



## REGULAR MEETING MINUTES

**Date:** 4/8/2019  
**Time:** 7:00 p.m.  
**City Council Chambers**  
**701 Laurel St., Menlo Park, CA 94025**

### A. Call To Order

Chair Susan Goodhue called the meeting to order at 7:00 p.m.

### B. Roll Call

Present: Andrew Barnes (Vice Chair), Michael Doran, Susan Goodhue (Chair), Henry Riggs

Absent: Camille Kennedy, John Onken, Katherine Strehl

Staff: Ceci Conley, Contract Assistant Planner; Kyle Perata, Acting Principal Planner; Matthew Pruter, Associate Planner; Thomas Rogers, Principal Planner

### C. Reports and Announcements

Acting Principal Planner Kyle Perata said the City Council at its April 9, 2019 meeting would consider the appeal of 2245 Avy Drive, Phillips Brooks School's revised use permit approved by the Planning Commission in December 2018.

Commissioner Andrew Barnes asked about the two-year annual review of ConnectMenlo by the City Council. Acting Principal Planner Perata said the Council in its study session provided comments and feedback for staff to evaluate and report back to Council. He said topics discussed for further evaluation included development potential caps and community amenities.

### D. Public Comment

There was none.

### E. Consent Calendar

Chair Goodhue said E1 and E2 would be considered separately.

- E1. Approval of minutes from the March 25, 2019, Planning Commission meeting. ([Attachment](#))

**ACTION:** Motion and second (Henry Riggs/Michael Doran) to approve the minutes as presented; passes 3-0-1-3 with Commissioner Goodhue abstaining and Commissioners Camille Kennedy, John Onken and Katherine Strehl absent.

- E2. Architectural Control/Karen King/2775 Sand Hill Road:  
Request for Architectural Control to modify the exterior of an existing office building in the C-1-C (Administrative, Professional and Research District, Restrictive) zoning district. The proposal consists of the installation of a new folding partition door and construction of a new usable outdoor patio area, in a location currently used for landscaping. As part of the project, the applicant proposes to remove one heritage sized, multi-trunk flowering plum tree. ([Staff Report #19-025-PC](#))

Staff Comment: Associate Planner Matthew Pruter said staff had no additions to the written report.

Chair Goodhue opened public comment and closed it as there was none.

**ACTION:** Motion and second (Goodhue/Barnes) to approve the item as recommended in the staff report; passes 4-0-3 with Commissioners Kennedy, Onken and Strehl 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. Adopt the following findings, as per Section 16.68.020 of the Zoning Ordinance, pertaining to architectural control approval:
  - a. The general appearance of the structure is in keeping with the character of the neighborhood.
  - b. The development will not be detrimental to the harmonious and orderly growth of the City.
  - c. The development will not impair the desirability of investment or occupation in the neighborhood.
  - d. The development provides adequate parking as required in all applicable City Ordinances and has made adequate provisions for access to such parking.
  - e. The property is not within any Specific Plan area, and as such no finding regarding consistency is required to be made.
3. Approve the architectural control subject to the following **standard** conditions:
  - a. Development of the project shall be substantially in conformance with the plans prepared by HMM, consisting of 33 plan sheets, dated received April 1, 2019, and approved by the Planning Commission on April 8, 2019, except as modified by the conditions contained herein, subject to review and approval of the Planning Division.
  - b. Prior to building permit issuance, the applicants shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies’ regulations that are directly applicable to the project.

- c. Prior to building permit issuance, the applicants shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
- d. Simultaneous with the submittal of a complete building permit application, the applicant shall submit plans indicating that the applicant shall remove and replace any damaged and significantly worn sections of frontage improvements. The plans shall be submitted for review and approval of the Engineering Division.
- e. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance and the arborist report prepared by McCarthy Tree Specialties, Inc., dated received December 10, 2018.

## F. Public Hearing

- F1. Use Permit/Jennifer and Nicholas Bott/371 Hedge Road:  
Request for a use permit to construct first- and second-floor additions, as well as conduct interior modifications, to a single-family residence that would exceed 50 percent of the replacement value of the existing nonconforming structure in a 12-month period. The proposal would also exceed 50 percent of the existing floor area and is considered equivalent to a new structure. The subject parcel is located on a substandard lot with regard to width and area in the R-1-U (Single-Family Urban) zoning district. ~~in the right side setback for a lightwell and stair associated with the proposed basement. A heritage size coast redwood tree in very poor condition is proposed for removal.~~ (Staff Report #19-026-PC)

Staff Comment: Contract Assistant Planner Ceci Conley noted that the sentences after zoning district beginning “in the right side setback...” should be edited for removal on the agenda.

Applicant Presentation: Jennifer Bott introduced herself and her husband Nicholas. She said that they were trying to expand their home to add living space.

Replying to Commissioner Riggs, Ms. Bott said they were keeping the two-car garage and driveway as is.

Replying to Chair Goodhue, Planner Conley said the existing two-car garage was nonconforming and was 17-feet by 22-feet and would be kept as is. Planner Perata said for zoning purposes the garage was a single-car garage.

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

Commission Comment: Commissioner Barnes noted the project conformed to zoning where needed, protected privacy with modest windows on the neighbor-facing side, set backed the second-floor mass, and made a nice change from ranch style to farmhouse style. He moved to approve. Chair Goodhue seconded the motion.

Commissioner Riggs said the left side second floor was plain but the change to board and batten would enliven it. He said he supported the project as well.

**ACTION:** Motion and second (Barnes/Goodhue) to approve the item as recommended in the staff report; passes 4-0-3 with Commissioners Kennedy, Onken and Strehl 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. Development of the project shall be substantially in conformance with the plans prepared by Home Plans & Commercial, consisting of 18 plan sheets, dated received April 2, 2019 and approved by the Planning Commission on April 8, 2019, subject to review and approval by the Planning Division.
  - b. Prior to building permit issuance, the applicants shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies’ regulations that are directly applicable to the project.
  - c. Prior to building permit issuance, the applicants shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
  - d. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval by the Planning, Engineering and Building Divisions. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
  - e. Simultaneous with the submittal of a complete building permit application, the applicant shall submit plans indicating that the applicant shall remove and replace any damaged and significantly worn sections of frontage improvements. The plans shall be submitted for review and approval of the Engineering Division.
  - f. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a Grading and Drainage Plan for review and approval of the Engineering Division. The Grading and Drainage Plan shall be approved prior to the issuance of grading, demolition or building permits.
  - g. Heritage 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 dated January 23, 2019.

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 plans clearly labeling that the proposed windows will be simulated true divided light, subject to review and approval by the Planning Division.

F2. Use Permit/Matthew Harrigan/1301 Elder Avenue:  
Request for a use permit to demolish an existing one-story residence and construct a new two-story residence with a basement on a substandard lot with regard to minimum lot width in the R-1-S (Single Family Suburban Residential) zoning district. The project includes a request for excavation into the right side setback for a lightwell and staircase associated with the proposed basement. As part of the project, the applicant proposes to remove one heritage Shamel ash tree. ([Staff Report #19-027-PC](#))

Staff Comment: Planner Pruter said staff had forwarded to the Commission comments received regarding the heritage tree removal and the excavation proposed in the side yard setback.

Questions of Staff: Replying to Commissioner Barnes, Planner Pruter said excavation within a setback required discretionary review for approval of a use permit by the Planning Commission.

Applicant Presentation: Matthew Harrigan, owner of Timeline Design and Build, Saratoga, said the project was located on a very deep and narrow lot. He said one of the challenges related to the lightwells. He said they tried to preserve the heritage trees on the lot. He said regarding the proposed lightwell that even if it were at the 10-foot setback the heritage Shamel ash tree would need to be removed due to the amount of roots that would be cut for excavation. He said they worked to make a turnaround that was safe to enter and exit the property.

Shuyan Qi, property owner, said they sent out letters and emails to their neighbors regarding their proposal. He said they had the opportunity to speak with three of the neighbors and made some adjustments to the project based on feedback.

Chair Goodhue opened the public hearing.

Public Comment:

- Tori Pickett said her residence was adjacent to the project site. She said her husband Tom was not able to attend the hearing due to business travel. She said they had submitted a letter to the Planning Commission regarding their objection to the use permit and the removal of the heritage tree, which currently provided significant privacy protection between the closely situated homes. She said privacy protection solutions were not proposed in the plans. She said the project would eliminate 50 feet of existing hedge and tree barrier and the apparent landscape plan was not enforceable. She said they requested at minimum that any reduction in privacy be mitigated by some type of binding commitment to install sufficiently tall landscaping by a specific date for the new two-story structure.

Chair Goodhue closed the public hearing.

Commission Comment: Commissioner Barnes asked the applicant about the landscaping proposed for screening. Mr. Harrigan said the property owners' landscape architect was proposing

Japanese privet between the properties that would reach 20 feet in height. He said they were open to discussing with the neighbor a different species that would be more amenable to them.

Commissioner Barnes noted concessions made by the applicant related to sill heights and obscure glass for the one neighbor. He said he did not think the proposed second story massing was an issue. He indicated he found the proposed architecture wonderful.

Chair Goodhue said she thought the second story was fairly constrained and she was supportive of the project.

Commissioner Riggs said the major issue was privacy. He said the current distance between buildings was 32 feet for the project site and the neighboring property whose owner spoke. He said in an R-1-S zoning district having yard on all sides was an expectation. He said privacy screening above 12-feet already existed but that would be removed. He said he thought plantings should be at an equal height immediately after project completion. He said options were to redesign the light well so the heritage tree was maintained as well as the hedge or before the certificate of occupancy was issued that planting of equivalent height and density was in place. He moved to approve with conditions subject to staff review and approval to either adjust the light well to allow the Shamel ash to remain with a commitment to keep the hedge or a landscape plan that reproduced the effect of both the existing heritage tree and hedge prior to certificate of occupancy.

Replying to Commissioner Barnes, Mr. Harrigan said he was not a landscape architect but the feedback he had gotten was that often when you planted a more mature tree it was not as successful as a younger tree, which would grow quite rapidly in the first three or four years for a better long term solution. He said even if the light well was at the 10-foot setback line that they would need to cut all the roots four feet from the Shamel ash, which would probably kill it. He suggested they could look at keeping the existing hedge if that would help the neighbor feel more satisfied or they could work with the neighbors to select a hedge that was acceptable to them.

Commissioner Barnes asked about the height of the existing hedge. Recognized by the Chair, Ms. Pickett said the existing hedge was 35 feet long and about 12 to 15 feet tall.

Mr. Harrigan asked that if possible that the Commission might approve the project and have them confer with the neighbor and use an expert to get a more satisfactory solution for screening.

Commissioner Riggs noted that if there was no light well there would be no impact to the Shamel ash tree. He said in cutting four feet in a line from the trunk of a tree approximately less than a third of the roots would be cut. He said there was potential to keep the Shamel ash. He said the applicant should first consider modifying the light well, which was in the setback and the setback was for landscaping. He said if the tree were replaced that a hole for it would need to be dug before the basement foundation wall was filled and the tree would be craned in and placed in the hole. He said if the hedge could be maintained that would potentially solve the issue. He said the applicant had expressed willingness to work with the neighbor through staff on landscape screening. He said he was willing to modify his motion to indicate that and allow the option to modify the design and keep the Shamel ash or replace it with a mature tree.

Replying to Commissioner Barnes, Planner Perata suggested more prescriptive conditions would be helpful for staff in working with the applicant and neighbor. He said for instance a condition that

if the existing hedge was retained then the tree could be removed or if the hedge was retained and the tree removed that a tree of a certain size and growth size should be planted with perhaps the species worked out by the applicant and neighbor.

Chair Goodhue asked if the applicant was willing to retain the existing hedge. Mr. Harrigan said they would retain the hedge if they could, noting that sometimes the drainage work created a problem for that. He said he would like the neighbor to have input now whether what was being proposed was amenable.

Chair Goodhue asked if Ms. Pickett would like to provide input on what was being proposed. Ms. Pickett said the plans had shown 80 feet of trees and hedges being stripped down to one privet tree between the two properties and that created a great deal of exposure. She said their interest was in finding a solution. She said they would prefer mature plantings being dropped in and she would like to agree with an expert on what the real potential growth for whatever was planted would be.

Commissioner Barnes asked about a box size. Commissioner Riggs said trees he had selected some years ago were eight-foot boxes, but 72-inch box trees were easier to manipulate.

Commissioner Barnes asked staff about 72-inch box trees. Planner Perata said Facebook used that size box tree on its campus but he had never seen that size in any residential project he had worked on. He said he thought the next size down was a 48-inch box, although there might be a 60-inch box.

Commissioner Barnes asked Commissioner Riggs if a 48-inch box was satisfactory. Commissioner Riggs said he witnessed two larger box trees than 48-inch box installed in Portola Valley. He suggested a tree replacement on the larger size. Commissioner Barnes said he would second the motion to require a replacement tree with a box size of 48- to 72-inches of sufficient height to meet 75% of current screening height.

Planner Pruter asked if that included maintaining the hedge as it was. Chair Goodhue said that was desirable, if possible. She said she could see how a drainage problem could affect that. She suggested to require the applicant to maintain the existing hedge if possible or replace with mutually acceptable screening. Commissioner Riggs said he would not include the term “if possible.” He said if part of the hedge was compromised then it would have to be infilled. He said the condition would state that the hedge would be maintained.

Commissioner Doran said to him it was reasonable that if the hedge was damaged during construction it could be replaced.

Commissioner Barnes said based on the understanding for the tree and hedge that he would second the motion.

**ACTION:** Motion and second (Riggs/Barnes) to approve the item with the following modifications; passes 4-0-3 with Commissioners Kennedy, Onken and Strehl 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. Development of the project shall be substantially in conformance with the plans prepared by Timeline Design and Build, consisting of 22 plan sheets, dated received March 29, 2019, and approved by the Planning Commission on April 8, 2019, except as modified by the conditions contained herein, subject to review and approval of the Planning Division.
  - b. Prior to building permit issuance, the applicants shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies’ regulations that are directly applicable to the project.
  - c. Prior to building permit issuance, the applicants shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
  - d. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval by the Planning, Engineering and Building Divisions. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
  - e. Simultaneous with the submittal of a complete building permit application, the applicant shall submit plans indicating that the applicant shall remove and replace any damaged and significantly worn sections of frontage improvements. The plans shall be submitted for review and approval of the Engineering Division.
  - f. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a Grading and Drainage Plan for review and approval of the Engineering Division. The Grading and Drainage Plan shall be approved prior to the issuance of grading, demolition or building permits.
  - g. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance and the arborist report prepared by Monarch Consulting Arborists, LLC, dated received February 20, 2019.
4. **Approve the use permit subject to the following project-specific conditions:**



- a. Simultaneous with the submittal of a complete building permit application, the applicant shall submit revised plans demonstrating that existing perimeter landscaping will be maintained along the right side property line in the vicinity of the property located at 1315 Elder Avenue, subject to review and approval of the Planning Division.**
- b. Simultaneous with the submittal of a complete building permit application, the applicant shall replace the heritage Shamel ash tree (Tree 585) with a replacement tree containing a box size of no less than 48 inches and up to 72 inches in the same general location, with the intent of achieving future screening equivalent to 75 percent of the existing tree screening for the adjacent neighbor at 1315 Elder Avenue. The applicant shall work with the neighbor at 1315 Elder Avenue to select a mutually agreeable replacement tree species, subject to review and approval of the Planning Division.**

F3. Conditional Development Permit Amendment/Sharon Hills (1-45 Biltmore Lane; 1115-1135 Continental Drive; 2-55 Hallmark Circle; 1-15 Oliver Circle; 2-26 Susan Gale Court; 2300 Tioga Drive; 1200-1371 Trinity Drive)/Sharon Hills Community Association:  
Request for a Conditional Development Permit (CDP) Amendment at an existing residential development in the R-E-S(X) (Residential Estate Suburban, Conditional Development) zoning district. The CDP amendment would allow small-scale modification and expansion projects on existing townhouses to be processed through the ministerial building permit process, provided the proposals have received architectural approval by the Sharon Hills Community Association (SHCA). Currently, such projects require approval of the SHCA and architectural control approval by the Planning Commission, prior to building permit review. No changes to the number of dwelling units or other development standards are proposed, and the three standard R-E-S(X) lots that were created through this CDP (1200 and 1205 Trinity Drive, and 2300 Tioga Drive) would not be affected by the proposed changes. ([Staff Report #19-028-PC](#))

Staff Comment: Principal Planner Thomas Rogers said he had no additions to the written report.

Applicant Presentation: Kathryn Low said currently she was the Chair of the Sharon Hills Community Association's (SHCA) architectural control committee. She said the conditional development permit (CDP) was granted to the development builder in 1982. She said the CDP required that any architectural changes to the exterior of a Sharon Hills townhouse must be approved by the Menlo Park Planning Commission. She said the 77 Sharon Hills townhouses were now 35 years old. She said homeowners wanted to update their townhouses' look to be more current. She said the SHCA was requesting that the Planning Commission support an amendment to the original 37-year old CDP. She said the key element of the proposed amendment was to allow for exterior modifications located with the lot line to a Sharon Hills townhouse with the approval of the SHCA's Board and then through the City's building permit process without the need of Planning Commission oversight. She said an exterior modification outside the lot line of a Sharon Hills townhouse would initiate the approval process by the Planning Commission. She explained the SHCA's application process for an exterior townhouse modification.

Chair Goodhue opened the public hearing.

Public Comment:

- Cynthia Schreuder Kalev said she was the current president of the SHCA board. She said this amendment would save expense and time. She said often the proposed projects were rather small such as the replacement of a window that would be updated to be six-inches larger, and currently that required Planning Commission approval.
- Merrie Asimow said she was a Sharon Hills townhouse owner and that she and her husband had done a very small project to enclose an atrium, which under the CDP requirements process took two years and was very expensive. She said they appreciated the City assisting them to solve this issue.
- Kathryn Glassey said she was one of the newer residents in the SHCA. She said she had been very impressed with the dedication and thoroughness of the architectural control committee. She said she fully supported the proposed amendment.

Chair Goodhue closed the public hearing.

Commission Comment: Commissioner Barnes said he thought the proposed amendment to the CDP was sensible decision making. He moved to recommend that the City Council approve the amendment item as recommended in the staff report. Commissioner Riggs seconded the motion.

**ACTION:** Motion and second (Barnes/Riggs) to recommend that the City Council approve the Amendment and Restatement of the Conditional Development Permit for Sharon Hills as recommended in the draft document; passes 4-0 with Commissioners Kennedy, Onken and Strehl absent.

## **G. Informational Items**

### **G1. Future Planning Commission Meeting Schedule**

- Regular Meeting: April 29, 2019

Planner Perata said for the next meeting on April 29 that agenda items would tentatively include single-family residential projects, a commercial building addition and the Facebook East Campus development agreement that the Commission reviewed and continued in February 2019.

Planner Perata said that the City Council at its April 16 meeting would appoint members for the two seats expiring on the Planning Commission with terms beginning May 6.

Chair Goodhue asked about the Hampton Inn proposed for 1704 El Camino Real. Planner Perata said staff was reviewing the updated information and the overall project analysis. He said potentially the project would come forward in May or June depending on the availability of the applicant team and the readiness of the overall project review.

- Regular Meeting: May 6, 2019
- Regular Meeting: May 20, 2019

## **H. Adjournment**

Chair Goodhue adjourned the meeting at 8:25 p.m.

Staff Liaison: Kyle Perata, Acting Principal Planner

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on April 29, 2019

To: Menlo Park Planning Commission  
From: Tom & Tori Pickett, Residents of 1315 Elder Ave

Subject: Use Permit for 1301 Elder Avenue

Dear Commission,

We are writing with respect to the April 8, 2019 Planning Commission Hearing regarding the use permit requested and the removal of the heritage tree by 1301 Elder. We are the immediate adjacent neighbors on the right side of the lot (northern border) that is directly affected by the use permit request to excavate into the set back and also by the removal of the Shamel Ash Heritage Tree.

We believe the setback is there for a reason, and something we expected when we purchased our home. We currently have a barrier between the homes which includes the heritage tree and an above the fence line hedge which is not depicted on the plans (but included in our photos below). By moving closer into the setback, there appear to be no plans to mitigate the removal of hedge and heritage tree which will create an open void between the closely set structures. On top of this, the new house will be a 2-story (vs. the long-standing 1-story) which will significantly reduce privacy between the homes.

We oppose the use permit due to the resulting removal of the heritage tree and hedging which will significantly reduce the privacy between homes that we expect in West Menlo Park. In addition, the plans don't seem to represent the existing hedging that is in place today and have no plans to mitigate any potential removal.

We have included pictures below to help better demonstrate the impact of the proposed changes. Thank you for your consideration.

Sincerely,

Tom & Tori Pickett  
1315 Elder Ave, Menlo Park, CA







Above the fence hedging currently in place today (as viewable from 1315 Elder)

