



REGULAR MEETING MINUTES

Date: 02/08/2021
Time: 7:00 p.m.
GoToWebinar.com – ID #506-412-923

A. Call To Order

Chair Henry Riggs called the meeting to order at 7:17 p.m. and apologized for the late start noting technical difficulties. He said he was not visible onscreen but could see attendees and the shared screen.

B. Roll Call

Present: Andrew Barnes, Chris DeCardy, Michael Doran (Vice Chair), Larry Kahle, Camille Kennedy, Henry Riggs (Chair), Michele Tate

Staff: Matt Pruter, Associate Planner; Corinna Sandmeier, Senior Planner; Leo Tapia, Planning Technician

C. Reports and Announcements

Senior Planner Corinna Sandmeier said the City Council at its February 9, 2021 meeting would hear an informational item on the next steps for the Housing Element Update process and form an interview panel to select a consultant for the project to include two Planning Commissioners chosen by the Planning Commission Chair.

Chair Riggs said that Commissioners interested in serving on that panel should send him an email.

D. Public Comment

None

E. Consent Calendar

None

E. Public Hearing

- F1. Architectural Control Revision/Rich Ying/1540 El Camino Real:
Request for a revision to a previously approved architectural control to demolish an existing commercial building and construct a new two-story office building and a three-story residential building with 27 residential units with an underground parking garage serving both buildings in the SP-ECR/D (El Camino Real/Downtown Specific Plan) zoning district. The proposed revision includes the addition of a rooftop deck restroom and elevator vestibule for the office building. In addition, four previously proposed street trees along El Camino Real (which have not been planted) would be removed from the landscape plan, due to a water line conflict, and would be replaced with four

potted trees along the site frontage. The applicant is also proposing median landscaping improvements along El Camino Real, between Glenwood Avenue and Encinal Avenue, in consultation with the City. ([Staff Report #21-005-PC](#))

Staff Comment: Associate Planner Matt Pruter said a comment letter was received from Marc-Etienne Schlumberger. Planner Pruter said Mr. Schlumberger had concerns with increased City funding related to a private development project, the amount of time given the applicant to complete landscaping per the project conditions, the size of the proposed potted trees along the frontage of the site and watering and cost of details. He said the comment letter was now attached to this evening's agenda on the City's website. <https://www.menlopark.org/DocumentCenter/View/27370>

Applicant Presentation: Rich Ying, Four Corners Properties, said despite a neighboring project having street trees near a CalWater water line that agency would not allow their project to plant street trees as had been planned. He said the other portion of their request was for the addition of elevator vestibule and restroom. He said these two areas would be behind wing walls approved with the original design and not visible from the street or any neighboring buildings. He noted that a neighbor was concerned this would intrude on his privacy. He said the neighbor's building was fronted by their project's residential building and not this office building.

Commissioner Larry Kahle asked how deep the water line was in relationship to the sidewalk. Mr. Ying said the water line was four to five feet from the face of curb and appeared to be about six and a half feet below finished concrete.

Commissioner Chris DeCardy referred to H23 in the packet that showed the original plan with London plane trees and the new one with the boxed trees. He asked about the species proposed for the potted trees and what the projected height was for those. Mr. Ying said they were proposing maple trees for the potted trees. Kurt Culver, The Guzzardo Partnership, said the potted trees, a species, suggested by the City Arborist would grow to about 20 to 25 feet in height.

Commissioner DeCardy said he would have to leave the meeting at 8:30 p.m.

Chair Riggs opened the public hearing.

Public Comment:

- Marc-Etienne Schlumberger, resident at 1542 El Camino Real, said he questioned why the trees had not been dealt with earlier and noted his written comments.

Chair Riggs closed the public hearing.

Commission Comment: Chair Riggs noted the Stanford project delay due to the need to move a CalWater water line. He said that need was identified after the project had already gone through entitlement and approval processes with the City. He said in this instance the applicants were stuck with the problem of the water line and how trees would be planted. He said he had been concerned with the addition on the roof until he saw that it would entirely be within wing walls and would not be readily visible either from El Camino Real or San Antonio.

Chair Riggs asked if the City Arborist had acknowledged that the proposal was to plant the trees in pots that were considerably smaller than the 300 cubic feet he had recommended. Planner Pruter

said he had discussed this matter with the Public Works Director and in consultation with the City Arborist. He said staff had requested that the applicant look at planter box sizes that were up to 300 cubic feet in the soil volume. He said in conversations with the applicant it seemed that this request was not feasible and staff asked that they work toward that ideal size. Chair Riggs said that it was possible that the planter boxes might be larger than what was indicated currently on the plans. Planner Pruter said that was staff's understanding.

Mr. Ying said the height of the planter boxes could not be taller than three feet for safety reasons and could not be wider than four feet without encroaching into the sidewalk. He said to meet the 300 cubic feet requirement, the planter would need to be 25 feet long. He said there was parallel parking on El Camino Real along the front of the building. He said having four trees occupy roughly 50% of their property frontage would make it difficult for someone to parallel park and for any passenger to get out of the car. He said the driver too would need to walk along El Camino Real a greater distance to access the sidewalk. He said architecturally they did not think a 25-foot long planter in front of the building would be an aesthetically pleasing element.

Chair Riggs asked if it was possible to excavate perhaps two feet to lower the planter box. Mr. Ying said they had asked CalWater if they could bury a planter box or use a species perhaps less intrusive than what they had originally proposed, but CalWater said that any digging near the water line would trigger the relocation requirement.

Chair Riggs said that rather than moving the water line to plant on the El Camino Real median instead certainly had great potential if that proceeded with Caltrans. He said he was positively inclined toward the applicant's request.

Commissioner Andrew Barnes asked how the City would monitor that the trees planted in planter boxes would grow and remain robust for an extended period of time. Planner Pruter referred to the conditions of approval and noted the ongoing discussion with the applicants to solve the landscaping in the median with the best result and maintenance in the future related potentially to tenancy. Commissioner Barnes said that planter boxes were not optimal. He said some type of condition to ensure the future protection and preservation of the trees in the planter boxes was important.

Commissioner Barnes asked about the size of the planter boxes that had been agreed to. Planner Pruter said general agreement was to do four by four by four-foot planter boxes. He said that discussion was still ongoing noting information highlighted in the staff report. He said for the applicant the practicability of fitting in a larger planter box was not feasible given the constraints. Commissioner Barnes said the approval actions did not call out the planter box sizes just the number of them. He asked if it was correct that the size of the planter boxes would run with this evening's discussion and the staff report.

Chair Riggs noted Planner Pruter's internet connection was having technical difficulties, which was why there was no response to Commissioner Barnes' last question. Recognized by the Chair, Mr. Ying said it seemed Commissioner Barnes was concerned with how trees would perform growth and health wise in a planter box. Commissioner Barnes said he had three things he wanted confirmed: whether there was a check after some period of time on the trees' condition based on the planter box situation; had the City Arborist bought into what size and species were being suggested; and what was the size of planter box agreed to.

Mr. Ying said overall they were incentivized and their interests were in line with the City to have

trees that performed well into the future as they would not want a chintzy specimen in front of their building. He said their recommendation was a three-foot tall planter and not four foot as they did not want something so tall and wide that someone could hide behind it. He referred to the rendering and said that the four planters were centered on the glazing sections of the building.

Commissioner Barnes said he was generally supportive of the applicant's request. He said resolving the planter boxes was something still undone and the size of the planter boxes was not clear. He said the addition of the median trees was very welcome. He said he thought London plane trees performed much better than crepe myrtle and the consistency of the look along El Camino Real would be enhanced. He said the addition of the rooftop deck, restroom and elevator vestibule for the office building was fine.

Recognized by the Chair, Planner Pruter said they had indicated in the staff report that the four by four by four planter boxes was a proposal that was reached and agreed upon in consultation with the applicant. He said the applicant was proposing now to have a three foot tall planter box but in the written recommended conditions the exact size was not specified to give the understanding that the applicant would work with staff.

Commissioner Barnes moved to approve the architectural control revision as recommended in the staff report with the understanding that the actual size of the planter boxes would be worked out with staff and the applicant.

Chair Riggs said he would make a second if the maker of the motion would be willing to include a condition to maintain the four planter box trees well so that was enforceable. He said that it might be relevant or not that someone might hide behind a four-foot tall planter box. He said having managed sidewalks he thought a leave out in the sidewalk could occur for a four by four or four by six planter box with the box dropping onto the same compacted base as the sidewalk. He said that would not require additional excavation but the added depth would increase the soil volume in the planter box. He said he could not see any identifiable increase in cost either to do that. He said he would like to offer that as an option.

Commissioner Barnes said they wanted the trees in the planter boxes and median to be maintained well and/or replaced by the building owner. He asked how that could be memorialized. Planner Pruter noted frontage and sidewalk improvements the project was responsible for and said that staff could communicate to Public Works what was being sought. Commissioner Barnes suggested saying that the trees being added shall be subject to review by the City Arborist in the frequency and manner of the City Arborist's discretion so if any maintenance or replacement of those trees was needed that would occur at the applicant's expense.

Chair Riggs said he had not planned on establishing a program of review. He said staff and the applicant might have already determined that any planting in El Camino Real would be turned over to the City for maintenance. He said his only concern was with the unusual condition of planter boxes that they hoped would be the equivalent of other street trees. He said he thought all that was needed was a condition of approval that the applicant shall maintain the trees in good health and replace as necessary.

Chair Barnes said he would add to his motion that the planter boxed trees were to be maintained in good health and repaired or replaced at the sole expense of the applicant. He said he would not include the piece about the planter box sizes as he did not want to be too prescriptive on the

solution. He said he would prefer staff and the applicant solve for the desired result.

Chair Riggs said he was fine with that. He said as Commission Chair he wanted to request of staff that they continue to negotiate the planter boxes and get at least another six inches of depth perhaps as he previously suggested or some other way to make the trees viable. He said he was anticipating that these trees would need replacement every 10 to 15 years. He said the important thing was that the applicant was committed to maintaining the good health of the trees and replacing as necessary. Chair Riggs seconded the motion.

Commissioner Barnes said the median trees would be taken care of as any street tree was and were not part of his modification to staff's recommended conditions of approval. He restated that the added condition was that the applicant would maintain the planter box trees in good condition and should at the sole discretion of the City Arborist bear the cost for repair or replacement of those trees as needed.

Commissioner Camille Kennedy, having audio difficulties, used the chat feature to comment that she had meant to second the motion before Chair Riggs had.

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

1. Make findings with regard to the California Environmental Quality Act (CEQA) that the proposal is within the scope of the project covered by the El Camino Real/Downtown Specific Plan Program EIR, which was certified on June 5, 2012. Specifically, make findings that:
 - a. A checklist has been prepared detailing that no new effects could occur and no new mitigation measures would be required (Attachment L of the original staff report, included in this report as hyperlink Attachment C).
 - b. Relevant mitigation measures have been incorporated into the project through the Mitigation, Monitoring, and Reporting Program (Attachment K), which is approved as part of this finding.
 - c. Upon completion of project improvements, the Specific Plan Maximum Allowable Development will be adjusted by 27 residential units and 68 square feet of non-residential uses, accounting for the project's net share of the Plan's overall projected development and associated impacts.
2. Adopt the following findings, as per Section 16.68.020 of the Zoning Ordinance, pertaining to architectural control approval:
 - a. The general appearance of the structure is in keeping with the character of the neighborhood.
 - b. The development will not be detrimental to the harmonious and orderly growth of the City.
 - c. The development will not impair the desirability of investment or occupation in the neighborhood.

- d. The development provides adequate parking as required in all applicable City Ordinances and has made adequate provisions for access to such parking.
 - e. The development is consistent with the El Camino Real/Downtown Specific Plan, as verified in detail in the Standards and Guidelines Compliance Worksheet (Attachment F of the staff report dated February 26, 2018, which is included as hyperlink Attachment C).
3. Approve the architectural control revision subject to the following **standard** conditions:
- a. Development of the project shall be substantially in conformance with the plans prepared by KSH Architects, consisting of 31 plan sheets, dated received February 3, 2021, and approved by the Planning Commission on February 8, 2021, 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 comply with all West Bay Sanitary District, Menlo Park Fire Protection District, California Water Company and utility companies' regulations that are directly applicable to the project.
 - e. Simultaneous with the submittal of a complete building permit application, the applicant shall submit plans indicating that the applicant shall remove and replace any damaged and significantly worn sections of frontage improvements. The plans shall be submitted for review and approval of the Engineering Division.
 - f. If construction is not complete by the start of the wet season (October 1 through April 30), the applicant shall implement a winterization program to minimize the potential for erosion and sedimentation. As appropriate to the site and status of construction, winterization requirements shall include inspecting/maintaining/cleaning all soil erosion and sedimentation controls prior to, during, and immediately after each storm event; stabilizing disturbed soils through temporary or permanent seeding, mulching, matting, tarping or other physical means; rocking unpaved vehicle access to limit dispersion of much onto public right-of-way; and covering/tarping stored construction materials, fuels, and other chemicals. Plans to include proposed measures to prevent erosion and polluted runoff from all site conditions shall be submitted for review and approval of the Engineering Division prior to beginning construction.
 - g. The Applicant shall retain a civil engineer to prepare "as-built" or "record" drawings of public improvements, and the drawings shall be submitted in AutoCAD and Adobe PDF formats to the Engineering Division, prior to Final Occupancy of the last building.

- h. Street trees and heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance and the recommendations of the arborist report prepared by Arborwell, dated October 13, 2017.
 - i. Prior to final inspection, the Applicant shall submit a landscape audit report to the Public Works Department.
 - j. All Agreements shall run with the land and shall be recorded with the San Mateo County Recorder's Office prior to final occupancy.
4. Approve the architectural control revision subject to the following **project-specific** conditions:
- a. The project has the following two landscaping options along El Camino Real (ECR):
 - i. The project sponsor shall complete the ECR landscaping as originally approved by the Planning Commission on February 26, 2018. This option requires relocation of the water line to the satisfaction of CalWater.
 - ii. The project is required to install the following improvements if the project sponsor chooses not to proceed with the original ECR landscape plans:
 - 1. Prior to the project's first temporary certificate of occupancy (TCO), install four (4) above-grade planter boxes with trees along the project frontage on ECR. The City Arborist shall reasonably determine the size and tree species.
 - 2. The project sponsor shall remove all existing trees (excluding the narrower nose ends), as specified in the approved plans, within the wider median island on ECR between Glenwood Avenue and Encinal Avenue, and reinstall new landscaping and trees, and modify existing irrigation (and other improvements) as necessary, to the satisfaction of the Public Works Director ("Median Island Improvements") with the following delivery milestones:
 - i. Within 30 days of the project approval, prepare landscape plans and provide an updated cost estimate for construction of the Median Island Improvements and submit them to City staff for review and approval.
 - ii. Within 30 days of City staff's approval of the plans, submit an encroachment permit application to Caltrans for the Median Island Improvements.
 - iii. If the Median Island Improvements are not completed prior to the project's first temporary certificate of occupancy (TCO), obtain a performance bond for the cost of the Median Island Improvements and provide to the Engineering Division.

- iv. Within 60 days of securing a Caltrans encroachment permit for the Median Island Improvements, begin construction.
 3. During the design phase and simultaneous with the building permit application, the project sponsor shall be fully responsible for the design and construction of (i) four (4) above-grade planter boxes with trees along the project frontage, (ii) removal of existing median trees, (iii) planting of replacement trees between Glenwood Avenue and Encinal Avenue, and, if applicable, (iv) modification of existing irrigation in the median.
 4. The project sponsor shall be responsible for obtaining all required heritage tree removal permitting, to the satisfaction of the City Arborist.
 5. The City shall reimburse the project sponsor up to 75 percent of the cost of the Median Island Improvements, not to exceed \$135,243, subject to City Council approval. The City's contribution will be in the form of fee credits and/or cash contribution, upon completion of work.
 6. If the project sponsor diligently pursues completion of landscaping improvements, but for reasons outside of their control (e.g., Caltrans withholds approvals), the installation of all median island landscaping is not completed to the satisfaction of the Director of Public Works within five (5) years from the first TCO, then the project sponsor shall be relieved of responsibility to construct the improvement and the bond shall be released by the City after the project sponsor submits funds equal to 25 percent of the bid construction cost to the City. The City may use the developer's funds for other landscaping improvements elsewhere in the City.
 7. All public improvements on El Camino Real shall be designed and constructed (and without modification to any work already approved) to the satisfaction of the Engineering Division, and Caltrans.
- b. Prior to issuance of a revised building permit, the applicant shall submit the El Camino Real/Downtown Specific Plan Preparation Fee, which is established at \$1.13/square foot for all net new development. For the additional square footage of the rooftop deck restroom and elevator vestibule and previous additions to the residential square footage, the fee is estimated at \$218.09 ($\1.13×193 net new square feet).
 - c. Prior to issuance of a revised building permit, the applicant shall complete payment of all Below Market Rate (BMR) In-lieu Fees subject to the recorded BMR Agreement. The fee is estimated at \$1,333.48 ($\19.61×68 net new square feet) for the additional square footage of the rooftop deck restroom and elevator vestibule.
 - d. Prior to issuance of a revised building permit, the applicant shall submit all relevant transportation impact fees (TIF), subject to review and approval of the Transportation Division. The TIF for the additional square footage of the rooftop deck restroom and elevator vestibule is estimated to be \$1,261.4. This is calculated by calculating the proposed TIF value of the net new office square footage into the office rate ($\$18.55/\text{square foot} \times 68$ square feet). Please note this fee is updated annually on July 1st based on the Engineering

News Record Bay Area Construction Cost Index. Fees are due before a building permit is issued.

- e. ***The applicant shall maintain the four potted trees along El Camino Real in good condition. If the City Arborist determines that there is a need to repair or replace any of these trees, it shall be done at the sole expense of the applicant, subject to review and approval by the City Arborist and the Planning Division.***

G. Regular Business

G1. Possible new start time for Planning Commission meetings

Planner Sandmeier said the City Council had adjusted its meeting times to start at 5 p.m. She said this item was an opportunity for the Planning Commission to discuss whether it would like to start its meetings at 5 or 6 p.m.

Commissioner Barnes said he was at his computer all day starting at 7:30 / 8:00 a.m. until 5 or 5:30 p.m. He said to continue immediately into a Commission meeting would be very challenging for him. He said a 6:30 p.m. meeting start would be okay if that was desired.

Commissioner Michael Doran said his work was fairly international so he got calls early in the morning and late at night. He said he liked the idea of starting at 5 p.m. He said his only concern was that the meeting might still run until 11 p.m. or midnight. He suggested if they were to start at 5 p.m. that they meet for two hours and then take a half hour break and resume the meeting if needed. He noted some meetings were completed in two hours. He said if they came back after the break he would expect the meeting to conclude at 9:30 p.m. unless they voted to continue past that time. He said he understood that others had different needs and parameters. He said he was flexible.

Commissioner Kahle said he could be flexible but asked if an earlier start time would be temporary or continue after in person meetings resumed. Planner Sandmeier said it would be for right now and that they most likely would be doing remote meetings for some time yet.

Commissioner DeCardy said his schedule was more aligned with Commissioner Barnes'. He said he could do a 6:30 or 6:00 p.m. start but earlier than that would be difficult. He said he needed to leave tonight's meeting.

Commissioner Michele Tate said her preference was to start earlier. She said a 6 p.m. start time would be fine. She said starting earlier and ending before 11 p.m. would be good.

Commissioner Kennedy said she would very much like an earlier start as she worked on an east coast time schedule. She said her challenge were meetings that went beyond 10 p.m. She said starting at 6 or 6:30 p.m. would be great. She suggested too that on the pretty straightforward projects Commissioners might hold comments if they had nothing substantive to add. She suggested starting at 6 p.m., keeping meetings to four hours or less, and only making substantive comments.

Chair Riggs said if they were to start earlier he thought the ideas suggested by Commissioner Doran were the only viable path for him. He said starting at 5 p.m. did not work for at least three of the

Commissioners. He suggested starting at 6 p.m. and at 7:30 p.m. take a 30 minute break or meeting 6:30 to 9:30 p.m. with a 30 minute break.

Commissioner Doran said based on the diversity of views he did not know if they could change to anything that would work better than the status quo. He said he agreed with Commissioner Kennedy that they could probably lessen some of the time spent on debates. He said he could not see a compromise that worked for everyone and withdrew his suggestion.

Commissioner Kennedy said if City Council could meet at 5 p.m. that she thought they could to as it was only two and sometimes three meetings a month. She said getting people back to the meetings would be challenging if they were to take a break. She suggested they start at 5 p.m. and tighten up the meeting discussion.

Commissioner Tate said she believed that City Council took a dinner break. She said her preference whatever time they started was to not take a break. She said 5 p.m. seemed a challenge for some but it worked for her.

Chair Riggs asked if an earlier start time would be desirable by a show of hands. He noted that two supported starting earlier. Commissioner Barnes said he would be willing to start at 6 p.m. if desired.

Chair Riggs summarized that two Commissioners would prefer an earlier start time and four of the other five Commissioners indicated they could work with another start time but not that it would be a benefit. He said there was no consensus to change the meeting start time.

G. Informational Items

G1. Future Planning Commission Meeting Schedule

- Regular Meeting: February 22, 2021

Planner Sandmeier said the February 22 agenda would have architectural control for 1162 El Camino Real, a smaller architectural control application for 2440 Sand Hill Road and a single family development use permit.

- Regular Meeting: March 8, 2021

H. Adjournment

Chair Riggs adjourned the meeting at 8:49 p.m.

Staff Liaison: Corinna Sandmeier, Senior Planner

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on March 22, 2021

From: no-reply@menlopark.org

To:

Subject: Online Form Submittal: February 8, 2021, Planning Commission Meeting Public Comments

Date: Monday, February 8, 2021 5:59:56 PM

February 8, 2021, Planning Commission Meeting Public Comments

Thank you for your interest in the Planning Commission's upcoming discussions. Please use the form below to submit your comments no later than one (1) hour before the meeting. Comments received by that time will be forwarded to the Planning Commission and included as part of the public record for the meeting, just as if you had come to comment in person.

Agenda items on which to comment:

F1. Architectural Control Revision/Rich Ying/1540 El Camino Real

Agenda item number F1

Subject Trees for 1540 El Camino Real

Meeting date *Field not completed.*

Public comment Having had a very limited opportunity to review the proposed changes, I do not think they are reasonable as I understand them.

I am not in favor of increased taxes to pay for private construction projects (or their trees), which is what the proposed change amounts to, since the city of Menlo Park would pay for the majority of the cost of work on the median.

The proposed change seems to permit the private company to fail to place, or maintain, the trees. 5 years before any work is necessary, potted trees in containers which seem to be significantly smaller than the recommended size (per the paper, 300 cubic feet per tree, proposal is 4x4x4 feet, so 64 feet per tree - 5 times less!). It suggests that the end result will be fewer trees, in poor shape.

Having visited the site today, there are trees on the sidewalk up to the property (on the right side, when facing El Camino), so water access issues seem surprising - especially given the amount of digging that took place previously. If the company did not plan for the cost of their project, having the city take on these costs instead does not seem sensible.

On a personal level, the spacing between the construction and

the edge of the road seemed narrow, which suggests that planting trees in the original locations was not construed as a priority from the start. I will admit to a bias, however.

First name	Marc-Etienne
Last name	Schlumberger
Email address	
What is your affiliation?	Resident
Other	<i>Field not completed.</i>
Address1	1542 San Antonio
Address2	<i>Field not completed.</i>
City	Menlo Park
State	CA
Zip	94025

Email not displaying correctly? [View it in your browser.](#)