Park. He said he felt there was need for collaboration with Atherton with what would happen from Middlefield Road to Bohannon or Florence noting there were fairly disastrous conditions there currently.

Commissioner Riggs said the most immediate need for a bicycle lane was a coordination effort with the railroad because bicycles could not get past at the pinch at the railroad.

Mr. Bohannon said that in their weekly meeting with Planning staff they could discuss that and asked Commissioner Riggs to provide more information for that.

Applicant Presentation: Mr. Bohannon said he had no additions to the letter and written report.

Commissioner Barnes asked about the expected construction dates. Mr. Bohannon said that Phase 1, the office building, should be completed and potentially occupied this year and the hotel would be completed end of this year or early 2018. He said the parking garage would be completed before either of those buildings. He said they were in design development for Phase II and discussion with potential occupants and thought that might occur by 2020 or 2021. He said that tenant improvements could not be made to the Phase 1 office building until some percentage of the hotel was sheet rocked.

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

ACTION: Motion and second (Riggs/Goodhue) to make a determination that the property owner, over the course of the past year, has demonstrated good faith compliance with the provisions of the Menlo Gateway Development Agreement for the period of January 2016 through January 2017; passes 7-0.

G. Informational Items

- G1. Future Planning Commission Meeting Schedule.
- Regular Meeting: January 23, 2017

- Regular Meeting: February 6, 2017
- Regular Meeting: February 27, 2017
- Regular Meeting: March 13, 2017

H. Adjournment

Chair Strehl adjourned the meeting at 9:37 p.m.

Staff Liaison: Thomas Rogers, Principal Planner

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on February 6, 2017