



## REGULAR MEETING MINUTES

**Date:** 02/22/2021  
**Time:** 7:00 p.m.  
**GoToWebinar.com – ID #304-970-187**

### A. Call To Order

Chair Henry Riggs called the meeting to order at 7:01 p.m.

### B. Roll Call

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

Staff: Eric Hinkley, Associate Engineer; Fahteen Khan, Assistant Planner; Corinna Sandmeier, Senior Planner; Tom Smith; Senior Planner; Leo Tapia, Planning Technician

### C. Reports and Announcements

Senior Planner Corinna Sandmeier said the City Council at its February 23, 2021 meeting would consider an item to make modifications to the Street Closure and Temporary Outdoor Use Permit Program.

### D. Public Comment

None

### D. Consent Calendar

E1. Approval of minutes and transcript from the January 11, 2021, Planning Commission meeting. ([Attachment](#))

E2. Architectural Control/Paul Turek/2440 Sand Hill Road:  
Request for architectural control to modify the exterior of an existing three-story commercial building in the C-1-C (Administrative, Professional, and Research, Restrictive) zoning district. The modifications involve extending the existing balcony deck and constructing new deck footings and piers, wood deck framing, and metal guardrails. ([Staff Report #21-006-PC](#))

**ACTION:** Motion and second (Chris DeCardy/Larry Kahle) to approve the Consent Calendar including the minutes and transcript from the January 11, 2021 Planning Commission meeting as presented and architectural control request for 2440 Sand Hill Road as recommended in the staff report and as shown below; passes 7-0.

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. 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 property is not within any Specific Plan area, and as such no finding regarding consistency is required to be made.
3. Approve the architectural control subject to the following **standard** conditions:
  - a. Development of the project shall be substantially in conformance with the plans prepared by Studio G Architects, consisting of nine plan sheets, dated received February 8, 2021, and approved by the Planning Commission on February 22, 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. Simultaneous with the submittal of a complete building permit application, the applicant shall submit plans indicating that the applicant shall remove and replace any damaged and significantly worn sections of frontage improvements. The plans shall be submitted for review and approval of the Engineering Division.
  - e. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance and the arborist report prepared by Arborwell, dated received January 7, 2021.

## F. Public Hearing

- F1. Use Permit/Viraj Bais/224 Hedge Road:  
Request for a use permit to demolish an existing one-story single-family residence and construct a new two-story single-family residence on a substandard lot with regard to minimum lot width and area in the R-1-U (Single Family Urban Residential) zoning district. **Continued to the Planning Commission meeting of March 8, 2021**

- F2. Use Permit/City of Menlo Park/1395 Chrysler Drive:  
Request to renew a previously approved use permit for hazardous materials to install a new diesel emergency generator associated with a new stormwater pump station, which is located in the P-F (Public Facilities) zoning district. The project previously received approval in 2017 for an architectural control to construct a new stormwater pump station to replace an existing pump station, and for a use permit for hazardous materials to install a new diesel emergency generator associated with the stormwater pump station. ([Staff Report #21-007-PC](#))

Staff Comment: Senior Planner Tom Smith said he had no additions to the written report.

Questions of Staff: Commissioner DeCardy asked why an alternative energy type for emergency power was not looked at for the project.

Planner Smith introduced Eric Hinkley, Public Works.

Mr. Hinkley said he was an Associate Engineer in the City's Public Works Department, Engineering Division. He said in the two years since the approval of their original use permit they looked at and evaluated battery backup power as a possibility. He said the size of the battery power system they would need to power the high horsepower pumps would not fit within the available space. He said an option they were evaluating in tandem with the City's Maintenance Division was the use of renewable diesel fuels, which was an emerging technology of diesel fuel that had a much smaller carbon footprint than standard diesel based products.

Commissioner DeCardy asked if the issue was the space constraint as opposed to a capital and operating cost constraint. Mr. Hinkley said that was the primary concern. He said also a stormwater pump station was considered a life safety facility and they had to have the ability to run the backup power as needed. He noted conditions in Texas related to energy and said that this generator was likely to be needed concurrent with a storm where pumps were needed. He said they needed a generator that could work all the time and not one needing to be refreshed by an electric power grid. He said in reality the generator would not be run frequently as it would be needed concurrent with a storm event. He said testing of the generator would be about 15 minutes per month to confirm readiness.

Commissioner DeCardy said regarding reliability that the tradeoff was having enough battery storage space to provide more than 300 gallons equivalent of diesel fuel. He said if the emergency backup had to be operated for an extended period of time there would be concerns with getting diesel fuel supply and other system issues could go wrong with a diesel supply. Mr. Hinkley said a 300 gallon tank at full load could run for up to eight hours and the City had infrastructure available to resupply the diesel fuel at that pump station.

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

Commission Comment: Commissioner Kahle asked if there was a landscape plan. Planner Smith said the landscape plan was part of the previous architectural control and that was essentially low grasses. Steve Buchholz, project architect, said the landscape architects for the Constitution project were doing this project as well and would have the same landscape elements for that project continued for the pump station project.

Commissioner Kahle asked if there was lighting. Mr. Bucholz said they had not finished that design yet but the intent was to have lighting in the landscaping to up light corners of the structure. Commissioner Kahle confirmed that the design and landscaping were remaining as previously approved. He moved to approve as recommended in the staff report. He commented that he was glad diesel was for backup only. Commissioner Andrew Barnes seconded the motion.

Commissioner DeCardy said he was going to vote against the motion. He said this was a public project and it was incumbent upon the City to not use fossil fuels. He said the irony of using fossil fuels in response to needs occurring because of burning fossil fuels was too much. He said he would encourage future projects to continually stress test the opportunity to use alternative energies that did not put them in this situation.

Chair Riggs said he looked forward to the time, which he thought would happen fairly soon, when batteries were reliable enough and cost effective with its life cycle impacts on the environment resolved to be used for emergency backup.

**ACTION:** Motion and second (Kahle/Barnes) to approve the item as recommended in the staff report; passes 4-3 with Commissioners Barnes, Michael Doran, Kahle and Riggs supporting and Commissioners DeCardy, Camille Kennedy and Michele Tate opposing.

1. Make a finding that the project is categorically exempt under Class 2 (Section 15302, "Replacement or Reconstruction") of the current California Environmental Quality Act (CEQA) Guidelines.
2. 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 Schaaf & Wheeler Consulting Civil Engineers consisting of 22 plan sheets, dated received January 22, 2021, as well as the Project Description Letter, dated received February 11, 2021, approved by the Planning Commission on February 22, 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 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 by the Planning, Engineering and Building Divisions. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
  - e. Simultaneous with the submittal of a complete building permit application, the applicant shall submit plans indicating that the applicant shall remove and replace any damaged and

significantly worn sections of frontage improvements. The plans shall be submitted for review and approval of the Engineering Division.

- f. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a Grading and Drainage Plan for review and approval of the Engineering Division. The Grading and Drainage Plan shall be approved prior to the issuance of grading, demolition or building permits.
- g. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance and the Project Arborist's recommendations.
- h. Simultaneous with the submittal of a complete building permit application, the applicant shall comply with all applicable requirements of the ConnectMenlo General Plan Update Mitigation Monitoring or Reporting Program (MMRP), subject to review and approval of the Planning Division.
- i. If there is an increase in the quantity of hazardous materials on the project site, a change in the location of the storage of the hazardous materials, or the use of additional hazardous materials after this use permit is granted, the applicant shall apply for a revision to the use permit.
- j. Any citation or notification of violation by the Menlo Park Fire Protection District, San Mateo County Environmental Health Department, West Bay Sanitary District, Menlo Park Building Division or other agency having responsibility to assure public health and safety for the use of hazardous materials will be grounds for considering revocation of the use permit.
- k. If operations discontinue at the premises, the use permit for hazardous materials shall expire unless a new user submits a new hazardous materials information form to the Planning Division for review by the applicable agencies to determine whether the new hazardous materials business plan is in substantial compliance with the use permit.

## **G. Regular Business**

- G1. Architectural Control and Below Market Rate Housing Agreement/Chasen Rapp/1162-1170 El Camino Real:  
Request for architectural control to demolish the existing commercial buildings and construct a new nine-unit, three-story residential building with an at grade parking garage with nine parking spaces in the SP-ECR/D (El Camino Real/Downtown Specific Plan) zoning district. Three of the units would be designated as Below Market Rate (BMR) units, with one unit providing a BMR unit for this project and two units providing BMR units for the combined projects at 506 Santa Cruz Avenue, 556 Santa Cruz Avenue, and 1125 Merrill Street. ([Staff Report #21-008-PC](#))

Staff Comment: Assistant Planner Fahteen Khan said staff had no updates to the staff report. She said three comment letters were received since publication of the staff report. She said two of those had been provided to the Commissioners and uploaded to the revised posted agenda. She said the third was from Kate Powers and addressed to the applicant to include an art installation in the project. She said she had provided Ms. Powers' contact information to the applicant team so they might contact her. Planner Khan said present this evening was the City's consulting architect Arnold Mammarella. Link to revised agenda with two comments:

*Written Public Comment from Bo Crane:*

*The two-story building located at 1170 El Camino, presently occupied by Feldman's Books, dates back to 1904 built in the style of the turn of the century office buildings. It was there when El Camino was a dirt road and Menlo Park businesses were just getting started. It is significant for its distinctive type and period. Its early history was as a laundry operated by a French family and later for years it was a grocery store operated by an Irish couple. These two immigrant families began successful businesses in Menlo Park. To quote from the staff report: "The Planning Commission could find that the building at 1170 represents a potential historic resource at the local level." The building next door at 1162 is less representative as a structure but has a long history beginning as a butcher shop run by an English immigrant.*

*The building at 1170 may not meet official State historical criteria, but the building is significant locally as to how Menlo Park was created. If the building can't be saved, the history still should be. The City could condition the developers to contribute toward a storyboard or plaque that provides photos and stories about what was before the development about to be approved. An estimated cost for the either, to be confirmed by the City Manager, is likely about \$5000. A suitable location would have to be found, to be determined. But as 1170 is the last of its kind, it would certainly seem warranted. Thank you for the consideration.*

*Written Public Comment from Karen Grove:*

*Dear Planning Commissioner,*

*I'm writing as an individual to express my support for this project as a whole, and for the BMR terms in particular. It's exciting to see new homes built on our transportation corridor, in our excellent school district, within easy walking distance of stores, services and parks. I particularly appreciate that three units will be affordable to low and very-low income residents, and that one of the low income affordable units is a two bedroom, two bathroom unit, large enough to become home to a low income family with kids.*

*I urge you to approve the project and look forward to welcoming new neighbors!*

*-Karen Grove (housing commissioner, writing for myself)*

Applicant Presentation: Chasen Rapp, applicant, said the housing project was one-third Below Market Rate (BMR) units. He said tonight their historical consultant, general counsel and design team were present.

Toby Long, architect, provided slides reviewing the history of the design development at the Planning Commission study sessions in March and October 2019. He said the design aesthetic had been more integrated to neighborhood context. He said the divisions of the building were based on proportions partly on the scale of the adjoining structures as well as on some of the design vocabulary incorporating some awnings, looking at the division of windows, using moutons that were a bit more traditional aesthetic, introducing some sloped roof elements in the two flanking forms adjacent to their major form, integrating a more traditional palette of materials incorporating some siding, brick and stucco, and also looking at bringing in window boxes and planted elements on the façade. He said they had removed the balconies from the front of the façade to allow for privacy and a clean, uncluttered façade. He said they moved the balconies to the rear and addressed privacy between the units and increased landscape screening along the rear property line. He noted a

distance of 40 feet window to window from the rear of the project structure to the structure at the rear of the subject property.

Chair Riggs opened the public hearing.

Public Comment:

- Aidan Stone said he was with Jack Feldman and they were withdrawing all their appeals over the years to save the oldest commercial storefront in Menlo Park and the 54 year old avocado tree in the back garden. He said they did not want to obstruct the subject property noting the applicants had been patient and straight forward with them. He said the applicants had offered to move the avocado tree to Mr. Feldman's yard. He said they wanted to ensure that the City would participate in helping fulfill that promise of relocating the protected heritage tree. He said the building was constructed in 1896 and frequented by numerous people in Menlo Park's history. He said it was disappointing the City did not try to preserve the building. He said perhaps a plaque memorializing Feldman's Books could be done.
- Fran Dehn, Chamber of Commerce, said they agreed with the staff recommendation to approve the request for architectural control to demolish the existing commercial buildings and construct a new nine-unit residential building. She said the project was consistent with the Downtown-El Camino Real Specific Plan and recognized housing as a key need for Menlo Park. She said the Housing Commission recommended approval of the project noting the refinement of the BMR mix. She emphasized how valuable the two study sessions had been to allow the public and Commission to comment on the design resulting in a refinement of the design.

The next speaker had audio difficulties and would be given another opportunity after the next speaker finished.

- Zahara Agarwal said she was a high school student in Menlo Park. She said she supported below market housing but wanted to urge the Commission and applicants to recognize the tremendous amount that Feldman's had contributed to the community and people of Menlo Park. She said a plaque was a great idea. She said she would also want the promise to relocate the avocado tree in Mr. Feldman's yard kept. She asked regarding the project how noise would be alleviated as it fronted a busy street. She questioned demolishing such a historic building for housing as there were numerous housing projects currently happening in Menlo Park.
- Jeremy Erman, Mountain View, said he was disappointed the project was moving forward as it meant the destruction of a historical building whether officially categorized or not. He said Feldman's Books not only benefited Menlo Park but the entire Bay area noting very few used bookstores remained. He asked how three BMRs out of nine units would really help housing needs. He said the proposed structure looked like every other building up and down the peninsula along El Camino Real.

Mr. Tapia noted that prior speakers had now raised hands. Chair Riggs said that public comment had been made by those speakers. He asked if any of the raised hands were for new speakers. Mr. Tapia said there had been one but had now left.

Chair Riggs closed the public hearing.

Commission Comment: Commissioner Kennedy said the project had been challenging for the community at large. She said she liked what was being proposed and hoped the garden space would be used. She referred to the planter boxes on the front façade and asked if those would be maintained by residents or by the building owner somehow. She said it was great project and she looked forward to it.

Mr. Rapp said they would like to have irrigation built into each of the planter boxes. He referred to the planter system on their 1125 Merrill Street building that had automatic irrigation built into it. He said the costs would be put into the Homeowners Association (HOA) and tenants would be required to pay for it.

Commissioner DeCardy said he appreciated the background material about the history of the building. He asked how long the applicant had owned the property and when purchasing it whether there had been any disclosures about the historical significance of the building or that pertained to historical significance.

Mr. Rapp said they had owned the building for three and a half years and there was no historical significance related to the purchase.

Commissioner DeCardy said the BMRs here were tied to other projects. He said he understood these units needed to be completed and filled within two years to then be able to operate the other building. He asked if that was correct how soon this project had to be done to get the viability from the other project. Mr. Rapp said if the project was approved this evening it would probably take until August to get building permits and then 10 to 14 months to build.

Commissioner DeCardy said if the Commission decided there was further inquiry into the historical significance that would be a focused EIR. He asked how long a focused EIR would take to complete and what would happen with it. Planner Khan said a focused EIR was a lengthy and costly process. She said once completed they would potentially have to hold a scoping session and public comment period before being able to move to a final approval of the project.

Commissioner DeCardy said he appreciated Mr. Stone's comments and thanked Mr. Feldman for his commitment to the bookstore. He said they had heard from people all over the world about Feldman's Books. He said it was frustrating to him as a Commissioner that they had three experts, two of which said the building was not of historical significance and the third one said it was. He said the City had no historical criteria to make an assessment. He suggested that whatever action the Commission took on the project this evening that it appended a strong letter to the City Council the need for it to establish a fair and expeditious critical process for determining the historical significance of buildings. He thanked Miss Agarwal for her contribution. He said they received a letter from a member of the Historical Association also recommending a commemorative plaque. He asked if the applicants would be amenable to helping the Historical Association in Menlo Park on an appropriate plaque at the site that recognized the significance and history of the existing building.

Mr. Rapp said they would be more than happy to do that for this project.

Commissioner DeCardy said he appreciated them doing the BMRs. He said he understood the comment that nine housing units and three BMRs were not a lot but the City needed every possible residential and BMR units. He said the design and revisions to it were completely supportable for him. He said regarding the historical preservation he wanted comments given to City Council that

they get criteria in place for determining a building's historical significance and that an appropriate plaque be done.

Commissioner Kahle asked if they could comment on the project design noting SB 330. Planner Sandmeier said under SB 330 units could not be reduced in number or the project made infeasible but there was some leeway if the Commission wanted to add a condition to change one of the materials for instance.

Commissioner Kahle asked if the proposed garden space in the rear was private for tenants or a public space. Mr. Rapp said it was private space for the residents. Commissioner Kahle suggested the front façade was busy and had perhaps one too many materials. Mr. Long said the materials were coordinated with the City and Mr. Mammarella. He said they were trying to identify a look that would break the building down into the aesthetic of four buildings. He said the intent was to create an individuality for each of those forms. He said they would be open to trying to simplify that although he thought in their previous efforts they received comments that in not differentiating the materials enough that the architecture did not identify the intent of the modulation under the Specific Plan. Commissioner Kahle said he supported the idea of separating and creating the look of four buildings. He said he was talking about the four dominant materials and also the stained soffits, the metal part of the gate, and some other elements. He said if it was up to him he would look at getting rid of the brick and just making the center stucco more dominant. He said he thought the rear elevations was a little more successful with two major elements. He said the amount of material elements on the front felt like it should be over a much longer street façade than what was there. He said he thought the canopy had been a nice addition and he felt sorry it was gone. He said he saw a note to the effect that the side elevations would be visible from El Camino Real and that the materials wrapped the corners some distance. He said he could not find what distance that was and how it actually worked. He asked if he could be referred to a drawing that would show that. Mr. Long said the side elevations in the submittal package showed the materials turned the corner so they were not perceived as two-dimensional applique but rather characterized the form of the building. Chair Riggs said it was shown on report sheets F28 and F29 and architectural sheets A4.1 and A4.2. Commissioner Kahle thanked Chair Riggs for pointing that out and noted the material wrapping worked well.

Commissioner Kahle said lastly he appreciated the BMR and fully supported a plaque for the site as referenced by several as a great idea for tying some of the past into the proposal site.

Chair Riggs said he thought that all the design versions had been well thought out and well done. He said he thought the current version had at least in part an intent to have identified home spaces. He said he supported the concept of a plaque or mounted images, noting a triptych of photographs would be interesting, for the purpose of honoring the past and the store. He said he agreed with Commissioner Kahle about the loss of the front awning, which had been a strong horizontal line. He understood it was necessary and appropriate for staff to call it into question as the modulation terminology they had learned drove certain form and limited certain options. He asked what staff and Mr. Mammarella would think of a slightly looser interpretation of the guidelines that would allow the awning in that the forms behind it seemed strong enough and the awning stood as a diminutive counterpoint.

Mr. Mammarella said under the Specific Plan the modulation had to run through the building vertically on the façade. He said staff had made an allowance for canopies wholly within the modulation but the issue was when the canopy or some other object would extend through the

modulation. He said the canopies themselves could be placed within the modulation but could not extend across the façade horizontally and still meet the Specific Plan.

Chair Riggs asked staff if the administration of the Specific Plan would leave room for the architect's preferred design to have a canopy. Planner Sandmeier said that this was something better done when they worked on amendments to the Specific Plan as the Plan had been applied to a large number of projects. She said if someone wanted to alter a guideline for a specific project then that would be done through a variance. She said since a variance was not requested for this project she thought it was better to apply the guidelines as they had been applied to other projects. Chair Riggs asked if a canopy was really the level of a variance or if it was an interpretation. Planner Sandmeier said perhaps it might be called an interpretation but as the guidelines had been applied to numerous projects she thought there might be risk in allowing an interpretation for one project. She thought the concept would be safer to bring forward when they did Specific Plan amendments. Chair Riggs said this was an amendment to the Specific Plan that he first requested around 2016. He said they had had at least one if not two Specific Plan amendments since then and this issue had not been addressed or agendaized. He said he would like to see the architect's design honored. He moved to approve the project with the spoken commitment of the developer to produce a plaque or graphic to honor the historic nature of 1162 El Camino Real and the presence and importance of Feldman's Bookstore and that the inclusion of an awning would be allowed at the architect's discretion as their preferred plan pending any action or decision of the City Attorney.

Mr. Tapia said a written comment was received just as the Chair had closed the public hearing. Directed by the Chair, Mr. Tapia read the comment of Tim Johnson, President: *Representing the Menlo Park Historical Association, we would respectfully request the Prince Group seriously consider a wall plaque recognizing the historical significance of this building.*

Commissioner Barnes said important things had happened at this location but he did not consider it to be a historic building. He said in looking through the three historic evaluations he found that the City and applicant's historic evaluation were persuasive and the original evaluation done less so. He said the BMR units on the site were the responsibility of the applicant to provide for their new development in Menlo Park and if the BMR units did not come in this building they had to be done in another building for which the applicant received entitlements. He said if this project needed an EIR then that should happen but he did not think it needed an EIR. He said he was supportive of the project but weighted by the importance of what Feldman's had meant to the community but he did not think that outweighed the rights of ownership on a building that was deemed to not be historic. Requesting clarification on Chair Riggs' motion's added condition, Commissioner Barnes said he was surprised to see the canopy gone and would second the Chair's motion. He said nothing official was in the motion regarding a plaque or some type of commemoration.

Ms. Rank asked for clarification on the addition of the canopy language. She said they did not want to be tied to any future Specific Plan amendment. She asked if this was something they would work on in consultation with staff and Mr. Mammarella as they moved onto the building permit phase. Chair Riggs said it was appropriate to indicate that the applicant would work with staff to loosen up the interpretation that led to the canopy's removal. Ms. Rank said that seemed clear as long as it was reflected such in the final condition.

Planner Sandmeier asked which version of the plans the canopy was in. Chair Riggs said it was shown tonight as a prior version and suggested the applicant could provide the date of that plan.

Commissioner Doran said largely he agreed with Commissioner Barnes. He said regarding the historical status of the building that there had been a great desire to preserve Feldman's Books. He said that had colored the consideration of whether it was a historic building or not. He said he did not think it was a historical building. He said a building was historical in itself because of some quality in structure or architecturally or because something happened there. He said this building although old had no architectural interest. He said the other question was what happened there. He said the main argument for historical significance was that it was where Jane Stanford took her laundry. He said much of what has driven the historical pursuit was the desire to preserve Feldman's Books. He said he supported the project.

Commissioner DeCardy asked if the applicant would work with Mr. Johnson and the Historical Association to come to agreement on an appropriate scale plaque memorializing Menlo Park history. Mr. Rapp said they were confident they could design something that would achieve everything discussed this evening in a commemorative plaque.

Commissioner DeCardy said the evaluation of the building most recently presented found its structure historic and not its use. He said like others he was not moved by the history of the use of the building. He said two distinctions were laid out in the staff report on page 9 and it did state that the Planning Commission had the space to find that this was a significance to local people. He said the Planning Commission did not have enough information as they had no criteria to use or if this type of building existed elsewhere in the City. He said if 50 people had shown up tonight and said that they believed this building had historic significance as a part of Menlo Park that would have been a very important representation of local interest in the building. He said they did not get that tonight and the extent to which they had heard that previously was very tied to Feldman's Books. He said he was supportive of the project but it was not completely definitive about historic significance. He said he thought they needed to send to the City Council with this approval a companion request that the City Council act to provide greater criteria for when a building in Menlo Park should be considered historic that went above and beyond state statute. He said then if it did not act on this the assumption was the City did not have additional criteria locally. He said right now the City was moot on that and there was too wide a latitude for interpretation given the lack of facts and information they were working with.

Commissioner Barnes said he recalled the first time the proposal came before the Commission that Menlo Park had the ability to create criteria but it involved a significant amount of work for what was a relatively small stock of buildings that could potentially be historic. He said also the City could have considered adopting criteria used by other cities. He said he recalled that there were not enough structures in Menlo Park to make either effort worth the while.

Commissioner Kahle said he agreed with Commissioner Doran's comments about the historic nature of the building. He said the building had had so many alterations that it was hard to support it as a historical building. He said the proposed project design was nice and he would appreciate more careful attention to the materials. He said the canopy was part of the motion and asked if the plaque was too. Chair Riggs said the plaque was not but the applicant had indicated enough commitment to accomplish it without being a condition.

Commissioner Tate said they had talked about whether the building was historic or not previously and about the turnout. She said there were several things that had come before them that they needed to get clarity from Council on and this was just another one. She said the project looked good and she appreciated the three BMR units at very low and low income levels.

Commissioner Barnes said for the record that he did not think they needed action from Council.

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

1. Make a finding on the basis of the information in the 2018 Historic Resources Evaluation (HRE) prepared by the project applicant, the City's peer review, Urban Programmer's 2016 evaluation, and the project applicant's response to this evaluation, that the existing structures on the subject property are not historically or culturally significant.
2. Make findings with regard to the California Environmental Quality Act (CEQA) that the proposal is within the scope of the project covered by the El Camino Real/Downtown Specific Plan Program EIR, which was certified on June 5, 2012. Specifically, make findings that:
  - a. The project is exempt from CEQA under Government Code Sec. 65457 because it is a residential project consistent with the El Camino Real/Downtown Specific Plan, as demonstrated in the attached Specific Plan Standards and Guidelines checklist (Attachment G).
  - b. There are no substantial changes or new information presented in this project that would cause significant impacts not addressed in the El Camino Real/Downtown Specific Plan Program EIR.
  - c. Relevant mitigation measures have been incorporated into the project through the Mitigation Monitoring and Reporting Program (Attachment J), which is approved as part of this finding.
  - d. Upon completion of project improvements, the Specific Plan Maximum Allowable Development will be adjusted by +9 residential unit and -5,025 square feet of non-residential uses, accounting for the project's net share of the Plan's overall projected development and associated impacts.
3. 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 G).

4. Approve the Below Market Rate Housing Agreement (Attachment I) in accordance with the City's Below Market Rate Housing Program, subject to final review and approval by the City Attorney.
5. Approve the architectural control subject to the following **standard** conditions:
  - a. Development of the project shall be substantially in conformance with the plans prepared by ch x tld, consisting of 48 plan sheets, dated received February 17, 2021 and approved by the Planning Commission on February 22, 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 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 by the Planning, Engineering and Building Divisions. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
  - e. Simultaneous with the submittal of a complete building permit application, the applicant shall submit plans indicating that the applicant shall remove and replace any damaged and significantly worn sections of frontage improvements. The plans shall be submitted for review and approval of the Engineering Division.
  - f. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance and the arborist report prepared by Urban Tree Management, dated September 23, 2020.
  - g. Prior to issuance of a building permit, the final, signed BMR agreement shall be recorded with the County of San Mateo and a conformed copy shall be submitted to the Planning Division.
6. Approve the architectural control subject to the following **project-specific** conditions:
  - a. The applicant shall address all Mitigation, Monitoring, and Reporting Program (MMRP) requirements as specified in the MMRP (Attachment J). Failure to meet these requirements may result in delays to the building permit issuance, stop work orders during construction, and/or fines.
  - b. Simultaneous with the submittal of a complete building permit application, the applicant shall submit an updated LEED Checklist, subject to review and approval of the Planning Division. The Checklist shall be prepared by a LEED Accredited Professional (LEED AP). The LEED AP shall submit a cover letter stating their qualifications, and confirm that they have prepared

the Checklist and that the information presented is accurate. Confirmation that the project conceptually achieves LEED Silver certification shall be required before issuance of the building permit. Prior to final inspection of the building permit or as early as the project can be certified by the United States Green Building Council, the project shall submit verification that the development has achieved final LEED Silver certification.

- c. Prior to issuance of a 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 subject proposal, the fee is estimated at \$7,077.53 (\$1.13 x 6,263.3 net new square feet).
- d. Prior to commencing any work within the right-of-way or public easements, the applicant shall obtain an encroachment permit from the City and Caltrans.
- e. Simultaneous with the submittal of a complete building permit application, the applicant shall submit required frontage improvements as shown on civil plans to include but not be limited to:
  - a) Existing sidewalk, curb and gutter shall be removed and replaced along the entire project frontage (El Camino Real).
  - b) 3-inch grind and A.C. overlay (curb to Median Island) on El Camino Real along the entire frontage.

These improvements shall be completed before the temporary certificate of occupancy (TCO) sign-off by the Engineering Division.

- f. Simultaneous with the submittal of a complete building permit application, the applicant shall submit right-of-way improvements, including frontage improvements, and the dedication of easements and public right-of-way. The applicant shall submit a draft Public Service Easement (PSE) along the property frontage to accommodate the full 12-foot wide sidewalk (as measured from back of curb) along the frontage of 1162-1170 El Camino Real. Said PSE dedication shall be subject to review and approval of the Engineering and Transportation Divisions, and shall be accepted by the City and recorded with the San Mateo County Recorder's Office prior to building permit final inspection.
- g. Prior to building permit issuance, the applicant shall submit plans for street light design per City standards, at locations approved by the City. All street lights along the project frontages shall be painted Mesa Brown and upgraded with LED fixtures compliant with PG&E standards.
- h. Prior to building permit issuance, the applicant shall comply with all Sanitary District, California Water Company, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.
- i. Prior to building permit issuance, applicant shall submit plans for: 1) construction safety fences around the periphery of the construction area, 2) dust control, 3) air pollution control, 4) erosion and sedimentation control, 5) tree protection fencing, and 6) construction vehicle parking. The plans shall be subject to review and approval by the Building, Engineering, and

Planning Divisions. The fences and erosion and sedimentation control measures shall be installed according to the approved plan prior to commencing construction.

- j. Prior to building permit issuance, the applicant shall submit a Grading and Drainage Plan for review and approval. Post-construction runoff into the storm drain shall not exceed pre-construction runoff levels. A Hydrology Report will be required to the satisfaction of the Engineering Division. Slopes for the first 10 feet perpendicular to the structure must be 5% minimum for pervious surfaces and 2% minimum for impervious surfaces, including roadways and parking areas, as required by CBC §1804.3.
- k. Prior to building permit issuance, the applicant shall provide documentation indicating the amount of irrigated landscaping. If the project proposes more than 500 square feet of irrigated landscaping, it is subject to the City's Water Efficient Landscaping Ordinance (Municipal Code Chapter 12.44).
- l. 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 mud 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.
- m. Prior to building permit issuance, applicant shall pay all Public Works fees. Refer to City of Menlo Park Master Fee Schedule.
- n. Prior to issuance of a building permit the applicant shall pay the applicable Building Construction Street Impact Fee in effect at the time of payment to the satisfaction of the Public Works Director. The current fee is calculated by multiplying the valuation of the construction by 0.0058.
- o. During the design phase of the construction drawings, all potential utility conflicts shall be potholed with actual depths recorded on the improvement plans submitted for City review and approval.
- p. Prior to building permit issuance, the applicant shall submit engineered Off-Site Improvement Plans (including specifications & engineers cost estimates), for approval by the Engineering Division, showing the infrastructure necessary to serve the Project. The Improvement Plans shall include, but are not limited to, all engineering calculations necessary to substantiate the design, proposed roadways, drainage improvements, utilities, traffic control devices, retaining walls, sanitary sewers, and storm drains, street lightings, common area landscaping and other project improvements. All public improvements shall be designed and constructed to the satisfaction of the Engineering Division.

- q. All lateral connections to overhead electric, fiber optic, and communication lines shall be placed in a joint trench.
- r. Prior to building permit issuance, the applicant shall submit plans for construction parking management, construction staging, material storage and a Traffic Control Handling Plan to be reviewed and approved by the City.
- s. Irrigation within public right of way shall comply with City Standard Details LS-1 through LS-19 and shall be connected to the on-site water system.
- t. Prior to final inspection, the applicant shall submit a landscape audit report.
- u. 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.
- v. Before or simultaneous with the submittal of a complete building permit application, the applicant may submit plans that include an awning/canopy on the front façade, spanning from the left side of the building to the edge of the garage, subject to review for conformance with the Specific Plan's facade modulation requirements by the City Attorney and review and approval by the Planning Division.

## **H. Informational Items**

### **H1. Future Planning Commission Meeting Schedule**

- Regular Meeting: March 8, 2021

Planner Sandmeier said the agenda for the March 8 meeting would have two single-family residential development projects and annual review of the development agreement for the Middle Plaza at 500 El Camino Real project.

- Regular Meeting: March 22, 2021

## **I. Adjournment**

Chair Riggs adjourned the meeting at 8:55 p.m.

Staff Liaison: Corinna Sandmeier, Senior Planner

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on March 22, 2021

## Public Comments received on G1

### February 22, 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.*

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Agenda items on which to comment:

*E1. Approval of minutes and transcript from the January 11, 2021*

*E2. Architectural Control/Paul Turek/2440 Sand Hill Road*

*F1. Use Permit/Viraj Bais/224 Hedge Road (Continued)*

*F2. Use Permit/City of Menlo Park/1395 Chrysler Drive*

*G1. Architectural Control and Below Market Rate Housing Agreement/Chasen Rapp/1162-1170 El Camino Real*

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Agenda item number

G.1

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Subject

1170 El Camino Real

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Meeting date

*Field not completed.*

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Public comment

The two-story building located at 1170 El Camino, presently occupied by Feldman's Books, dates back to 1904 built in the style of the turn of the century office buildings. It was there when El Camino was a dirt road and Menlo Park businesses were just getting started. It is significant for its distinctive type and period. Its early history was as a laundry operated by a French family and later for years it was a grocery store operated by an Irish couple, These two immigrant families began successful businesses in Menlo Park. To quote from the staff report: "The Planning Commission could find that the building at 1170 represents a potential historic resource at the local level." The building next door at 1162 is less representative as a structure but has a long history beginning

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as a butcher shop run by an English immigrant.  
The building at 1170 may not meet official State historical criteria, but the building is significant locally as to how Menlo Park was created. If the building can't be saved, the history still should be. The City could condition the developers to contribute toward a storyboard or plaque that provides photos and stories about what was before the development about to be approved. An estimated cost for the either, to be confirmed by the City Manager, is likely about \$5000. A suitable location would have to be found, to be determined. But as 1170 is the last of its kind, it would cetianly seem warranted. Thank you for the consideration.

|                           |  |
|---------------------------|--|
| First name                | Bo   |
| Last name                 | Crane  |
| Email address             |  |
| What is your affiliation? | Other  |
| Other                     | Secretary, Menlo Park Historical Association |
| Address1                  | 800 Alma Street                              |
| Address2                  | <i>Field not completed.</i>                  |
| City                      | Menlo Park                                   |
| State                     | CA   |
| Zip                       | 94025  |

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

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*G1. Architectural Control and Below Market Rate Housing Agreement/Chasen Rapp/1162-1170 El Camino Real*

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Agenda item number

G1

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Subject

BMR rental units

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Meeting date

*Field not completed.*

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Public comment

Dear Planning Commissioner,

I'm writing as an individual to express my support for this project as a whole, and for the BMR terms in particular. It's exciting to see new homes built on our transportation corridor, in our excellent school district, within easy walking distance of stores, services and parks. I particularly appreciate that three units will be affordable to low and very-low income residents, and that one of the low income affordable units is a two bedroom, two bathroom unit, large enough to become home to a low income family with kids.

I urge you to approve the project and look forward to

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welcoming new neighbors!  
-Karen Grove (housing commissioner, writing for myself)

|                           |                             |
|---------------------------|-----------------------------|
| First name                | Karen                       |
| Last name                 | Grove                       |
| Email address             |                             |
| What is your affiliation? | Resident                    |
| Other                     | <i>Field not completed.</i> |
| Address1                  | 3826 Alameda de las Pulgas  |
| Address2                  | <i>Field not completed.</i> |
| City                      | Menlo Park                  |
| State                     | CA                          |
| Zip                       | 94025                       |

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