



REGULAR MEETING MINUTES

Date: 4/6/2020
Time: 7:00 p.m.
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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), Michele Tate

Staff: Fahteen Khan, Assistant Planner; Corinna Sandmeier, Senior Planner; Chris Turner, Assistant Planner

C. Reports and Announcements

Senior Planner Corinna Sandmeier said the City Council at its April 7, 2020 meeting would consider the City's response to Covid-19 and priorities as well as an update to City department activities.

D. Public Comment

There was none.

E. Consent Calendar

- E1. Approval of minutes from the March 9, 2020, Planning Commission meeting. ([Attachment](#))

ACTION: Motion and second (Chris DeCardy/Henry Riggs) to approve the March 9, 2020 minutes as presented; passes 6-0-1 with Commissioner Larry Kahle abstaining.

F. Public Hearing

- F1. Use Permit/Wenfen Wang/488 Gilbert Avenue:
Request for a use permit to construct first- and second-story additions to an existing single-story, single-family residence on a substandard lot with regard to minimum lot width in the R-1-U (Single Family Urban Residential) zoning district. The project would exceed 50 percent of the existing floor area and is equivalent to a new structure. One heritage-sized plum tree is proposed for removal as part of the project. ([Staff Report #20-020-PC](#))

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

Questions of Staff: Commissioner Kahle noted a comment in the staff report about windows and asked what it was referring to. Planner Turner said it was a reference to vinyl windows with PVC

trim. He said historically staff received Commission comments expressing concerns with that window treatment so it was mentioned in the staff report.

Applicant Presentation: Huafang Cui, project designer, said the property owner wanted to expand the residence to provide more living space by adding about 1,000 square feet on the second floor. She described changes to the first floor living space. She said the second floor would have three master suites with two of those smaller and identical. She said the first floor ceiling height was currently eight feet and with the new design would be raised to nine feet. She said the overall building height would be 23.5 feet. She said the existing chimney was capped and the existing two-car garage would remain. She said the proposed two-story design would have a hip roof using material and color similar to the existing roof. She said the first floor finish would match the existing stucco first floor finish. She said the first floor entry would have two columns and a parapet. She said the front and rear windows would be sliders. She said regarding privacy that the second story facing the neighbor on the left would have two small windows. She said the distance between the subject property and left neighboring property was 12 feet with two tall mature trees in between providing screening. She said the neighbor on the right lived in a one-story home. She said the proposed project would have three windows on the second-story addition facing that neighbor. She said the distance between the structures was 27 feet and there were two privets between the two properties providing screening. She said to the rear was Willow Oak Park. She said the neighbor across the street was two-story and the distance was over 100 feet between building and that neighbor had a large tree in the yard providing screening.

Commissioner Michael Doran asked about the roof pitch as he thought it was low for a Colonial-style house. He said the applicant indicated the plans had been revised to meet the daylight plane but noted the staff report on page E5 showed there was a lot of room remaining in the daylight plane. He asked if the low pitched roof was because of the daylight plane and if the applicant had given thought to a steeper pitched roof. Ms. Cui said regarding the daylight plane that they had originally designed the first-story height at 10 feet. She said changing the roof pitch did not work so they lowered the first story to nine feet. She said the property owner had a very clear idea of what she wanted the house to look like and liked the roof pitch as proposed.

Commissioner Kahle said he agreed with Commissioner Doran about a steeper roof pitch. He said that stucco was not used typically on a Colonial-style home and asked if they had considered different materials such as wood siding. Ms. Cui said they had not. She said they tried to minimize the construction cost and to use as much as possible of the existing structure.

Commissioner Kahle said it seemed the fireplace and the chimney were remaining but the chimney ended at the second floor. Ms. Cui said the chimney was capped. She said removing the chimney might incur a structural issue and confirmed for Commissioner Kahle that the fireplace would be abandoned and not used.

Commissioner Kahle asked about the entry feature and how deep it was. Ms. Cui said it was four inches thick and was more decorative. Commissioner Kahle noted the vinyl windows and PVC trim. He asked if they had considered wood windows with wood trim. Ms. Cui said wood windows would aesthetically look better. She said she spoke with the property owner who was concerned with the maintenance of wood windows and their weather proofing and for that reason preferred vinyl windows. She said that certain manufacturers' vinyl windows looked very similar to wood.

Commissioner Kahle said the project letter indicated the property owner spoke with neighbors about the project. He asked for more information about that. Ms. Cui said the property owner spoke with

the right side neighbor. She said the property owner was on the meeting call and asked if she could address Commissioner Kahle's question. (Attempts were made to have property owner speak but without success.) Commissioner Kahle said he could rephrase his questions for the applicant. He said on the left side he noted a large window at the staircase and two bedroom windows that were four-feet tall. He said the neighboring house was fairly close and asked if they had considered privacy concerns related to those points of views. Ms. Cui noted on the site plan that trees 5 and 6 were located in between the house and the fence and would block the window of the rear bedroom and part of the window in the staircase.

Commissioner Riggs said Commissioner Kahle asked three of his questions. He said his remaining question had to do with second floor windows. He said it was indicated that those would be double hung except for two sliders. He said looking at the elevations he saw four sliders with two in the front and two in the rear. He asked that be clarified. Ms. Cui said the front windows on the second floor were three sliders and the rear windows were two sliders and one double hung that was in the bathroom.

Chair Barnes opened the public hearing. Staff indicated that Laurent Pellet was the first speaker. Due to audio difficulty, the next person wishing to speak was recognized.

Public Comment:

- Jelena Jovanov said she was the left side neighbor and the subject property owner had not spoken with her and her husband about the proposal. She said there was one tiny, very see through, tree between the two properties and they would not have any privacy from the proposed second story home. She said the information on page E4 about a big tree 30 feet tall was not true. She said when the neighbor bought the property, she began building a fence on her (the neighbor's) property without any contact with her. She said there was space for the subject property owner to move the fence onto her property.

Chair Barnes asked which address she was. Ms. Jovanov said 482 Gilbert. Chair Barnes confirmed that looking from the street her property was on the right. Ms. Jovanov said that was accurate.

- Laurent Pellet said he wanted to confirm his wife's (prior speaker) comments. He said facing the property from the street they were on the right. He said contrary to what the applicant said no one had spoken to them about the proposed project. He clarified that the cypress trees referred to were on their property not the subject property. He said they had already had an issue with the property owner who started to build and put concrete on their property without speaking to them. He said he spoke with the original owner about the property boundary and was told the built fence for the subject property was one foot onto his and his wife's property. He said this boundary issue had to be resolved before any construction began on the subject property. He said there were no large trees between the two properties.

Chair Barnes confirmed there were no additional speakers or written comments. He closed the public hearing.

Commission Comment: Commissioner Kahle said he appreciated that the first-floor ceiling height was nine feet and the second-floor was eight feet. He said a number of issues needed addressing from his perspective before approval. He said as noted by Commissioner Doran that the roof pitches for Colonial style homes were steep with little or minimal overhangs and this proposal did not meet that criteria. He said another hallmark of the style was symmetry. He said the second story window

at the front was not centered on the ridge above and that could be addressed. He said stucco was not appropriate for Colonial style houses. He said another issue were the vinyl windows with PVC trim. He said the arches could work but were not typically used for Colonial style houses. He said he expected there would be more detail for the front entry but it should have something more than a slab look. He said regarding the neighbors there was some miscommunication or inaccuracies about the outreach done. He said he thought the project was the cheapest building possible noting it was an all-stucco box, that the fireplace would be abandoned but not removed, and the windows were the cheapest type with the cheapest trim. He said he would have a hard time approving the project.

Commissioner Riggs said his reactions were similar. He said part of the Commission's role was to ensure that projects brought forward were compatible with the neighborhood and that a community was not harmed by a development proposal. He said the Commission had a history of trying to defend a neighborhood aesthetic. He referred to the finding that the project would not be detrimental to the neighborhood including property values, but noted he was also concerned with property rights. He said he agreed with Commissioner Kahle's observation about the cheapness of the proposed project noting that was borne out by the project designer's comments about why certain choices were made. He said the proposal was not a Colonial style design. He said there was no requirement that it be a Colonial style, but it either should be a style that was followed and historically was aesthetically pleasing or a design from the ground up that managed to have the quality and integrity of design without leaning on an existing and recognizable style. He said this proposal did neither. He said the roof pitch for Colonial style homes were designed for either heavy rains or snow but a 2.5 to 12 pitch would never be considered. He said stucco would never be used for that style rather horizontal wood boards or shingles would be. He said both of those were available in reasonably priced cementitious products that looked nice when painted and were very durable. He said the window arches were not Colonial unless they had heavy moldings. He said the entryway was a surprise and appeared like a portico but in fact was just an applique. He said the mixture of sliders on the second floor except for some side windows and the double hung windows on the first floor was not something the Commission had accepted on very many projects. He said simply putting a sloped cap on the chimney was one of the oddities of this project. He said this project was quite different from anything on Gilbert Avenue and he would have trouble moving it forward.

Commissioner Doran said he did not see anything inherently wrong with a box but if doing a box then the applicants had to get the details correct. He said this project did not do that. He said he was concerned with neighbor comments and some misrepresentations by the applicant. He said continuing the project would be useful to allow for more dialogue with the neighbors and for staff to determine what was said to whom and when.

Commissioner DeCardy asked if staff had any more information about the disputed property line brought up under public comment. Planner Turner said a survey was included on sheet 3 of the plan set. He said it showed a fence line mainly on the neighboring property to the right. He said regarding any dispute in the construction of the fence that was not something staff would be aware of as standard wood fences did not require a building permit. He said he had not heard anything prior to tonight and typically the City stayed out of civil matters such as boundary disputes.

Commissioner DeCardy said the arborist's report on F9 showed trees 13 through 21. He said it looked like they were included in the arborist report for the subject property. He said the public comment indicated those trees were on the neighbors' property not the subject property. He asked if that was a concern for Planning staff.

Planner Turner said regarding the trees that when an arborist visited a property that they might not

be looking at a survey and boundaries might not be exact. He said the survey in the plan set did not show the trees on the subject property so there was a chance those were on the neighboring property. He said an updated survey or a survey of the neighboring property would have to show that.

Commissioner DeCardy said he appreciated the previous three Commissioners' comments and he understood and could sympathize with the concerns about the style and the mismatch of some of the features. He said he was aware too that if the dimensions of the lot were different the Commission would never have seen the project. He said from an equity standpoint he was concerned when staff reviewed a project and found it amenable to the neighborhood and the Commission then interfered in a dramatic way when the same house might be built on any number of City standard lots. He said he did not share concerns about the design for that reason. He said he was concerned about the boundary issue raised by speakers. He said he did not like the idea of approving something when there appeared to be an issue with the neighbor particularly as the subject property was substandard in width and properties were closer to each other. He said he thought that was important to address but based on his exchange with staff about that there did not seem to be anything to do. He said regarding privacy concerns that the privet hedge might not provide enough screening for neighbors. He said dialogue between those neighbors was needed to agree on better privacy measures.

Commissioner Michele Tate said she agreed with Commissioner DeCardy's comments. She said she was definitely concerned about the property line issue.

Planner Sandmeier said regarding the property line that they had a survey showing that the fence was a little bit off the property line as described by those neighbors. She said she thought their concern was that the property line was being measured from the fence but that was not how the house would be constructed. She said the house location was based on the actual property line and not on the fence. She said they have actual dimensions on the property and the width of it was known.

Chair Barnes said they had the survey regarding that matter but it was unclear in the arborist report where the trees were located and on what properties. He said it was unclear whether the fence was constructed in the right place or not. He referred to the fence location and asked whether that was out of staff's purview. Planner Sandmeier said a fence not built at the right property line was more of a civil dispute between neighbors and staff would not get involved. She said that staff should have been more involved with making sure that the arborist report matched the survey, and apologized for that. She said looking at the survey it seemed the arborist report erred in saying the trees were on the subject property when they were really on the neighbor's property.

Chair Barnes referred back to Commissioner DeCardy. Commissioner DeCardy said those comments were very helpful.

Commissioner Riggs said one of the reasons projects come to the Commission for nonconforming lots was often an issue of lot width. He said when a lot was not as wide there was not as much opportunity to put landscaping around the property. He said the projects the Commission saw tended to maximize the floor area limit (FAL) and had more impact than a project on a lot with at least the minimum standard width. He moved to continue the project for redesign regarding exterior materials including siding, windows, window shapes as well as heights, entry design – he said they did not really have an entry design, and a response for the roof pitch to be consistent with whatever style was chosen. Commissioner Kahle seconded the motion and asked if the maker of the motion

would accept a request for building symmetry to be included in the redesign and the issues with the neighbor resolved. Commissioner Riggs said he could support addressing those two issues and that symmetry in the design be addressed in some manner.

Chair Barnes said the motion was to continue for redesign to include exterior materials, window types as well as shape and height, entry design, roof pitch, building symmetry, and demonstrated neighbor outreach. Commissioner Riggs said he failed to mention the fireplace. He said the remaining fireplace should be part of the architecture in some way. Commissioner Kahle agreed as the maker of the second.

Replying to Chair Barnes, Planner Turner suggested that more specificity about siding materials and windows would be helpful.

Commissioner Riggs said he had commented earlier that Hardy products (or competitors') such as lap siding and shingles were reasonable price and durable. He said if the redesign was a traditional style (not just Colonial) that would include a window sill along with some definition of the window trim. He said although the applicant had indicated Colonial as the proposed style the redesigned project did not have to be Colonial. He said though the style had to be consistent and of sufficient quality for Menlo Park with design integrity and quality of materials. Commissioner Kahle as the maker of the second supported Commissioner Riggs' comments.

Commissioner DeCardy said he would vote against the motion as he had indicated. He said he was highly sympathetic to the points raised by the makers of the motion and second. He said he thought the project would look better when it returned and he appreciated those comments. He said in this instance he thought it had to be balanced against the hardship for the property owner, the expense of the project coming back to the Commission again, and the equity with other property uses, the last being a determinant factor for him in this case.

Chair Barnes said he thought the neighborhood outreach process was broken. He said he thought as part of the submission process applicants should look at the area map and select two adjacent neighbors on the left and right, the neighbor across the street and immediate ones to the left and right of that, and create a record of speaking with those neighbors about the plan proposal, and also what their responses were. He said he wanted staff to be more prescriptive in terms of what the baseline neighborhood outreach was for use permit applications for these type of projects on substandard lots and would send his recommendations about neighborhood outreach to the Planning staff noting its importance to the use permit process and that its variability created problems.

Commissioner Kahle said he agreed. He said he understood that the City did not want to make this onerous on applicants. He said he did not think it would be too difficult to add a prescriptive standard for neighborhood outreach. He said in the City of San Carlos staff printed out a list of neighbors within a 300-foot radius of a property proposed for redevelopment for project applicants with a requirement to contact those neighbors and document that outreach.

ACTION: Motion and second (Riggs/Kahle) to continue the project for redesign with the following general guidance; passes 5-2 with Commissioners DeCardy and Tate opposed.

1. General guidance and comments for applicant consideration:

- a. Improve the proposed style and materials and incorporate the following:

- i. A comprehensive style that uses elements such as windows, siding material, entryway design, and roof pitch consistent with the desired architectural style.
- ii. Incorporate higher quality materials such as wood or cement fiber siding and wood-framed windows with window sills.
- iii. Incorporate the existing fireplace into the design.

b. Neighborhood outreach:

- i. Conduct additional neighborhood outreach for the proposed project.
- ii. In particular, coordinate with the neighbors residing at 482 Gilbert Avenue to alleviate privacy and fencing concerns.
- iii. Revise the arborist report to accurately show which side of the property line trees #9-21 are located.

Chair Barnes said he would recuse himself from Item F2 due to the proximity of his residence to the subject property, and indicated Vice Chair Riggs would act as Chair for this item.

F2. Use Permit/Isabeau Guglielmo/209 Marmona Drive:

Request for a use permit to demolish an existing single-story, single-family residence and construct a new two-story, single-family residence with an attached one-car garage on a substandard lot with respect to lot area and width. The subject property is in the R-1-U (Single Family Urban Residential) zoning district. The proposal includes a request to remove a heritage London plane tree and a heritage flowering plum tree. ([Staff Report #20-021-PC](#))

Staff Comment: Assistant Planner Fahteen Khan noted an email correspondence from a neighbor received after the publication of the staff report. She said it would be read aloud under public comment.

Applicant Presentation: Nick Rouse introduced his wife Christina and said they intended to live at the property with the intent to live closer to his mother noting they were in biotech and currently located in Atlanta, Georgia.

Mrs. Rouse, applicant's mother, said she met with neighbors about the proposed construction and they all agreed with the proposed plan. She said one even commented that it was a beautiful design by the architect. She said she wanted her son to be able to move back to the Bay area and closer to Stanford.

Isabeau Guglielmo, project architect, said to ensure the project was compatible with the neighborhood context they had conducted a neighborhood survey to identify nearby two-story homes. She said as shown there were a large number of two-story homes within the immediate context of the subject property. She said this project was proposed at 26-feet, six-inches, which was well below the 28-foot height maximum allowed. She said the house had nine-foot, six-inch plate heights at the first floor and eight-foot plate heights at the second floor. She said they were proposing a four-bedroom, three-and-a-half bath new residence. She said the project was located in Flood Zone AE52.2. She said the proposed design was modern farmhouse with stucco walls and asphalt composite shingle roofing. She said stucco and shingle roof materials were consistent with the neighborhood context. She said lightweight sheer stone would accent the stucco wall. She said the color palette of the house would be predominantly white, gray and black. She said the second-story massing was pulled in from the property lines and they were proposing small windows with high sills on the second story elevation to minimize privacy impacts to the side facing neighbors. She

said the project had one allowable very small daylight plane protrusion. She said that neighborhood outreach was done and all the responses received were in favor of the project. She said a response that was received earlier in the day was from a neighbor expressing concerns about the stairway window looking into the neighbor's kitchen window. She said in response to that concern they were proposing to use obscure glazing in that window. She said the neighbor also had concerns about potential noise from the HVAC unit but that unit was compliant with the City's Noise Ordinance requirements.

Commissioner Kahle referred to the comment that the stucco material was consistent with the neighborhood. He asked if they had considered a material that might be more consistent with the modern farmhouse style. Ms. Guglielmo said they did originally consider board and batten but for cost reasons they decided on stucco. She said they also felt it went well with the neighboring properties, and gave a very clean and contemporary look to the modern farmhouse.

Commissioner Kahle referred to the air conditioning unit and asked if the notch on the house was created for that. Ms. Guglielmo said the notch was created specifically for the air conditioning unit. Commissioner Kahle asked if the base flood elevation (BFE) had raised the floor significantly. Ms. Guglielmo said it had. Commissioner Kahle noted in other cities that the air conditioning unit had to be above the BFE and that might or might not help with the noise. He said just for the architect's consideration that for the forced air unit under the staircase that there could not be any duct work in the BFE.

Commissioner Kahle said he counted up to six different roof pitches and asked if there were reasons for that. Ms. Guglielmo said the different roof pitches were so the house might be in compliance with the daylight plane. She said as previously noted they had to raise the house pretty significantly because of the flood zone. She said they also thought aesthetically from the front that the roof pitches paired nicely together.

Commissioner Kahle asked if the covered patio in the rear was free standing or attached to the house. Ms. Guglielmo said it was a free standing structure. Commissioner Kahle asked if they were using steel columns for that. Ms. Guglielmo indicated that was correct and added they would work with structural engineers on it.

Commissioner Kahle said he noted three chimneys and only two fireplaces. Ms. Guglielmo said the reason for the third chimney in the middle was to route plumbing vents and exhausts so those were not seen sticking up out of the roof.

Vice Chair Riggs opened the public hearing.

Public Comment:

- Assistant Planner Khan read the email correspondence from the neighbor at 205 Marmona Drive.

We have three concerns regarding the Use Permit for 209 Marmona Drive. We live next door at 205 Marmona Drive where we've been since 1992. We first off would like to compliment the owners for the nice design of their house and the effort they've made to lessen the impact on us. We do regret the large heritage plane tree that cools our yard must be removed in order to fit the house onto the lot, but we appreciate that the redwood tree is being kept and two Tilia trees are being planted.

A) We are concerned about the noise level of the two air conditioners. Page A1.0a shows their location 7 feet from the property line with note #2: "Will not exceed 50dB at night, and 60 dB during the day at the nearest residential property line". We are also concerned about the noise from the two forced air units behind louvered doors in that area as well (page A2.1a).

Our kitchen and patio are on the side of the house directly across from these units. What used to be their kitchen and patio is now this utility area, which is basically now on our patio. We also have a bedroom on one side of the patio and a home office on the other, all within 6 to 12 feet from the property line. These are heavily used areas. We have measured what it would be like to have 60 dB of noise during the day. This amount of noise (60dB) is the same as if we were 1 foot from a noisy 20" box fan on it's highest setting. We would find that level of noise extremely unpleasant. The nighttime noise level is also a concern for not being able to sleep in the bedroom.

We would like to understand the options for reducing that noise. We notice on the web that air conditioning noise for neighbors is a common problem and enclosures with sound absorbing material can be used to decrease the noise. Sound proofing blankets are also available for the air compressors. Sound damping materials can be used in the area of the forced air units. Air conditioners can be chosen for their quietness. Perhaps one air conditioner instead of two to reduce the noise in half. Are any of these options possible? Or could the air conditioners be placed on the other side of the house between the two garages?

B) On page A3.0a, the left elevation view for the side of the house shows a large, 8 foot tall window in the stairwell. This is also directly across from our kitchen. We note that people on the stairs and in the upstairs hallway will be now able to see into our kitchen, patio and bedroom. There is a skylight there - can the window be smaller, or translucent? There is a tall camellia shrub, 1.5 feet from the property line that would block this view but it is being removed. Can this be trimmed and kept?

C) We note the color palette is white, grey and black. The afternoon sun is quite bright and we will get a lot of glare from the 18 foot high side of the house. This would be uncomfortable when we are in our kitchen. Can the selected color of this wall not be a "bright white"? This would also be helped by keeping the camellia.

Thank you for consideration of these comments.

Jim and Sarah Brug

Vice Chair Riggs closed the public hearing.

Commission Comment: Commissioner Kahle said overall the project was supportable and the front elevation was particularly nice. He said regarding the neighbor's comments he had some thoughts on the air conditioning. He said he was concerned as the neighbors would be that it was located in the little alcove, which would be kind of an echo chamber to some extent and the fact that it had to be raised up higher to be above the BFE. He said perhaps it could be on the other side of the house as suggested as there were no setback requirements, just noise requirements, and the neighbor's house had a garage on that side, and would be preferable to the neighbors whose patio area would be affected. He said he would not be so concerned about the forced air units that were in enclosed area. He said the obscure glazing was a great solution for the privacy concerns. He said the entire

eight foot window did not necessarily have to be obscured if they just wanted to use frosted glazing on the bottom half. He said he was not sure about the whiteness and there might be some brightness. He said hopefully the applicants could work with the neighbors and ease their concerns about that. He said the proportions of the house were really nice and he appreciated the reasonableness of the ceiling heights and that neighbor outreach was done. He said the only drawbacks were the multiple roof pitches. He said it seemed like a lot of contortions might have been made to make the front elevation look good. He said his preference was no more than two to three different roof pitches, which was a minor comment. He said his last comment was about the materials. He said horizontal siding in a cement fibrous material would still meet the price point being met with using stucco and would work much better with the modern farmhouse style. He said he could support approval of the project.

Commissioner DeCardy said related to the removal of the heritage London plane tree that they often saw heritage tree removals with these types of projects. He said often the arborist report and the City's Arborist concurred that trees being removed were in poor shape, misshapen, diseased, and otherwise would need to be removed. He said in this instance the plane tree would stay except for its unfortunate location and the need for the project to be built as it was. He said two replacement trees would be planted. He said in an instance like this it was important for the Commission to acknowledge that a mature large tree that was part of the community was being removed for no reason other than building the project. He said for this particular plane tree removal he would like two replacement trees so the project would have three replacement trees rather than two replacement trees.

Commissioner Camille Kennedy said the project was well suited for the neighborhood and very attractive. She moved to approve. Commissioner Kahle moved to second. He said the report indicated they went to considerable efforts to save tree #5 and he was not sure there was space on the lot for another tree.

Commissioner DeCardy said he was fine with not making another replacement tree a condition He said he wanted to state the reason why it was important and hoped the property owner would understand that and consider placement of additional replacement trees as they finished the project.

Vice Chair Riggs asked if the maker of the motion wanted to address the air conditioning noise with a proposal through staff to either adjust the placement or use the notch to create a partial enclosure enough to cut the sound back as suggested by the neighbor's email. Commissioner Kennedy said she would not condition her motion on that nor for an additional tree. She said she would like the applicant to work with staff to contemplate somehow abating the noise from the air conditioning unit that did not overburden the project.

Vice Chair Riggs said the neighbor commented on the eight foot stairwell window and suggested obscure glass and/or keeping the camellia bush. Commissioner Kennedy said she would not want to condition that but to have the neighbors work together on it. She said it seemed the applicant was open to conversations with the neighbors and it was notable that the property owner was the longest time resident of the neighborhood. She said she did not want to encumber the project with conditions.

Commissioner Kahle asked if an applicant came to a meeting with a change such as making windows obscure or adding some kind of frosted glazing was that considered a condition of approval if it was not particularly noted in the minutes at all. Planner Sandmeier said if it was not a condition and an applicant then came in with building plans showing frosted glass for a portion of the stairwell I

window and had been discussed at the meeting that was fine. She said there was not any requirement for applicants though to change anything if they did not want to without a condition.

Commissioner Kahle said he appreciated Commissioner Kennedy not wanting to burden the approval but he was not sure if he could support the motion.

Replying to Commissioner Kahle, Vice Chair Riggs said there was no revised motion. He said public expression was being made to the applicant to please work with the neighbors about the air conditioning units with sound control in some way and in some way treat the glass for the stair window or keep the camellia successfully.

Commissioner Kennedy said the applicants had worked with the community and she would not condition her motion on the trees, window or air conditioning. She said if someone else wanted to make the motion she would withdraw hers.

Vice Chair Riggs asked if the applicant would like to respond to Commissioner Kennedy's suggestion. Mrs. Rouse said they saw late email and agreed to put frosted window halfway up the stairwell window for the neighbor's privacy and they would comply with that. She said they would put another tree on the property. She said regarding the air conditioner that with the technology now they would make sure to use a quiet one.

Commissioner Kahle said he appreciated Commissioner Kennedy's position. He said he did not think it such an imposition to condition frosting the stairwell window as the applicant had agreed to it. He suggested at least obscure the bottom half of that window.

Commissioner Kennedy said she was happy to accept that condition that at least the bottom part of the stairwell window be obscured.

Commissioner Kahle said regarding the air conditioner that if they met the requirements of the City, he could not see asking the applicants to do more than that but suggested it would really behoove the owners to work with their neighbors. He seconded the motion with the one condition related to obscuring the stairwell window.

ACTION: Motion and second (Kennedy/Kahle) to approve the project with the following modification; passes 6-0-1 with Commissioner Barnes recused.

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 April 6, 2021) for the use permit to remain in effect.

- b. Development of the project shall be substantially in conformance with the plans prepared by Studio S Squared Architecture, consisting of 16 plan sheets, dated received March 18, 2020, subject to review and approval by 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 and street trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance and the arborist report by Kielty Arborist Services LLC, dated February 26, 2020.
 - i. No building permits shall be issued for the project prior to the end of the appeal period of the heritage tree removal permit for the London plane (tree# 10).
4. Approve the use permit subject to the following **project-specific** condition:
- a. Simultaneous with the submittal of a complete building permit application, the applicant shall submit revised plans showing the location of the water heater on the right elevation above the base flood elevation (BFE), subject to review and approval of the Engineering Division. The location of the water heater shall be approved prior to the issuance of the building permit.
 - b. ***Simultaneous with the submittal of a complete building permit application, the applicant shall submit revised plans showing obscured glass on the lower half of the window at the stairway, subject to review and approval of the Planning Division.***

G. Informational Items

G1. Future Planning Commission Meeting Schedule

- Regular Meeting: April 20, 2020

Planner Sandmeier said they had not finalized the agenda for April 20 but were looking at one multi-family renovation project, one single-family use permit project, and potentially one other project.

- Regular Meeting: May 4, 2020
- Regular Meeting: May 18, 2020

Commissioner Doran said they had received an email that Planning was open and working on applications remotely but no new applications for building permits were being accepted. He asked if there was any estimate when that might change noting economic impacts. Planner Sandmeier said she would pass that on to the Planning management. She said for now the thought was to continue with applications already accepted but it would depend on how long the shelter in place order remained in place. She said she would keep them updated.

Chair Barnes asked about study sessions. Planner Sandmeier said that they had wanted to test getting public comment on these webinar meetings as there tended to be more comments on study sessions. She said they expected they would bring study sessions in the future but had not finalized the next agenda.

Commissioner Riggs said it was nice to see the public comment process worked this evening. He said there were still come technical challenges with the staff and Commission participation. He asked if there could be some testing between this meeting and the next meeting to address some of the snags, and perhaps identify issues that were on the users' end.

Planner Sandmeier said she thought that could be beneficial and would discuss with her colleagues and Planning management. She said definitely they wanted to make things as smooth as possible.

Commissioner DeCardy thanked staff noting that he appreciated working toward smoother proceedings. He said regarding public comment there was an equity question as a person had to have reliable internet and devices so there were potential variable challenges to some participating. He suggested giving thought to ways to address that issue such as increasing outreach for written comments or some other way to try to balance the equitable questions that might arise with people's different capacities to participate electronically.

H. Adjournment

Chair Barnes adjourned the meeting at 9:25 p.m.

Commission Liaison: Corinna Sandmeier, Senior Planner

Recording Secretary; Brenda Bennett

Approved by the Planning Commission on May 4, 2020