



REGULAR MEETING MINUTES

Date: 2/24/2020
Time: 7:00 p.m.
City Council Chambers
701 Laurel St., Menlo Park, CA 94025

A. Call To Order

Chair Andrew Barnes called the meeting to order at 7:00 p.m.

B. Roll Call

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

Absent: Michele Tate

Staff: Ori Paz, Associate Planner; Corinna Sandmeier, Senior Planner; Chris Turner, Assistant Planner

C. Reports and Announcements

Senior Planner Corinna Sandmeier said the City Council at its February 25, 2020 meeting would consider the Secondary Dwelling Unit Urgency Ordinance to bring the City into compliance with state law. She said the staff report for that item also included consideration of future steps regarding secondary dwelling units.

D. Public Comment

None

E. Consent Calendar

- E1. Approval of minutes and court reporter from the January 27, 2020, Planning Commission meeting. ([Attachment](#))

Commissioner Chris DeCardy said on page 38, line 10, of the court reporter's transcript was the word "accessible." He said it was his comment and the word he used or meant to use was "acceptable."

ACTION: Motion and second (DeCardy/Henry Riggs) to approve the minutes and meeting transcript from the January 27, 2020 Planning Commission meeting with the following modification; passes 6-0-1 with Commissioner Michele Tate absent.

- Meeting transcript, page 38, line 10, replace the word "accessible" with "acceptable."

F. Public Hearing

- F1. Use Permit/Goldsilverisland Properties/920 Cloud Avenue:
Request for a use permit to demolish an existing one-story, single family-residence and construct a new two-story residence on a substandard lot with regard to minimum lot width and area in the R-1-U (Single-Family Urban Residential) zoning district. ([Staff Report #20-010-PC](#))

Staff Comment: Planner Sandmeier said a neighbor to the rear of the subject property sent an email over the weekend to request taller screening trees along the rear property line. She said copies of that email were at the dais for the Commission and at the table in the back of the room for the public.

Applicant Presentation: Heather Brewer, Arch Studio, Inc., said she was representing architect Robin McCarthy, and the property owner, Goldsilverisland Properties, LLC. She said the architectural style of the proposed home was Craftsman with horizontal lap siding and shingle siding in the gables. She said the design featured corbels and stylistic detailing at the front porch to highlight the Craftsman components. She said the roofing material was a combination of a gray-colored composite shingle. She said window and doorframes as well as all other finishing trims would be white. She said the height of the new structure would be less than the 28-foot maximum allowed. She said the second story was set back from all sides. She said they canvassed and met with neighbors and based on that had confidence the proposed home was a welcome addition to the community.

Replying to Commissioner Larry Kahle, Ms. Brewer said the siding would have mitered corners. Further replying to Commissioner Kahle, Ms. Brewer said they could consider replacing the vinyl windows with wood windows. She said she would have to refer that back to the architect.

Chair Barnes opened the public hearing.

Public Comment:

- Tina Eipe, Menlo Park, said her home was at the rear of the subject property. She said her concern was privacy as the proposed home was two-story and her master bedroom and family room were on the first floor facing the subject property. She suggested a taller fence and requested taller trees of 12 to 15-feet tall at planting at the rear property line.

Chair Barnes closed the public hearing.

Commission Comment: Commissioner Kahle asked the applicant about the taller screening trees being requested. Ms. Brewer said their landscape architect suggested four Laurus Saratoga evergreen trees, which at planting would be about 11 to 12 feet in height and at maturity about 20 to 30 feet tall.

Commissioner Kahle said generally the project was supportable and would fit the neighborhood. He said the garage however was pretty dominant and tall. He said the ceiling heights at 10 feet and nine feet with up to 12 feet in the middle were fairly tall. He said it worked fairly well with the proportions and how the second floor was set back. He said he would like the second floor set back a little more at the front. He said he was pleased the applicant would consider wood windows,

which he thought would be a great addition. He said the mitered corners were great and the porch was a nice touch.

Commissioner Camille Kennedy said she agreed with Commissioner Kahle's comments and was pleased the applicant was willing to plant more mature trees. She moved to approve the project. Commissioner Henry Riggs said the project was very supportable. He said his concern was the number of trees being planted six feet apart as in 20 years those trees would grow to look like a hedge and would continue to grow beyond 20 years. He said the only way he knew to provide an instant screen and yet have a reasonable future outcome was to plant trees with the intention of coming back and removing every other tree. He said he was not sure how aggressive the applicant needed to be in providing the screening. He said he would like to second the motion with a friendly amendment to ask that an arborist be consulted as part of a landscape review by staff looking at what the stand of trees would look like in 10, 15 and 20 years.

Chair Barnes asked whether that was to get arborist concurrence that future removal of the trees would be a good idea from the perspective of best practices. Commissioner Riggs said he was recommending that before the plan was finalized that it be reviewed by an arborist with specific comment as to whether this group of six-foot on center trees would be attractive in 10, 20 and 30 years.

Commissioner Kennedy said the applicant had indicated willingness to plant an aggressive number of trees. She said to plant that many and then in 10 years take half of them out would be a waste. She asked if the applicant could work with an arborist and City staff to determine what the perfect blend of plantings would be to address privacy in the short- and long-term. She confirmed with Ms. Eipe that her home was one-story. Commissioner Kennedy asked if the applicant was willing to work out an appropriate blend that solved for the screening immediacy plus the long-term care and growth of a stand of trees that would not become unmanageable for the property owner in the future. Ms. Brewer answered affirmatively.

Replying to Chair Barnes, Commissioner Kennedy said she was rejecting the friendly amendment and instead modifying her motion for initial thought and care to go into the blend of screening used between fast growing shrubbery and trees so that in five- or 10-years healthy trees would not have to be removed.

Chair Barnes asked Commissioner Kennedy if she was asking staff to do landscape screening review in concert with an arborist or internal staff looking at the landscape plan and if it was discretionary by the staff to review and approve. Commissioner Kennedy said review for discretionary approval by staff.

Replying to Chair Barnes, Planner Sandmeier said staff could work with the City Arborist to figure out the appropriate landscape screening. She asked if the motion had a requirement for 12-foot in height screening when planted or if it would be acceptable should the City Arborist determine it was better to use smaller plants that would grow quickly.

Replying to Chair Barnes, Commissioner Kennedy said her motion was to plant trees at a 12-foot height but not as many as had been proposed so none would need to be removed at a later date, and while those trees were growing to have additional screening from other shrubbery. Chair Barnes said the fence was seven feet in height and confirmed Commissioner Kennedy wanted

shrubby taller than that and of a type to be determined by the Arborist as a good blend of the 12-foot trees and other shrubby screening.

Replying to Chair Barnes, Planner Sandmeier said she understood the motion. Commissioner Kahle said he would second Commissioner Kennedy's amended motion. He said that the balcony on the second floor was a smaller scale and 70 feet away from the neighbor's one-story home.

ACTION: Motion and second (Kennedy/Kahle) to approve the item with the following modification; passes 6-0-1 with Commissioner Michele Tate absent.

1. Make a finding that the project is categorically exempt under Class 3 (Section 15303, "New Construction or Conversion of Small Structures") of the current California Environmental Quality Act (CEQA) Guidelines.
2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
3. Approve the use permit subject to the following **standard** conditions:
 - a. The applicant shall be required to apply for a building permit within one year from the date of approval (by February 23, 2021) for the use permit to remain in effect.
 - b. The applicant shall be required to apply for a building permit within one year from the date of approval (by February 24, 2021) for the use permit to remain in effect.
 - c. Development of the project shall be substantially in conformance with the plans prepared by Arch Studio Inc., consisting of 23 plan sheets, dated received February 18, 2020, and approved by the Planning Commission on February 24, 2020, except as modified by the conditions contained herein, subject to review and approval of the Planning Division.
 - d. 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.
 - e. 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.
 - f. 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.

- g. Simultaneous with the submittal of a complete building permit application, the applicant shall submit plans indicating that the applicant shall remove existing driveway and replace with a new curb, gutter, sidewalk and landscape. Additionally, the applicant shall replace any damaged and significantly worn sections of frontage improvements. The plans shall be submitted for review and approval of the Engineering Division.
 - h. 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.
 - i. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance and the arborist report prepared by Kielty Arborist Services LLC, dated June 27, 2019.
4. Approve the use permit subject to the following **project-specific** conditions of approval:
- a. Simultaneous with the submittal of a complete building permit application, the applicant shall submit revised plans showing a 7-foot tall, solid wood fence along all property lines with the exception of property lines within the required 20-foot front setback.
 - ~~b. Prior to building permit final inspection, all landscaping shall be planted, including a new street tree in the right-of-way in front of the property and four evergreen trees along the rear property line.~~ **Simultaneous with the submittal of a complete building permit application, the applicant shall submit a revised landscape plan showing 12-foot tall evergreen trees, and shrubbery over 7 feet tall, to be planted along the rear property line, subject to review and approval of the Planning Division and the City Arborist. Prior to building permit final inspection, all landscaping shall be planted, including a new street tree in the right-of-way in front of the property, and the trees and shrubbery along the rear property line.**

F2. Use Permit/GoldSilverIsland Properties LLC/1010 Mallet Court:
Request for a use permit to demolish an existing one-story, single-family residence and construct two new two-story, single-family residences on a substandard lot with regard to minimum lot width in the R-3 (Apartment) zoning district. One heritage-size Japanese maple tree in fair condition is proposed to be removed as part of the project. ([Staff Report #20-011-PC](#))

Staff Comment: Associate Planner Ori Paz said copies of an email from a neighbor of the subject property expressing some concerns with the project were at the dais for the Commission and at the table in the back for the public.

Applicant Presentation: Heather Brewer, Arch Studio, Inc., said she was representing architect Robin McCarthy, and the property owner, Goldsilverisland Properties, LLC. She said the proposed style was Craftsman with horizontal lap siding on the first floor and shingle siding on the second floor with varying materials for the gables. She said the roofing material was a combination of a gray-colored composite shingle. She said the window and doorframes was well as all finishing trims would be white. She said the height of the residences was less than the allowable 35 maximum height. She said the second story was set back at multiple locations on both homes

minimizing the bulk and mass. She said they canvassed and met with neighbors and found the proposed homes would be a welcome addition to the community.

Commissioner Kahle asked if Ms. Brewer had seen the email from the neighbor as he indicated he had not been at the meeting with residents and had not received return calls when he left voice messages. Ms. Brewer said it was a clerical error that the neighbor's name was listed on the meeting list. She said she had no knowledge regarding his voicemails and not receiving return calls.

Commissioner Kahle noted the corner boards on the proposed project. He asked if all the materials on the front house would be painted white. Ms. Brewer said the front house was proposed as a soft yellow and all the trims were white.

Commissioner Kahle said this project and the previous one had the same property owner and architect but he found this one to be less successful. Ms. Brewer said for the previous project they were embracing the more historical features of the Craftsman style. She said that with this project they were leaning toward the more contemporary Craftsman style.

Chair Barnes opened the public hearing.

Public Comment:

- Joe O'Connor, Menlo Park, said he and his wife shared the backyard of the proposed project. He said they were concerned about construction impacts as the existing home was very old and they were concerned if there was lead or asbestos in it. He asked about water being sprayed that might leach into their backyard. He asked how they ensured construction followed all standards and whether there was a permit for demolition.
- Jessica Yurasek, Menlo Park, said her property was less than 20 feet from the right of the subject property. She referred to the email staff received and said she also had problems contacting the phone number and the email. She said she got no response to multiple voicemails she left and emails she sent. She said she was present at the neighbor meeting and was skeptical about the number of people claimed to have attended. She said she wanted to know when demolition would start and when construction would start. She said she wondered if there had been valid public notice for the demolition and if a notice had to be posted on the existing residence that it would be demolished.

Chair Barnes closed the public hearing.

Commission Comment: Commissioner DeCardy asked about the deconstruction process and regulations concerning the removal of asbestos and lead. Planner Paz said the applicant would need to apply for a demolition permit. He said the Building Division governed regulations and standards regarding demolition including what happened when hazardous materials were found onsite. He said there were construction best management practices that needed to be followed. He said for more information regarding that he could connect with the Building Division and relay additional information.

Commissioner DeCardy asked about public notice and the accuracy of the documentation about

neighbor outreach. Planner Paz said outreach was not strictly a component of the project review process and staff relied on information about that provided by an applicant. He said use permit applications were publicly noticed in a standard way. He said regarding notice about demolition that a permit had not been granted yet for that.

Commissioner Kahle noted for the public speakers that there would be a demolition permit and that a lot of their questions could be answered by the Building Division. He said regarding the proposal that it was not as successful as the previous project. He said the rear house of the project was less successful than the front house was. He said he was concerned with what sounded like failed public outreach for a number of neighbors. He said he was not sure if a continuance was justified and would like to hear from other Commissioners.

Commissioner Michael Doran said he was very concerned hearing from two neighbors about a lack of responsiveness to their concerns, and the questions raised about the accuracy of the attendance for the open house. He said he thought continuance would be justified because of the questionable neighbor outreach and communication. He moved to continue the item.

Commissioner DeCardy asked what would have to occur during the time of continuance if that was the action. Commissioner Doran said he saw the purpose of the continuance to allow the neighbors to express their opinions to the developer with the hope that the developer would respond to those and then bring the project back to the Commission.

Commissioner Riggs asked staff how they would normally determine the success of neighbor outreach if an applicant did not hold a neighbor meeting. Planner Paz said that neighborhood outreach was not a required component of the process although staff encouraged applicants to do it. He said outreach was sometimes a mailer with plans and sometimes was less extensive. He said if no outreach was done that would be mentioned in the staff report to the Commission. He said they had applicants update their project description letter as to the extent of neighborhood outreach done.

Replying further to Commissioner Riggs, Planner Paz said the City provided a seven-day notice typically following the submittal of an application for a project of this one's scale to properties within 300 feet of the subject property. He said those neighbors would receive a mailer with a link to the project plans and project planner contact information. He said once a Commission meeting date was determined a public notice was published in the newspaper and another notice to those within the 300-foot radius of the subject property was mailed to inform that the project had been scheduled for a Planning Commission public hearing and where to find the staff report and the project planner contact information.

Commissioner Riggs asked if the applicant might speak to what the neighbor outreach achieved as there was apparently more than one incident of what the applicant said being a clerical error.

Ms. Brewer said they held a meeting at the subject property and she understood four or five neighbors came. She said in retrospect they should have been more diligent in recording the names of the specific neighbors who came. She said they did their best to remember everyone who came and what their addresses were. She said she believed the developer also sent mailers notifying everyone about the project within the radius Planner Paz had mentioned.

Commissioner Riggs noted that although the report on the number of neighbors who showed at the meeting seemed mishandled, the Commission had heard presentations of projects where only one neighbor attended an outreach meeting. He said they have had projects before the Commission that had no neighbors attend. He said usually on a staff report the first thing he checked was what letters were received on the project and their subject matter. He said here they had a letter and a speaker aligned in two cases but it did not appear there was other input. He suggested they focus on whether the issues brought forward by the two neighbors had been adequately addressed. Commissioner Kahle seconded the motion to continue the project. He said the point of a continuance as to the outreach was there were two different versions of what occurred and some problems with the phone number / email and/or getting returned calls or email replies. He said he thought that all should be cleaned up. He said the other point of a continuance was to have the applicant take a closer look at refining the design in terms of detailing, massing and materials, and bring the standards of those to the level of the applicant's previous project on tonight's agenda.

Chair Barnes noted the motion to continue and the second and asked Commissioner Kahle if there were conditions in his second to continue. Commissioner Kahle said he gave general guidelines but nothing specific.

Chair Barnes asked staff to address the continuance process, when the item might be expected to be reheard, and the level of specificity staff would look for or need, if any, as part of the continuance. Planner Paz said related to Planning Commission agendas that staff was booking complete items for the second meeting in April. He said if the item was continued tonight it was unlikely the item could come back to the Commissioner before that April meeting. He said possibly then in May but that was dependent on how many items were in the queue and how long those had been waiting as well. He said as related to continuance process more generally that it was typically more helpful to have specific guidelines for the applicant so they might clearly demonstrate that they had met the intent of the Commission.

Commissioner Kahle said specifically the applicant should look at the detailing such as eliminating the corner boards or minimizing them to paint them out to match the adjacent siding. He said he would like to see more woodworking details that were in keeping with the Craftsman tradition. He said he would like to see perhaps a reduction of the number of materials noting the various and different types of siding. He said he would like to see refinement of the proportions and massing for the rear house. He said a neighbor commented on adding a gable to the front house but he would leave that to the architect. He said a cleaner look and proportions would be very helpful to the project design.

Chair Barnes asked if the maker of the motion had any specificity to provide to the applicant for remedy as related to outreach. Commissioner Doran said he would like to see evidence that the two neighbors on the record that did not receive return calls and/or emails had that addressed. He said he would like to see another neighbor meeting to get more input from the neighbors on the plans.

Replying to Chair Barnes, Planner Paz said it was staff's understanding that Commissioner Doran as the maker of the motion was accepting the conditions expressed by Commissioner Kahle regarding the design and the two items regarding neighbor outreach update so that neighbors who did not receive a response were contacted and received a response including that an additional community meeting was held prior to the item coming back to the Planning Commission.

Chair Barnes noted that he had not confirmed with Commissioner Doran as the maker of the motion that Commissioner Kahle's amendments were acceptable. Commissioner Doran said they were.

Chair Barnes said the outreach process was not prescriptive or mandatory in Menlo Park and was quite subjective. He said the paperwork the City provided applicants recommended outreach but did not say it was mandated. He said what the level of neighbor outreach by an applicant should be was not defined so he had some sympathy with the applicant here in that regard. He said he also saw holes in the applicant's outreach efforts.

ACTION: Motion and second (Doran/Kahle) to continue the item with direction; fails 2-4-1 with Commissioners Doran and Kahle supporting, Commissioners Barnes, DeCardy, Kennedy and Riggs opposed, and Commissioner Tate absent.

Commissioner Riggs said the air condition units seemed to be located against the property line fences and that was unfair to neighbors who might open windows on hot nights for ventilation. Ms. Brewer said they could analyze a different location for the air conditioners.

Commissioner DeCardy moved to approve the item to include relocating air conditioners away from neighbors.

Planner Paz said on the site plan the air conditioners were located adjacent to the houses and not at the fences at the property line. He referred to sheet A1-2. Commissioner Riggs referred to sheet A1-2 and asked what the circles were that appeared in the renderings. Ms. Brewer apologized and said those were garbage cans. Commissioner Riggs said in that case he withdrew his concern.

Chair Barnes said Commissioner DeCardy's motion to approve was without the relocation of the air conditioning units as that was unnecessary. Commissioner Riggs seconded the motion.

Chair Barnes said he thought the architecture for the project was suboptimal. He said though it met the minimum standard he did not think it was the best effort, but was not enough for him to deny or continue the project.

ACTION: Motion and second (DeCardy/Riggs) to approve the item as recommended in the staff report; passes 4-2-1 with Commissioners Barnes, DeCardy, Kennedy and Riggs supporting, Commissioners Doran and Kahle opposing, and Commissioner Tate absent.

1. Make a finding that the project is categorically exempt under Class 3 (Section 15303, "New Construction or Conversion of Small Structures") of the current California Environmental Quality Act (CEQA) Guidelines.
2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.

3. Approve the use permit subject to the following **standard** conditions:
- a. The applicant shall be required to apply for a building permit within one year from the date of approval (by February 23, 2021) for the use permit to remain in effect.
 - b. Development of the project shall be substantially in conformance with the plans prepared by Arch Studio Inc., consisting of 27 plan sheets, received February 18, 2020, and approved by the Planning Commission on February 24, 2020, except as modified by the conditions contained herein, subject to review and approval by the Planning Division.
 - c. Prior to building permit issuance; the applicants shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
 - d. Prior to building permit final inspection, all public right-of-way improvements, including frontage improvements and the dedication of easements and public right-of-way, shall be completed to the satisfaction of the Engineering Division.
 - e. Prior to commencing any work within the right-of-way or public easements, the Applicant shall obtain an encroachment permit from the appropriate reviewing jurisdiction.
 - f. 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.
 - g. Simultaneous with the submittal of a complete building permit application, the applicant shall submit plans to remove and replace any damaged and significantly worn sections of frontage improvements. The plans shall be submitted for review and approval by the Engineering Division.
 - h. Simultaneous with the submittal of a complete building permit application, the 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, and 5) tree protection fencing. 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.
 - i. 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. 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.
 - j. Simultaneous with the submittal of a complete building permit application, 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).

- k. Simultaneous with the submittal of a complete building permit application, 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.
- l. If construction is not complete by the start of the wet season (October 1st through April 30th), the applicant shall implement a winterization program to minimize the potential for erosion and sedimentation, subject to review and approval of the Engineering Division. 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. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a heritage street tree preservation plan, detailing the location of and methods for all tree protection measures.
- n. Prior to building permit issuance, the applicant shall pay all Public Works fees. Please refer to City of Menlo Park Master Fee Schedule for fee information.
- o. Prior to final inspection, 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.
- p. 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.
- q. Simultaneous with the submittal of a complete building permit application, the applicant shall submit engineered off-site improvement plans including specifications & engineers cost estimates for infrastructure necessary to serve the project. All public improvements shall be designed and constructed to the satisfaction of the Engineering Division.
- r. All lateral connections to overhead electric, fiber optic, and communication lines shall be placed in a joint trench.
- s. Prior to issuance of each 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.

- t. All agreements shall run with the land and shall be recorded with the San Mateo County Recorder's Office prior to building permit final inspection.
 - u. If this project is creating more than 5,000 square feet of irrigated landscaping, per the City's Water Efficient Landscape Ordinance (Municipal Code 12.44) the irrigation system is required to have a separate water service.
 - v. Prior to final inspection, the Applicant shall submit a landscape audit report.
 - w. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance and the arborist report prepared by Kielty Arborist Services LLC dated April 18, 2019, revised October 16, 2019 and November 26, 2019.
4. Approve the use permit subject to the following **project-specific** condition of approval:
- a. Prior to the final inspection the Applicant shall slurry seal the entire project frontage (curb to curb), and submit documentation of completion subject to review and approval by the Engineering Division.
 - b. The Transportation Impact Fee (TIF) is estimated to be \$15,155.24. This was calculated by multiplying the fee of \$15,155.24/unit for Single-Family homes by net new Single-Family homes of one unit. Please note this fee is updated annually on July 1st based on the Engineering News Record Bay Area Construction Cost Index. Fees are due before a building permit is issued.
 - c. Prior to tentative map approval the applicant shall pay the City's Recreation In-Lieu Fee (per Municipal Code 15.16.020). The recreation in-lieu fee is \$78,400.00 per net new unit. The applicant shall receive credit for one existing legal unit.

F3. Use Permit/Jaime Gonzalez/700 Hermosa Way:
Request for a use permit to demolish an existing two-story, single-family residence, three detached accessory buildings, and a detached secondary dwelling unit, and construct a new two-story residence and detached secondary dwelling unit on a substandard lot with regard to minimum lot width in the R-E (Residential Estate) zoning district. The proposal includes removal of one heritage Douglas fir tree ([Staff Report #20-012-PC](#))

Staff Comment: Assistant Planner Chris Turner said staff had no additions to the staff report.

Applicant Presentation: Jaime Gonzalez, property owner, said his application was for a home he wished to build for him and his family.

Steve Schwanke, project architect, said a use permit was required as the lot was substandard in terms of width with a requirement of 110 feet. He said this lot was 108.5 feet wide. He said 15 heritage oak trees were on the property and would be retained. He said in addition to the two-story

home they wished to build the project would have a cabana for their family and/or aging parents and that was classified as a secondary dwelling unit (SDU).

Commissioner DeCardy referred to the driveway location and proposed removal of the Douglas fir. He said the arborist report designated that tree's health the same as other trees that were not being proposed for removal. He asked how unhealthy the tree was compared to other trees not proposed for removal and whether the driveway might be moved a bit to keep the tree if it was worth keeping.

Mr. Schwanke said the Douglas fir was leaning considerably toward the adjacent parcel and was unhealthy. He said he did not think relocating the driveway would improve the health of the tree.

Chair Barnes opened the public hearing.

Public Comment:

- Robert Scott Lessing said he and his wife lived immediately behind the subject property. He said the fence in the rear was not located in the right place and asked that it be relocated at the actual property line, which was about three-and-a-half feet into the subject property. He said the two public notices they received in the past had the pool oriented in different ways. He said one seemed to be 10-feet away from the setback to the property line and the most recent plan showed the pool relocated but the accessory dwelling unit (ADU) moved to within four feet of the property line. He said the ADU seemed to have a different permitting process. He asked if that was the case then what was the process for public comment on that four-foot setback from the rear property line. He said the drawing also indicated an air conditioner unit with no apparent screening also four feet from the rear property line. He said they did not have air conditioning and their bedroom was 34 feet from that air conditioner. He said it sounded like the ADU might be occupied which indicated to him that the air conditioner would be used. He said some of the trees along the rear property line had been removed from the drawings and he was curious about the screening and landscaping plan as it related to a new fence on the property line.

Chair Barnes closed the public hearing.

Commission Comment: Commissioner Kahle said he was friends with Mr. Lessing who just spoke, but that did not influence his comments. He asked if staff could explain the ADU and the Commission's role in its consideration. Planner Turner said new state law effective January 1, 2020 actually prohibited discretionary actions on ADUs. He said the law's purpose was to streamline the approval of ADUs and there were only very limited cases where those could be discussed in any discretionary review. He said in this case the proposed ADU met all development standards per state law and was not part of the scope of the use permit. He said the ADU would be approved through a building permit.

Commissioner Kahle said state law allowed ADUs with a four-foot setback and air conditioners had to meet decibel rating standards. He said the proposed home was highly approvable with great proportions. He said its tall ceilings worked well on the large lot. He said it was great to see the garage doors were on the side and not visible from the street. He said the overall composition and materials worked well. He said he definitely supported approval.

Commissioner Kennedy said she agreed with Commissioner Kahle and the project was a marked improvement from the existing structures. She said she was pleased the existing ADU would be replaced with a new ADU. She moved to approve the item. Commissioner Kahle seconded the motion.

Commissioner Riggs commented on the location of the air conditioning unit and that night time decibel rating of 50 was similar to the noise an airplane made flying over San Bruno or the noise when present in a lively if not loud conversation. He said in his view neither of those was a sleep-oriented noise regulation. He said he had brought his concern about that to City Council from time to time starting in 2000. He asked if the fence would make a meaningful reduction of the sound of the air conditioner running.

Planner Turner said air condition units were regulated by the City's Noise Ordinance. He said there were no specific setbacks for them and they did not have regulation such as that for pool equipment to be housed in a noise canceling enclosure. He said he could not really speak to the noise reduction that the fence would provide. He said as air condition units were governed by the Noise Ordinance and the property owner needed to adhere to it. He said neighbors could make a code enforcement complaint if they thought it was not meeting the standard rating.

Commissioner Riggs asked whether they could condition the air conditioning unit be placed on the applicant's home side as that new home was further from the ADU than Mr. Lessing's home was.

Commissioner Kennedy said she was fine with that condition. Commissioner Kahle asked if they could make a condition as it was associated with the ADU. Planner Turner said it was part of the ADU and its permit process and the Commission could make a friendly recommendation to the applicant but not a condition of the use permit approval.

Planner Sandmeier said the rating was 50 decibels at night and 60 decibels during the day. She said as the ADU was not part of the use permit it was fine for the Commission to make a suggestion but asking the applicant to respond would not be correct procedurally as their response should not change any commissioner's vote on the use permit.

ACTION: Motion and second (Kennedy/Kahle) to approve the item as recommended in the staff report; passes 6-0-1 with Commissioner Tate absent.

1. Make a finding that the project is categorically exempt under Class 3 (Section 15303, "New Construction or Conversion of Small Structures") of the current California Environmental Quality Act (CEQA) Guidelines.
2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
3. Approve the use permit subject to the following **standard** conditions:

- a. The applicant shall be required to apply for a building permit within one year from the date of approval (February 23, 2021) for the use permit to remain in effect.
- b. Development of the project shall be substantially in conformance with the plans prepared by Schwanke Architecture, consisting of 28 plan sheets, dated received February 12, 2020 and approved by the Planning Commission on February 24, 2020, except as modified by the conditions contained herein, subject to review and approval of the Planning Division.
- c. 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.
- d. 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.
- e. 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.
- f. 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.
- g. 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.
- h. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance and the arborist report prepared by Kielty Arborist Services LLC, dated February 11, 2020

G. Informational Items

G1. Future Planning Commission Meeting Schedule

- Regular Meeting: March 9, 2020

Planner Sandmeier said the March 9 agenda had two single-family residential projects; one at 130 Baywood Avenue and one at 106 Baywood Avenue. She said there was a use permit request to operate an existing service station at 710 Willow Road 24 hours a day and allow alcohol sales every day from 6 a.m. to 2 a.m. the following day. She said there was a use permit request at 1800 El Camino Real to allow massage therapy and a change of use on a substandard lot with regard to

parking.

Chair Barnes asked about the project at 40 Middlefield Road. Planner Sandmeier said it did not appear a building permit application had been submitted for that project. She said they could reach out to the applicant as planning staff was not aware of anything delaying the project.

- Regular Meeting: March 23, 2020
- Regular Meeting: April 6, 2020

H. Adjournment

Chair Barnes adjourned the meeting at 8:28 p.m.

Staff Liaison: Corinna Sandmeier, Senior Planner

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on March 23, 2020