



STAFF REPORT

Planning Commission

Meeting Date:

6/24/2019

Staff Report Number:

19-048-PC

Study Session:

Consider and provide feedback on a proposed mixed-use project with approximately 320 multi-family dwelling units, 33,100 square feet of office, and 1,608 square feet of commercial space at 115 Independence Drive and 104 and 110 Constitution Drive

Recommendation

Staff recommends that the Planning Commission review and provide feedback on a proposed project, tentatively named Menlo Portal, to redevelop three parcels with approximately 320 multi-family dwelling units, approximately 33,100 square feet of office, and approximately 1,608 square feet of commercial space on a 3.20-acre site. The three project parcels (project site) are addressed 115 Independence Drive and 104 and 110 Constitution Drive in the R-MU-B (Residential Mixed Use-Bonus) zoning district. The project is anticipated to ultimately require the following actions:

1. **Environmental Review** to analyze potential environmental impacts of the project through an Environmental Impact Report (EIR), pursuant to the California Environmental Quality Act (CEQA);
2. **Use Permit** for bonus-level development (which requires the provision of community amenities) and possibly to modify design standards;
3. **Architectural Control** to review the design of the proposed buildings and associated site improvements;
4. **Lot Line Adjustment** to reconfigure the existing parcels on the site;
5. **Lot Merger** to merge two lots to one; and
6. **Below Market Rate (BMR) Housing Agreement** to provide on-site BMR units in accordance with the City's BMR Ordinance for residential uses. Staff will be reviewing the BMR requirement for the commercial component but it is not anticipated to require BMR units or in-lieu fees since the project would result in a net decrease in commercial square footage.

Additional actions and entitlements may be required as the project plans are refined. No formal actions will be taken at this time. Staff is requesting the Planning Commission to review and provide individual Commissioner feedback on the project to the applicant and staff. The report identifies topic areas for the Planning Commission's consideration, which include the following:

- Publicly Accessible Open Space
- Neighborhood Commercial and Ancillary Space
- Office Use
- Architectural Design and Materials
- Setback and Building Modulations
- Floor Area Ratio
- Garage Screening

- Density
- Overall Approach

More detail on the above list is included in the “Planning commission considerations” section of the report. The Planning Commission’s discussion and comments are not limited to the above list.

Policy Issues

Study sessions provide an opportunity for Planning Commissioners and the public to provide preliminary feedback on a project, with comments used to inform future review and consideration of the proposal. Study sessions also allow City staff to pose specific questions to the Planning Commission regarding staff’s interpretation and implementation of aspects of the Zoning Ordinance, General Plan, and related requirements.

At its June 11, 2019 meeting, the City Council discussed the possibility of directing the City Attorney to prepare an ordinance putting a moratorium on commercial development city-wide and all residential developments over 100 units in size in the Bayfront Area. The Council decided to not direct the City Attorney to prepare an ordinance placing a moratorium on development in the City. Instead, the City Council determined there is a need to review the ConnectMenlo General Plan and Zoning Ordinance Update and the Downtown Specific Plan to assess whether the documents reflect current community values, conditions and needs. While the City Council and its subcommittees review the City’s land use planning documents to outline potential modifications, which may include but are not limited to, the allowed land uses, densities and intensities, and overall development caps, the City is obligated to continue to process development applications under the current adopted Zoning Ordinance, General Plan, and Specific Plan. If as a result of the subcommittee work the City Council adopts changes to the City’s land use planning documents while this project is still in the pipeline, the proposed project could be required to make modifications to comply with those changes.

Background

Site location

The project site consists of three contiguous R-MU-B (Residential Mixed Use) zoned parcels with a total area of approximately 3.20 acres, and currently contains three single-story buildings with a mix of office and industrial uses with a combined square footage of approximately 64,829 square feet. The existing buildings would be demolished as part of the redevelopment of the project site.

For purposes of this staff report, Bayfront Expressway (California State Route 84) is considered to have an east-west orientation, and all compass directions referenced will use this orientation. The project site is located south of Bayfront Expressway and east of Marsh Road. The project site is bounded by Independence Drive to the east and south and Constitution Drive to the north. The parcels to the north and south of the site are located in the M3(X) (Commercial Business Park) district and contain the Menlo Gateway project, which was entitled in 2010 and the second phase (Constitution Drive site) is currently under construction. The parcel to the east of the project site is zoned R-MU-B and currently contains an office building but is part of an active development proposal for a 105 unit, eight-story apartment building. Parcels immediately adjacent to the west of the project site are zoned R-MU-B and contain a mix of office, light industrial, and R&D uses. A location map is provided as Attachment A.

Analysis

Project description

The applicant is proposing to demolish the existing buildings and site improvements across the entire project site and construct a seven-story residential building and three-story office building with the project attributes listed in the table below. The proposal includes a request for an increase in height, density, and FAR under the bonus level development allowance subject to obtaining a use permit or conditional development permit and providing one or more community amenities. The applicant’s project description is included in Attachment B, and the project plans are included as Attachment C. Table 1 below provides a comparison between the existing and proposed development as it relates to the R-MU-B development regulations.

Table 1: Project Data			
	Existing	Proposed	Zoning Ordinance standards (maximums)
Residential dwelling units	0	320 units	320 units
Residential square footage	0	311,341 s.f.	314,021 s.f.
Residential floor area ratio	0	223.1%	225 %
Commercial square footage	64,829 s.f.	34,708 s.f.	34,891 s.f.
Commercial floor area ratio	46.5%	24.9 %	25 %
Total square footage	64,829 s.f.	346,049 s.f.	348,913 s.f.
Total floor area ratio	46.5%	248 %	250 %

The R-MU-B zoning district allows for mixture of land uses with the purpose to provide high density housing and encourage mixed use development. The commercial component of mixed use development projects is intended to provide a mixture of uses including neighborhood-serving retail and services that promote a live/work/play environment. Office is an allowed use in the R-MU district, but was not envisioned to be the primary non-residential component of a project. The proposed project includes an office building which would be approximately at the maximum nonresidential FAR (25 percent). The Planning Commission may wish to provide input on whether this building is acceptable as primarily an office considering that the R-MU-B district is intended for the nonresidential square footage to be a mix of uses that would serve the community.

The project site would merge two of the three parcels and maintain two legal parcels; however, the applicant is requesting that the proposed development be reviewed as if it is one parcel, which may be permitted through the use permit process. Therefore, the development regulations such as density, gross floor area (GFA), height (maximum and average height), parking and open space (publicly accessible and private) would be comprehensively evaluated across the entire project site rather than on a parcel-by-parcel basis.

Site layout

The proposed apartment building would be located on the existing 115 Independence and 110 Constitution Drive parcels, and would have frontages on both Independence and Constitution Drive. A central plaza, dog walk, and fire access lane would run north to south between the apartment building and the proposed residential development at 111 Independence Drive and the proposed commercial building at 104 Constitution Drive (which is part of the project site). A fire and service access lane would also run north to south along the eastern edge of the apartment building.

The apartment building would have seven stories containing approximately 320 dwelling units located above two levels of above-grade structured parking, lobbies, and ancillary spaces for tenants. To account for potential flooding and sea level rise (and comply with the City's Zoning Ordinance requirements), the main lobbies and resident ancillary spaces would be elevated approximately five feet above the existing grade of the street. Stairs and pedestrian ramps at the north and south of the building and along the central plaza are proposed to bring pedestrians from the sidewalk to the front doors of the lobbies on Constitution and Independence Drives. Driveways at the north and south of the building would provide access to the automated parking system within the building. Beginning at the second story, six levels of apartment units would wrap around the perimeter of the building surrounding a terrace with a pool and other private and communal open spaces for tenants located above the garage.

The proposed apartment building appears to comply with the minimum and maximum setbacks permitted at the street frontages. The majority of the street façade is located within the maximum 25 foot setback requirement, with the lobby entrances further set back which is allowed in the R-MU-B zoning district. The building would meet or exceed the minimum interior side setbacks of 10 feet.

To the west of the apartment building and across the central plaza, the commercial building would be located on the 104 Constitution Drive parcel. The three-story building would have frontages on Independence and Constitution Drives. The office space would be located above two levels of above-grade structured parking, lobbies, and commercial space intended to serve the neighborhood. Pedestrian access would be provided from the sidewalk on Independence Drive and a driveway on Construction Drive would provide access to the parking. The third floor would contain 33,100 square feet of office and a roof terrace would provide an outdoor ancillary space for the office tenants.

Floor Area Ratio (FAR) and Gross Floor Area (GFA)

In the R-MU-B zoning district, residential FAR at the bonus level has a maximum FAR of 90 percent at 30 dwelling units per acre and increases on an even gradient to 225 percent at 100 dwelling units per acre. The proposed project would include 320 dwelling units on a net lot area of 3.20 acres, yielding a density of 100 dwelling units per acre and a proposed FAR of approximately 223 percent (where 225 percent would be the maximum FAR). The proposed 320 units would be the maximum density permitted through the provisions of bonus level development (100 dwelling units per acre). Nonresidential FAR at the bonus level has a maximum FAR of 25% and the proposed office building would be 34,708 square feet (25 percent), the maximum permitted through the provisions of bonus level development.

The applicant has submitted preliminary gross floor area diagrams that identify the proposed total FAR. In general, the calculations appear to meet the requirements. One item of note is a cantilever on the office building that features columns greater than 12 inches in width. The definition of gross floor area indicates that covered porches and covered balconies provided that at least one end is open and unobstructed to the exterior except for columns or posts not more than twelve inches (12 inches) in width and walls or railings not more than forty-four inches (44 inches) in height do not count in FAR. Since the area under the cantilever and between the columns is not an accessible porch or balcony and only includes landscaping

staff believes that this area does not count in the total FAR; however, the Planning Commission may wish to provide direction on staff’s interpretation of the Zoning Ordinance. Staff believes that the other areas including the lobby entrances with columns greater than 12 inches would be included in the calculation of gross floor area and FAR. As the applicant further develops the plans, staff will be working with the applicant to ensure compliance.

Height

The applicant has submitted a preliminary analysis that documents compliance with the Zoning Ordinance height requirements. The proposed project heights are outlined in the table below. Staff is still reviewing the analysis but the propose heights appear to be in compliance with the requirements. The applicant’s average height analysis averages the height of each specific portion of all the buildings using the portion of the footprint to weight that element of the building accordingly. As stated previously, compliance with the height requirements of the Zoning Ordinance may be calculated across multiple parcels and buildings within a single project site.

Table 2: Building Height		
	Proposed	Zoning Ordinance standards
Residential Height (Maximum)**	83 feet, four inches	95 feet*
Office Height (Maximum)**	40 feet, one inch	95 feet*
Height (Average)**	61.5 feet	62.5 feet*

* The height limits include the 10 foot height increase allowed for properties within the FEMA flood zone.

** Maximum height and average height do not include roof-mounted equipment, utilities and, parapets used to screen mechanical equipment.

Lot line adjustment & lot merger

The site currently consists of three parcels addressed 115 Independence Drive, 110 Constitution Drive, and 104 Constitution Drive (which is a corner lot with frontages on Independence and Constitution Drive). The applicant is proposing a lot line adjustment and lot merger that would create two parcels on the site. The 115 Independence and 110 Constitution Drive parcels would be merged and the property line between 110 Constitution and 104 Constitution Drive would be shifted west. This lot line adjustment and lot merger would effectively locate the apartment building and office building on separate legal parcels.

Parking and circulation

Vehicular

The proposed project would include a total of 420 vehicular parking stalls distributed between the apartment and office building. The following table provides a more detailed overview of the proposed parking for the project:

Table 3: Parking Requirements		
	Proposed	Zoning Ordinance standards
Residential parking stalls	324	min. 320 and max. 480
Residential parking ratio (spaces/dwelling unit)	1.02	min. 1 and max. 1.5 spaces per unit
Office parking stalls*	96	min. 70 and max. 105
Office parking ratio* (spaces/1,000 s.f of GFA)	2.77	min. 2 and max. of 3 spaces per 1,000 square feet
Total parking	420	min. 390 and max. 585

* The applicant is also proposing a commercial space in the office building that has not been identified as a specific use. A parking ratio of 2.77 spaces per 1,000 square feet would comply with all other uses in the R-MU-B zoning district except research and development which has a lower maximum parking ratio.

The proposed office building would include 96 vehicular parking stalls incorporated into two above ground levels of parking at the base of the building and access to the parking garage would be located on Independence Drive. The proposed apartment building would also incorporate two above-ground levels of parking at the base of the building. The parking structure for the apartment building would be accessed from a ramp located at the north and south ends of the building’s street frontage on Independence Drive and Constitution Drive. An automated parking system would be utilized within the apartment building garage to minimize the amount of space needed to park vehicles while meeting the parking requirements of the zoning district. Self-park spaces would be reserved for accessible parking, loading, guests, employees, and prospective tenants.

The Zoning Ordinance requires parking within multi-family residential developments to be unbundled from the price of a unit (unless parking is physically connected to one unit). Therefore, the proposed project would be required to unbundle the parking for the apartment units. The proposed parking provided would meet the zoning ordinance parking ratio. In addition, as required by the R-MU-B zoning regulations, the project would be required to submit a transportation demand management (TDM) plan demonstrating that the project would reduce associated vehicle trips by least 20 percent below standard generation rates for uses on the site.

Bicycle and pedestrian

The proposed project would include a total of 546 bicycle parking spaces. For residential uses the R-MU-B zoning district requires 1.5 long-term spaces per unit plus an additional 10 percent short-term spaces for guests. The apartment building would incorporate bicycle parking into a dedicated storage room on the first level of the building. The bicycle storage rooms would be accessible from Independence Drive. The apartment building would include the minimum required long-term bicycle parking spaces for tenants (480 spaces), as well as 48 short-term outdoor spaces divided between the building entrances to meet the 10 percent additional parking for guests. For the office building, long-term bicycle parking would be provided on the first level of the garage (6 spaces), and short-term bicycle parking spaces would be provided at the building entry (12 spaces). While not required by the zoning ordinance, the office building would also provide 10 motorcycle parking stalls in the parking garage that do not count towards the total required parking.

As part of the proposed project, it is anticipated that new sidewalks and other street improvements such as street trees and planting buffers would be provided along the project frontages on Constitution Drive and

Independence Drive, as required by the City's Public Works Department.

Open space

The proposed project would be required to provide open space equivalent to 25 percent of the project site area, of which 25 percent must be provided as publicly accessible open space. According to the Zoning Ordinance (Chapter 16.45.120(4)(A)):

Publicly accessible open space consists of areas unobstructed by fully enclosed structures with a mixture of landscaping and hardscape that provides seating and places to rest, places for gathering, passive and/or active recreation, pedestrian circulation, or other similar use as determined by the planning commission. Publicly accessible open space types include, but are not limited to, paseos, plazas, forecourts and entryways, and outdoor dining areas. Publicly accessible open space must:

- (i) Contain site furnishings, art, or landscaping;
- (ii) Be on the ground floor or podium level;
- (iii) Be at least partially visible from a public right-of-way such as a street or paseo;
- (iv) Have a direct, accessible pedestrian connection to a public right-of-way or easement.

The minimum open space required for the project would be 34,891 square feet, of which a minimum of 8,723 square feet must be publicly accessible and meet the requirements stated above. The applicant has submitted a preliminary analysis that documents compliance with the open space requirements. The applicant is proposing 53,675 square feet of open space for the development, of which 12,575 square feet would be publicly accessible. Staff is still reviewing the analysis to determine compliance.

Publicly accessible open space

The applicant is proposing to utilize the central plaza area between the office and residential buildings for publicly accessible open space. This area would be approximately 12,575 square feet (36 percent of the total open space requirement of 34,891 square feet) which exceeds the publicly accessible open space requirement of 25 percent. The space would be approximately 50 feet wide by 200 feet deep, which would accommodate planting and seating areas. The applicant has submitted preliminary plans that identify the conceptual design and layout of the publicly accessible open space. The open space is located at the ground level, visible from the public right-of-way, and contains direct connections to the public right-of-way. The open space includes site furnishings, bicycle parking, decorative paving, lighting, and landscaping. Currently it appears that the public sidewalk and street tree planters along the Constitution Drive frontage have been included in the publicly accessible open space calculations diagram. Areas in the public right-of-way cannot be counted toward the publicly accessible open space requirements for a project and would need to be removed from the diagram for future plan sets. As the applicant further develops the plan, staff will be working with the applicant to ensure compliance.

Staff believes that the publicly accessible open space could be extended south through the lot and provide a pedestrian connection through the site from Independence Drive to Constitution Drive. The setback area between 111 Independence Drive and the proposed residential building currently identifies this area as a fire access lane and dog walk which do not count as publicly accessible open space but could be used as a publicly accessible pedestrian path (as outlined in the applicant's project plans). The setback area on 111 Independence Drive includes additional landscaping and a bocce ball court. If these areas were coordinated together a publicly accessible pedestrian path could be provided where the ConnectMenlo General Plan originally envisioned a future public right-of-way. A vision of ConnectMenlo was to increase and enhance connectivity in the area through a series of paseos, new street connections, multi-modal transportation options, and installation of a sidewalk network. Additional integration between the two properties would

likely be necessary to create a defined publicly accessible pedestrian/bicycle pathway, which could potentially aggregate or modify the location of the resident amenities for each site.

The Planning Commission should consider the proposed site layout and provide feedback on the applicant's proposal with regard to the general functionality and usability of the publicly accessible open space for the project. The Planning Commission may wish to also discuss the potential coordination between the project site and the project at 111 Independence Drive to provide a publicly accessible pathway and associated open space between the two project site and Constitution and Independence Drives.

Common and private open space

The proposed residential building would provide a mix of common and private open spaces for tenants. The apartment building would incorporate a combination of private balconies and terraces throughout each level of the building and common terraces on third and seventh levels of the building. Common open spaces in the apartment building would be available to tenants and guests, but would not be accessible to the public. The applicant's open space analysis indicates 8,093 square feet of private open space and 22,283 square feet of common open space would be provided for the apartment building, for a total of 30,376 square feet of private and common open space.

The office building would have a total of 14,812 square feet of common open space provided on the roof terrace for the office tenants. As the plans continue to develop, staff will be working with the applicant to ensure compliance with all open space requirements.

Community amenities

As mentioned in the previous section, the R-MU-B zoning district permits bonus level development, subject to the threshold requirement that any affordable housing required pursuant to Chapter 16.96 shall be designed and constructed on-site as part of the project and the requirement that the project provide one or more community amenities. As part of the ConnectMenlo process, a list of community amenities was generated based on public input and adopted through a resolution of the City Council. Community amenities are intended to address identified community needs that result from the effect of the increased development intensity on the surrounding community. Project requirements (such as the publicly-accessible open space and street improvements determined by the Public Works Director) do not count as community amenities. In the R-MU-B zoning district, the City Council included a preference that additional affordable housing units be provided as the community amenity; for example, additional housing such that twenty percent (20%) of the development is affordable (fifteen percent (15%) inclusionary plus five percent (5%) additional affordable).

An applicant requesting bonus level development must provide the City with a proposal indicating the specific amount of bonus development sought and the value of the amenity. The value of the amenity to be provided must equal 50 percent of the fair market value of the additional GFA of the bonus level development. The applicant must provide an appraisal performed by a licensed appraisal firm that sets a fair market value of the GFA and density of the bonus level of development. The City recently finalized appraisal instructions for bonus level developments, and staff and the applicant will continue to work through the appraisal process as the project plans are refined. The applicant's proposal for community amenities will be subject to review by the Planning Commission through a later study session, or in conjunction with the other project entitlements. For the Commission's reference, the appraisal instructions are available as a link as Attachment D.

The applicant has currently identified the neighborhood serving commercial space as the potential community amenity, but this would require further staff review. The neighborhood serving commercial space

may not be considered a community amenity depending on the specific use proposed and because the same community amenity cannot be included for multiple projects and each amenity identified on the community amenities list can only be used once. However, even if the neighborhood serving commercial space does not qualify as a community amenity, it may still be an important land use component for the proposed mixed-use development. The Planning Commission may wish to provide input on whether the neighborhood serving commercial space is acceptable as a community amenity and if it is an important component of the project regardless of whether the applicant receives credit for the space as a community amenity.

Design standards

In the R-MU-B zoning district, all new construction and building additions of 10,000 square feet of GFA or more must meet design standards subject to architectural control review. The design standards regulate the following project components;

- Siting and placement of buildings;
- Building mass, bulk, and size;
- Building projections and vertical building planes;
- Ground floor exterior facades of buildings;
- Landscaping and open space, including publicly accessible open space, common open space and private open space;
- Building design, materials, screening, and height; and
- Site access and parking.

As noted below, design requirements may be modified with a use permit.

Architectural style and building design

The design of the proposed residential building would have a contemporary architectural style, incorporating both solid elements and glass storefront along the majority of the primary street façades. The façades would predominantly consist of pre-finished rainscreen panels (a cladding system of interlocking panels made of wood, metal, composite, or other materials attached over top of a waterproof barrier) and aluminum punched-opening windows. The lower levels of the building would also contain architecturally finished exposed concrete walls in addition to the storefront and rainscreen systems. The proposed windows, including the glass storefront system, would have aluminum frames and mullions. Select residences would include private balconies finished with a mix of glass and metal railings.

The residential building would be seven stories tall, including a two-story concrete podium base element and a five-story wood-framed structure above. Parking, residential amenities, the leasing area, and tenant bicycle storage would be incorporated on the first floor and surround the perimeter of the parking garage along Independence Drive, Constitution Drive, and the central plaza. As currently proposed, the site layout and building orientation would reduce the parking garage visibility from Independence Drive, Constitution Drive, and the central plaza. Residential units are proposed to be a mix of studios, junior one-bedrooms, one-bedrooms, two-bedrooms, and three-bedroom units. The specific unit mix would be further refined prior to commencing the entitlement and environmental review for the proposed project.

The design of the proposed office building would also have a contemporary style. The building would be three stories tall with the first two levels consisting of parking. The first level would also contain a neighborhood serving commercial space which would be located at the corner of the building at Independence Drive and the central plaza. The exterior material of the first two levels of the building would

primarily consist of screening for the parking garage and would be visible from the public right-of-way and central plaza.

At this time, specific materials, finishes, and colors for the apartment and office buildings have not been determined. The Commission may wish to comment on preferences for colors and materials as part of this study session for the project.

Minimum setback and building projections

On public-street-facing facades, buildings in the R-MU-B zoning district are required to step back at least 10 feet for 75 percent of the building on the upper stories above 45 feet in height. The applicant has submitted preliminary documentation of the step back requirement, however the proposed building does not appear to comply with the requirement. The setback requirement is the horizontal distance a building's upper stories must be set back above the base height. While the proposed building facades are set back from the property line the upper portions of the façades are not stepped back from the base height. The plans would need to be revised to comply with the setback requirement or the applicant would need to apply for a use permit to modify this requirement. Staff believes implementation of the setback requirement could help reduce the building massing. The Planning Commission may wish to comment on whether the proposed treatment is acceptable, or if a setback should be provided.

The office building is exempt from the setback requirement since the total building height is lower than the base height of 45 feet.

Major and minor modulations

The design standards for the R-MU-B zoning district require major and minor modulations on street-and open space-facing facades. For major modulations, the design must include a minimum of one recess of 15 feet wide by 10 feet deep per every 200 feet of facade length from ground level to 45 feet in height. For minor modulations, a minimum recess of five feet wide by five feet deep per 50 feet of facade length is required from ground level to the top of the building. The intent of the required modulations is to provide visual variety, reduce large building volumes, and provide spaces for entryways.

For the residential building, the Independence Drive and central plaza elevations would be exempt from the major modulation requirements because these facades would be less than 200 feet in length. The proposed major modulation along the Constitution Drive street-facing frontage would be a recess of approximately 72 feet wide by 20 feet deep in the vicinity of the recessed entryway. Several minor modulations proposed along the Constitution Drive and open space-facing frontages would be single recesses spanning 53.5 feet to 61.5 feet in length and five to 10 feet in depth. Staff believes that these proposed recesses do not meet the intent of the minor modulation requirement and the design would need to be revised because it spans a large portion of the length of the building and does not change per each 50 feet of façade length. The Planning Commission may wish to comment whether the proposed minor modulation treatments are acceptable. The proposed minor modulations along the Independence Drive-facing façade appear to meet the intent of the Zoning Ordinance requirements.

For the office building, no major modulations would be required since the street-and open space-facing facades would be less than 200 feet in length. However, the Constitution Drive façade indicates a major modulation at the corner with the neighborhood serving commercial space, but the proposed modulation does not meet the 10 foot depth requirement and does not extend the full height of the building. For the required minor modulations, the building is proposing to use projecting elements such as the stair tower and building columns to meet the requirement. Building projections spaced no more than 50 feet apart with a minimum of 3-foot depth and 5-foot width may satisfy this requirement in lieu of a recess. Several of the

proposed protections range from 49 feet to 21 feet and span a large portion of the length of the building. In addition, these elements do not extend to the full height of the building, as required by the design guidelines.

The Planning Commission may wish to comment whether the proposed major and minor modulation treatments are acceptable, or if the modulations should be revised in future submittals.

Ground floor exterior

The applicant has provided preliminary diagrams indicating compliance with the ground floor transparency requirement and building and garage entrance location and frequency requirements. Staff believes the project generally would meet the ground floor exterior requirements but would continue to work with the applicant to ensure compliance with the requirements. The office building would have a screen wall along the perimeter of the parking garage which is currently counted as transparency in the compliance diagrams but the portions of ground floor façades occupied with parking garages are not required to meet the transparency requirements. However, the parking garage screens limit the variation of the office building façade and do not break up the long expanses of wall associated with the parking garage. The Planning Commission may wish to consider whether additional commercial space or office or residential ancillary space should be located along the central plaza to increase the functional advantage of having windows and transparent storefront in the area, and to promote additional vibrancy and activity on the central plaza.

Summary

With regard to the overall project design/style and the application of R-MU-B zoning district standards, staff believes that the project would meet a majority of the design guidelines required in the Zoning Ordinance with the exception of the stepback and major and minor modulations. Staff believes that compliance with the requirements would help reduce the appearance of bulk and massing that the proposal currently exhibits. Staff will continue to evaluate the proposed project to ensure compliance as more detailed plans are prepared and any modifications are made. The Planning Commission may wish to provide additional feedback on the proposed building design and site layout before the project advances to the full submittal stage. The applicant's project description letter is included in Attachment B and describes the overall project proposal and design in more detail.

Green and sustainable building

In the R-MU-B zoning district, projects are required to meet the following green and sustainable building regulations.

- Meet 100 percent of its energy demand through any combination of on-site energy generation, purchase of 100 percent renewable electricity, and/or purchase of certified renewable energy credits;
- Design to meet LEED (Leadership in Energy and Environmental Design) Gold BD+C;
- Comply with the electric vehicle (EV) charger requirements adopted by the City Council in November 2018;
- Incorporate bird-friendly design in the placement of the building and the use of exterior glazing;
- Water use efficiency;
- Placement of new buildings 24 inches above the Federal Emergency Management Agency (FEMA) base flood elevation (BFE) to account for sea level rise; and
- Waste management planning.

Details regarding how the proposed building would meet the green and sustainable building requirements

will be provided as the project plans and materials are further developed.

Planning Commission considerations

The following comments/questions are suggested by staff to guide the Commission's discussion, although Commissioners should feel free to explore other topics of interest. Some of the topics listed below were previously identified throughout the staff report.

- **Publicly Accessible Open Space.** Should the publicly accessible open space be coordinated with the adjacent project at 111 Independence Drive and extended to provide a pedestrian connection from Independence Drive to Constitution Drive? Does the Planning Commission believe the general approach to the publicly accessible open space on the site is acceptable? While the layout and design are preliminary, does the Commission have any comments or feedback for the applicant team on the preliminary design and location of the open spaces, considering the criteria outlined previously in the staff report?
- **Neighborhood Commercial and Ancillary Space.** Should the proposed neighborhood serving commercial space be incorporated as part of the project regardless of whether it can be used as a community amenity? Should additional neighborhood commercial and/or office or residential ancillary spaces be located adjacent to the paseo to promote additional active uses along the paseo?
- **Office Use.** Is the proposed office building, which would be approximately the maximum nonresidential FAR (25 percent), acceptable considering that the R-MU-B district intended for the nonresidential square footage to be a mix of uses that would serve the community?
- **Architectural Design and Materials.** Is the contemporary architectural design of the proposed residential building appropriate for a multi-family dwelling building? Does the Planning Commission believe the overall proposal meets the intent of the ordinance, contains a cohesive design, provides visual interest, and breaks up the massing?
- **Setback and Building Modulations.** Would the Commission consider a use permit request to modify the design standards for the setback and/or major and minor modulations requirements?
- **Garage Screening.** Is the type and extent of the proposed parking garage screening for the office and residential building appropriate or does it require additional refinement to activate the office building facades?
- **Floor Area Ratio.** On the office building, can the area under the cantilever and between the columns where there is not an accessible porch or balcony and only contains landscaping be excluded from the calculation of FAR?
- **Density.** Is the proposed density appropriate for the site? The proposal would utilize the bonus level allowance for density, floor area ratio, and height in exchange for community amenities. Staff will be evaluating the project for the appropriate value of community amenities to be provided in exchange for the bonus level development. Does the Planning Commission believe that the proposed project is generally appropriate for the site?

- **Overall Approach.** Is the overall aesthetic approach for the project consistent with the Planning Commission's expectations for new development in the R-MU-B zoning district?

Correspondence

As of the writing of this report, staff has not received any correspondence regarding the project.

Impact on City Resources

The project sponsor is required to pay Planning, Building and Public Works permit fees, based on the City's Master Fee Schedule, to fully cover the cost of staff time spent on the review of the project.

Environmental Review

Study sessions do not require analysis under the California Environmental Quality Act (CEQA). With regard to the overall project review and action, the terms of the 2017 settlement agreement with the City of East Palo Alto require projects seeking bonus level development to complete an EIR. Subsequent to this study session, City staff will identify a consultant to complete the environmental review and prepare an initial study and EIR for the proposed project. Depending on the initial study, a focused EIR may be prepared only on the topics that warrant further analysis but would include a transportation and housing analysis at a minimum, per the terms of the settlement agreement. As currently proposed, the Planning Commission would take the final action on the project entitlements, including the EIR, after the completion of the environmental review and any revisions to the plans based on feedback from the Planning Commission and Planning staff.

Public Notice

Public Notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting. Public notification also consisted of publishing a notice in the local newspaper and notification by mail of owners and occupants within a 300-foot radius of the subject property.

Attachments

- A. Location Map
- B. Project Description Letter
- C. Project Plans
- D. Community Amenities List;
https://www.menlopark.org/DocumentCenter/6360_Community-Amenities

Disclaimer

Attached are reduced versions of maps and diagrams submitted by the applicants. The accuracy of the information in these drawings is the responsibility of the applicants, and verification of the accuracy by City Staff is not always possible. The original full-scale maps, drawings and exhibits are available for public viewing at the Community Development Department.

Exhibits to Be Provided at Meeting

None

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