



REGULAR MEETING MINUTES

Date: 5/18/2020
Time: 7:00 p.m.
GoToWebinar.com – ID #241-553-931

A. Call To Order

Chair Andrew Barnes called the meeting to order at 7:00 p.m. He briefly reviewed how he would conduct the virtual public meeting.

Meeting Clerk Leo Tapia explained the process for attendees to participate in the meeting.

B. Roll Call

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

Absent: Camille Kennedy

Staff: Theresa Avedian, Senior Civil Engineer; Matt Pruter, Assistant Planner; Chris Turner, Assistant Planner; Corinna Sandmeier, Senior Planner

C. Reports and Announcements

Senior Planner Corinna Sandmeier said the City Council at its May 19, 2020 would consider the City's budget. She said the Community Development Department was working on a system to accept electronic building applications.

D. Public Comment

- Pamela Jones, Menlo Park Belle Haven resident, referred to the Facebook development agreements item that was on the May 4 meeting agenda and particularly section 8.1.1 of that report regarding Housing Inventory Local Supply Study. She noted delays on that study's completion and that the May 4 staff report indicated the report would be completed in the near future. She requested the Commission ask for the raw report with all the data and information that was collected as she was concerned the final study would be a sanitized version. She said with the current Covid-19 situation and loss of employment impacts that it was important to know who lived in the City in 2018 and 2019.

E. Consent Calendar

- E1. Approval of minutes from the April 20, 2020, Planning Commission meeting. ([Attachment](#))

ACTION: Motion and second (Chris DeCardy/Henry Riggs) to approve the Consent Calendar consisting of the minutes from the April 20, 2020 Planning Commission meeting; passes 6-0-1 with Commissioner Camille Kennedy absent.

F. Public Hearing

- F1. Use Permit/Ruchi and Rajeev Goel/930 Hermosa Way:
Request for a use permit to demolish an existing one-story, single-family residence, two detached accessory buildings, and a detached garage, and construct a new two-story residence and detached accessory dwelling unit on a substandard lot with regard to lot width in the R-E (Residential Estate) zoning district. ([Staff Report #20-026-PC](#))

Staff Comment: Assistant Planner Matt Pruter said he had no additions to the written report.

Questions of Staff: Commissioner DeCardy asked if the property had been 1.56 feet wider whether the Commission would have seen the project. Planner Pruter said the Commission would not have but due to the substandard width a use permit was required.

Chair Barnes summarized how he would conduct public hearing items.

Applicant Presentation: Rajeev Goel introduced himself and his wife Ruchi as the applicants. He said they currently lived on Stanford Avenue. He said the new home they were proposing was designed to preserve all 13 heritage trees on the property. He said they oriented the first and second floors toward the backyard to address privacy. He said they spoke with all of their neighbors prior to submitting their application except for one property that was vacant and for sale. He said they corresponded with neighbors also by email and copies of those were included in the staff report. He said the project architects were also in attendance.

Gary McClure, J Maliksi and Associates, project architects, said as noted the project proposal needed a use permit due to the substandard width of the property. He said the lot was about 21,080 square feet and the new proposed residence would be 6,955.2 square feet with a 798.4 square foot accessory dwelling unit. He said they were proposing a French modern design with integral stucco exterior and aluminum clad exterior windows with wood windows on the interior. He said a metal trellis in front and another element in the rear would modulate the elevations. He said the home would have a standing seam metal roof.

Commissioner Larry Kahle said the staff report indicated the windows would be inset but he did not see that on the drawings. He asked if they were and the depth of the inset. Mr. McClure said that would be articulated in the details. He said since it was stucco exterior and they would not have any pronounced wood or trim on the sides they planned to wrap the stucco back into the window, which was what they meant by recessed. He said since it was a two by six wall the inset would be one-and-half-inches to two inches.

Commissioner Kahle said the front elevation was great but the left elevation seemed not to have gotten attention as it was a stucco wall and windows. He said he thought the wall would be fairly visible as this house would be set farther forward than the neighbor's home. He asked if they would speak to the appearance of the left wall.

Jim Maliksi, project architects, said that side had a 10.3-foot setback. He said they wanted to maximize the second floor addition on it and thought the landscaping would screen most of it to protect neighbor privacy. He said the windows would be recessed with stone sills and clad in bronze color aluminum probably to match the roof color. He said they were going for an old world stucco look with almost a limestone appearance. He said a huge Douglas fir was at the front corner of the

wall and they would plant hedges and trees there. Commissioner Kahle asked if they had considered architectural details such as offsets on that wall. Mr. Maliksi said the clients wanted to maximize the master bedroom size. He said they could soften the appearance by adding some trellis or awning work. Mr. Goel said the neighbor's driveway immediately bordered and created additional distance between that side and their residence. Commissioner Kahle said if they would like to consider continuing some awning that would be great, but he would not make it a requirement.

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

Commission Comment: Commissioner Michael Doran said it was a handsome design and consistent with the neighborhood. He said the design was very supportable as presented.

Commissioner Kahle seconded Commissioner Doran's comment that it was a nice design. He said as he mentioned he would like some detail interest added to the left side. He said it was a nice project for the street and he appreciated the inset windows. He said he also appreciated the neighborhood outreach the property owners did. He moved to approve the item as recommended in the staff report.

Commissioner Riggs said the proposal was an overall handsome project and was grand without excess. He asked about the right rear chimney for the outdoor fireplace as it seemed oddly disproportionate. Mr. Maliksi said that a chimney for a woodburning fireplace needed to be two feet above the roof which was what this was. He said they could remove the chimney and continue the wide wall upwards. He said this part of the house was one-story. Commissioner Riggs asked if there was a reason the shoulders for the fireplace were so high. Mr. Maliksi said it was a wall unit and not shoulders noting the fireplace was not that high. He said the wall above the fireplace would be where the television was located. Commissioner Riggs seconded the motion to approve.

ACTION: Motion and second (Doran/Riggs) to approve the item as recommended in the staff report; passes 6-0-1 with Commissioner Kennedy 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 May 18, 2021) for the use permit to remain in effect.
 - b. Development of the project shall be substantially in conformance with the plans prepared by J Maliksi and Assoc., consisting of 18 plan sheets, dated received May 1, 2020, and approved by the Planning Commission on May 18, 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. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance and the arborist report prepared by Mayne Tree Expert Company, Inc., dated received April 21, 2020.
4. Approve the use permit subject to the following **project-specific** conditions:
- a. Prior to grading, demolition, or building permit issuance, the applicant shall submit a Grading and Drainage Plan and Hydrology Report, subject to Engineering Division review and approval. In the Grading and Drainage Plan, slopes for the first 10 feet perpendicular to the structure must be five percent minimum for pervious surfaces and two percent minimum for impervious surfaces, including roadways and parking areas, as required by CBC §1804.3. Post-construction runoff into the storm drain shall not exceed pre-construction runoff levels.
 - b. Prior to building permit issuance, the applicant shall remove and replace the existing valley gutter and parking strip along the entire frontage of property, pursuant to the latest City Standards and to the satisfaction of the Public Works Department. The limits of frontage improvements shall be shown on the site plan.

F2. Use Permit/Chelsea Bright/441 Gilbert Avenue:
Request for a use permit to demolish an existing one-story single-family residence and detached garage and construct a new two-story residence with attached garage on a substandard lot with regard to minimum lot width and area in the R-1-U (Single Family Urban Residential) district. ([Staff Report #20-027-PC](#))

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

Applicant Presentation: Cynthia Thiebaut, Director of Development for Thomas James Homes, said the proposed design was traditional. She said their neighbor outreach elicited several concerns that they had worked to alleviate. She said most concerns were regarding privacy. She said in response they raised window sills on the sides of the home to six feet, reduced the first floor plate height to

nine feet to reduce the overall height, and added privacy plantings all around the rear of the property and on the rear sides as well. She said another concern was with the character of the proposed house. She said they used a traditional design that they believed would fit well into the neighborhood. She said a rear neighbor had a concern with their driveway and how it approached the subject property's fencing so they pulled the fencing back to eliminate that safety concern.

Commissioner Kahle asked if the corner boards would be painted to match the house or as an accent color. Ms. Thiebaut said they were thinking a white trim noting the home would be gray. Commissioner Kahle noted the windows and front door were fiberglass and asked if they had considered using wood windows, which he thought would fit well with the neighborhood. Ms. Thiebaut said they preferred the use of a high quality fiberglass for its durability. Commissioner Kahle said the front elevation generally looked very nice. He referred to bedroom #2 over the garage and its proportions. He said it was really close to the laundry room creating a tight, little narrow space with eaves almost touching. He said the bedroom's front wall was on the same plane as the garage, which gave it some odd proportions. He said it looked like an addition to an existing single-story home but this was a new house. He suggested connecting the bedroom so it was part of the laundry layout or pushing it back from the face of the garage so the lower roof could continue through.

Ms. Thiebaut said they liked how the second story was designed and thought it broke up the front of the home. She said they liked the detail on the front window as well. Commissioner Kahle asked if the bay was a walk out or for just sitting. Ms. Thiebaut said it was a detail and a pop out for the window and not a deck.

Chair Barnes opened the public hearing.

Public Comment:

- Jordan McDonald, 311 Nova Lane, adjacent neighbor to the subject property, said the project team had been responsive and adjusted several details to ensure privacy. He said his home was one-story and they spent considerable time in the backyard. He said he looked at the planting plan and screening trees. He said he would like the trees planted to be of adequate size to provide privacy in two to three years.
- Read by Mr. Tapia: *Larry and Laura Scott, 495 Gilbert Avenue: No question but want to take this chance to thank the developer for hearing our safety concern about the driveways and visibility. The changes made seem reasonable and help to alleviate our concerns.*
- Charlene Prince Birkeland, 350 Barton Way, said she did not hear back from the development team when she reached out initially. She said they were very opposed to a two-story at the subject property and remained very concerned about privacy because it still had the potential to view into their backyard, which they used daily. She said they were very concerned about sight lines. She said they remodeled their master bedroom in 2015 and it took five years for shrubs to grow so they did not have a view of the existing home's roofline at the subject property. She said with this project they would now see the back of a two-story house rather than the palm tree they saw currently. She said regarding the proposed home matching the character of the Willows neighborhood as there were other two-story homes that in the area of her property and her neighbors' properties on Gilbert Avenue and Nova Lane that except for a two-story on the cul de sac on Nova Lane all the homes were single-story ranch homes. She said this project would

change the flavor and character of that neighborhood and they would appreciate a one-story design at the subject property.

Chair Barnes closed the public hearing.

Commission Comment: Commissioner Kahle said a two-story residence was a permitted use in this zoning district so the Planning Commission's job was to get the best two-story house possible. He said the design was nice from the two visible streets of Gilbert Avenue and Nova Lane. He said it looked like the left neighbor's privacy was addressed with landscaping and raising the window sills. He noted that the home also had a flood elevation to deal with too and he appreciated that the ceiling heights were reasonable. He said he thought the neighbors would appreciate the quality of a wood window, which was his preference. He said his preference also was that the corner boards be painted to match the house as he thought it looked more like a custom house when that was done. He said he thought the proportions of bedroom #2 needed a closer look but that was not enough for him to vote a denial. He said he was not sure how deep the eaves were there, maybe a foot, but this style house could use deeper eaves.

Commissioner DeCardy said he appreciated the neighbor outreach. He suggested addressing the Nova Lane neighbor's comment for screening that would reach maturity quickly. He referred to the neighbor who spoke about the change in view the project would make and that the developer had not had as much exchange with her as with others, and suggested the applicants think about what could be done to soften that view.

Ms. Thiebaut said they would have privacy plantings around the entire rear and left rear side of the lot. She said those were 15-gallon trees and would be 20 to 30 feet in height when fully grown. She said the trim colors were not finalized and they were completely open to having the trim the same color as the body of the house.

Commissioner DeCardy asked the height of the 15-gallon trees and how long before they reached full height. Ms. Chelsea Bright said she was the Development Coordinator for Thomas James Homes. She said regarding the Carolina cherry laurel proposed that planted as a 15-gallon size it would reach maturity in five years. She said they could install 24-inch or 36-inch box trees so they would reach maturity faster.

Commissioner Riggs confirmed with Ms. Bright that the proposed cherry laurel was not Eugenia, noting it was not fast growing. He said the plans indicated 13 trees would be planted, which would essentially be a tree hedge. He asked in terms of the landscape design what they thought of making three or four of the proposed trees be 24-inch boxes to boost screening at appropriate places. Ms. Bright said that would be fine. She said they tried to estimate what would be the best amount of spacing to provide screening and not to just create a great green wall. She said they were amenable to looking at which ones to do as 24-inch box plantings and whether to space them apart and just make them bigger. Commissioner Riggs said he thought spacing the trees out was a great idea and he would leave that up to the applicants as to how to do that. He moved to approve the project with the upsizing of at least four trees to be proposed by the developer for effective landscape screening to the neighboring homes. He said he appreciated their willingness to paint out the corner boards the same as the house as he thought it made a more attractive house. He revised his motion to approve the use permit application with the landscaping and corner board modifications. Commissioner Doran seconded the motion.

Chair Barnes said he had a social relationship with Jordan McDonald, 311 Nova Lane, but that would not affect his decision making on the proposed project. He referred to the planting plan. He

said he appreciated the proposed upsizing of the Carolina cherry laurel trees and asked if those would be used primarily where the property borders the left side neighbor or whether upsized trees were needed on the back side as well. Ms. Bright said she thought the trees should be upsized on both fence lines out of consideration for both adjacent neighbors as well as the neighbor's property located diagonally from the subject property as it would help with that sight line.

Chair Barnes asked if the maker of the motion would consider changing the motion so that at a minimum eight of the trees would be upsized. Commissioner Riggs asked if that sounded appropriate to the applicants. Ms. Bright said that way they could play around with the number of trees currently planned and perhaps they could decrease some and space them out and have the same level of quality for screening they wanted. Commissioner Riggs said he would modify his motion so that at a minimum eight of the trees to be planted would be a 24-inch box size. He said that would be for staff review and approval.

Chair Barnes said the motion was to approve with a minimum of eight 24-inch box trees with the objective of having the appropriate screening subject to staff review and approval and painting the corner boards the same color as the body of the house.

ACTION: Motion and second (Riggs/Doran) to approve the item with the following modifications; passes 6-0-1 with Commissioner Kennedy 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 (May 18, 2021) for the use permit to remain in effect.
 - b. Development of the project shall be substantially in conformance with the plans prepared by KTG Architecture, consisting of 15 plan sheets, dated received April 27, 2020 and approved by the Planning Commission on May 18, 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. Trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance and the arborist report prepared by Sierra Nevada Arborists, dated November 5, 2019.

4. Approve the use permit subject to the following **project-specific** condition:

- a. No building permits shall be issued for the project prior to approval of the arborist report by the City Arborist.
- b. ***Simultaneous with the submittal of a complete building permit application, the applicant shall submit revised plans showing a minimum of eight (8) of the proposed screening trees of a size 24-inch box or greater, subject to review and approval of the Planning Division.***
- c. ***Simultaneous with the submittal of a complete building permit application, the applicant shall submit revised plans showing the corner boards to be painted to match the color of the siding material, subject to review and approval of the Planning Division.***

F3. Public Right-of-way and Public Utility Easement Abandonment/City of Menlo Park/100-110 Terminal Avenue: General Plan consistency review for the proposed abandonment of public right-of-way and public utility easements adjacent to and within 100-110 Terminal Avenue. ([Staff Report #20-028-PC](#))

Staff Comment: Senior Civil Engineer Theresa Avedian said this was the second step in the three step abandonment process. She said the first step was the adoption of the Resolution of Intent to Abandon by the City Council and that occurred on March 10, 2020. She said second step was General Plan conformance and the third step was a resolution abandoning the right of way that was scheduled for City Council on June 23, 2020.

Questions of Staff: Commissioner Kahle noted the aerial view of the subject site and asked how the pool and building were allowed to be built over the public right of way before abandonment. Engineer Avedian said she did not have an answer noting the buildings were constructed in the 1970s.

Replying to Chair Barnes, Engineer Avedian said she did not have a presentation. She said the Planning Commission had been scheduled to hold a study session May 11 for the new Belle Haven

Community Center and Library project, which had been postponed to a future, undetermined date. She said the abandonment would happen independently. She said the right of way to be abandoned was a paper street issued on the map but never used as a public street.

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

Commission Comment: Commissioner Doran moved to recommend approval to the City Council of the proposed abandonment with the Commission's determination that the abandonment was consistent with the General Plan. Commissioner Riggs seconded the motion.

ACTION: Motion and second (Doran/Riggs) that the Planning Commission determines that the vacation of public right-of-way and public utility easements adjacent to and within 100-110 Terminal Avenue is consistent with the General Plan, and recommends approval of the proposed abandonment to the City Council; passes 6-0-1 with Commissioner Kennedy absent.

H. Informational Items

H1. Future Planning Commission Meeting Schedule

- Regular Meeting: June 8, 2020

Planner Sandmeier said the June 8 agenda was not finalized. She said one item was an architectural control review project for a renovation of 870 Santa Cruz Avenue. She said also two single-family home projects were likely to be on that agenda.

- Regular Meeting: June 22, 2020
- Regular Meeting: July 13, 2020

Commissioner Riggs said at the May 4 meeting they heard from the Facebook representative that the Dumbarton Rail Project was no longer a priority for them. He said he believed it was indicated it was too expensive of a project. He asked if they could schedule a discussion of the Dumbarton Rail if that was appropriate.

Chair Barnes said the Facebook representative expressed it would be an expensive project and what was shared indicated it was not high on their priority list. He asked staff in terms of the Planning Commission's purview about bringing the subject for discussion and when. Planner Sandmeier said she thought it would be best if she checked in with Planning management on that and then got back to the Commission.

Commissioner Riggs said a number of Commissioners over the last four years had expressed concern about having sufficient transit to support the projects being approved. He said he put a lot of hope into the Dumbarton Rail Project as that would address possibly the tipping point of their transit issue, the automobile Dumbarton bridge. He said the future of this Dumbarton Rail project colored any of their future discussions on any commercial projects in the Bayfront area. He said it would be highly informative to have a better sense of where the project was as its likelihood of success had been diminished lately.

Chair Barnes said he recalled that the person at Facebook working on the Dumbarton Rail project study had not been present. He said having a discussion on the topic he thought would rely on having someone representing Facebook or the Plenary Group, and SamTrans to a lesser extent speaking to the issue. He said he would welcome an update and discussion.

Planner Sandmeier said she would speak with planning management on how to format this and who to have in the discussion.

I. Adjournment

Chair Barnes adjourned the meeting at 8:24 p.m.

Staff Liaison: Corinna Sandmeier, Senior Planner

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on June 8, 2020