



## REGULAR MEETING MINUTES

**Date:** 07/12/2021

**Time:** 7:00 p.m.

**Meeting Location:** [Zoom.us/join](https://zoom.us/join) – ID# 997 7358 9076

### A. Call To Order

Chair Michael Doran called the meeting to order at 7:03 p.m.

Planning Technician Leo Tapia explained how to participate in the virtual meeting for the public and applicants.

### B. Roll Call

Present: Andrew Barnes, Chris DeCardy (Vice Chair), Michael Doran (Chair), Cynthia Harris, Camille Gonzalez Kennedy; Henry Riggs

Absent: Michele Tate

Staff: Kaitie Meador, Senior Planner; Kyle Perata, Principal Planner; Matt Pruter, Associate Planner; Leo Tapia, Planning Technician

### C. Reports and Announcements

Principal Planner Kyle Perata said the Menlo Uptown project EIR certification and entitlements approved by the Planning Commission at its June 21 meeting had been appealed to the City Council. He said one appeal was received from the Sequoia Union High School District and another appeal from Council Member Cecilia Taylor.

### D. Public Comment

There was none.

### E. Consent Calendar

E1. Approval of minutes from the June 7, 2021, Planning Commission meeting. ([Attachment](#))

E2. Architectural Control/Chris Thomas/100 Middlefield Road: Request for architectural control to construct a new fence and gate structure on the exterior of an existing commercial building in the C-4 (General Commercial) district. ([Staff Report #21-033-PC](#))

**ACTION:** M/S (Chris DeCardy/Camille Gonzalez Kennedy) to approve the consent calendar consisting of E1, minutes as submitted for the June 7, 2021, Planning Commission meeting and E2 with the following conditions as presented in the staff report; passed 6-0-1 with Commissioner Michele Tate absent.

1. Make a finding that the project is categorically exempt under Class 1 (Section 15301, "Existing Facilities") 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 would not modify the previously approved 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 Arc Tec, consisting of nine plan sheets, dated received July 2, 2021, and approved by the Planning Commission on July 12, 2021, except as modified by the conditions contained herein, subject to review and approval of the Planning Division.
  - b. Prior to building permit issuance, the applicant shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.
  - c. Prior to building permit issuance, the applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
  - 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. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance.

## F. Public Hearing

- F1. Use Permit/Stephen Ryu/1026 Cascade Drive:  
Request for a use permit to construct first-floor additions and perform interior and exterior modifications to an existing nonconforming, single-story, single-family residence in the R-1-S (Single Family Suburban Residential) zoning district. The value of the proposed work would exceed 75 percent of the replacement value of the existing nonconforming structure in a 12-month period and therefore requires a use permit. ([Staff Report #21-034-PC](#))

Staff Comment: Associate Planner Matt Pruter said staff had no additional comments.

Applicant Presentation: Kyu Young Kim, ACS Architects, provided a visual presentation of the proposed project.

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

Commission Comment: Commissioner Kennedy said she was pleased the project would upgrade the space; she moved to approve. Commissioner Henry Riggs said it was a handsome project and seconded the motion.

Chair Doran commented that the project was very easy to approve, and it would have very low impact on neighbors.

ACTION: M/S (Kennedy/Riggs) to approve the item as presented in the staff report; passed 6-0-1 with Commissioner Michele Tate absent.

1. Make a finding that the project is categorically exempt under Class 1 (Section 15301, "Existing Facilities") 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 July 12, 2022) for the use permit to remain in effect.
  - b. Development of the project shall be substantially in conformance with the plans prepared by ACS Architects, consisting of 16 plan sheets, dated received July 2, 2021, and approved by the Planning Commission on July 12, 2021, except as modified by the conditions contained herein, subject to review and approval of the Planning Division.
  - c. Prior to building permit issuance, the applicant shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.

- d. Prior to building permit issuance, the applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
- 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. All applicable public right-of-way improvements, including frontage improvements and the dedication of easements and public right-of-way, shall be completed to the satisfaction of the Engineering Division prior to building permit final inspection.
- h. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a Grading and Drainage Plan for review and approval of the Engineering Division. The Grading and Drainage Plan shall be approved prior to the issuance of grading, demolition, or building permits.
- i. Post-construction runoff into the storm drain shall not exceed pre-construction runoff levels. The applicant's design professional shall evaluate the Project's impact to the City's storm drainage system and shall substantiate their conclusions with drainage calculations to the satisfaction of the City Engineer prior to building permit issuance.
- j. Simultaneous with the submittal of a complete building permit application, the applicant shall provide documentation indicating the amount of irrigated landscaping. If the project proposes more than 500 square feet of irrigated landscaping, it is subject to the City's Water Efficient Landscaping Ordinance (Municipal Code Chapter 12.44). Submittal of a detailed landscape plan would be required concurrently with the submittal of a complete building permit application.
- k. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance and the arborist report prepared by Bo Firestone Consulting and Design, dated received May 10, 2021.
- l. If construction is not complete by the start of the wet season (October 1 through April 30), the Applicant shall implement a winterization program to minimize the potential for erosion and sedimentation.
- m. Prior to building permit issuance, the applicant shall pay all applicable City fees. Refer to City of Menlo Park Master Fee Schedule.

4. Approve the use permit subject to the following **project-specific** condition:
  - a. Prior to building permit issuance, the applicant shall furnish new valley gutter and parking strip, pursuant to the latest City Standards, to the satisfaction of the Public Works Department, along the entire property frontage. The limits of frontage improvements shall be shown on the site plan.

F2. Use Permit/Thomas James Homes/420 Laurel 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 an attached garage on a substandard lot with regard to minimum lot width in the R-1-U (Single Family Urban Residential) zoning district. ([Staff Report #21-035-PC](#))

Applicant Presentation: Cynthia Thiebaut, Thomas James Homes, said the proposed project was a Farmhouse design using board and bat with horizontal siding as an accent. She said the proposed height was 26-feet, 11-inches. She said 22 trees were analyzed with 19 on the property and three offsite. She said six of the 19 were heritage trees and one was proposed for removal, tree #11, due to poor health and proximity to the development. She said the tree would be replaced with a 36-inch box Magnolia and an additional second 36-inch box Magnolia would be planted to address privacy concerns. She said they were also proposing two, new 15-gallon trees in the side yard where the existing tree #11 was located.

Ms. Thiebaut said a rear neighbor reached out with privacy concerns. She said the proposed home was set back 62 feet from the rear property line and had a 15-foot alley behind that. She said they would retain two of the existing trees in the rear and add the two new 36-inch box trees. She said window sills on the side of the home had been raised to six feet. She said three-foot sills were maintained in the front bedroom and bedroom #2 for egress. She said they had four-foot sills in the primary bath and laundry for light access. She said another neighbor reached out about tree trimming and they were getting arborist's recommendations regarding that. She said neighbor concerns were about privacy, trees, window sill heights, and fencing. She said they would replace the six-foot fence on the property line and coordinate with neighbors. She said the project architect, Jill Williams, KTG Architects was also available for questions.

Chair Doran opened the public hearing.

Public Comment:

- Sylvia Gray, 414 Laurel Avenue, said her home was adjacent to the subject property. She said the driveways were very close together and between those was a square area that had been commonly planted. She suggested that the applicant just fill the area in like a sidewalk rather than just leaving it as a square with soil, as it might not be planted and maintained well. She said regarding fencing that her fence was very attractive and sturdy, and she challenged the removal of her fence as the new fence would not match her property. She said she was told that it was on the plans that they would build their fence parallel to hers, and asked for confirmation of that.

Chair Doran closed the public hearing.

Commission Comment: Chair Doran asked the applicant about the area between the driveways that the public speaker had mentioned. Ms. Thiebaut said that currently there was a little planting area between the two driveways. She said the new driveway was proposed essentially in the same

location so there still would be a small planting area between the two driveways, noting it was located toward the sidewalk area of the driveways.

Chair Doran asked if they were planning to install a fence parallel to the neighbor's fence. Ms. Thiebaut said that was correct, noting they worked with adjacent property owners on fence placement.

Commissioner Riggs said he was familiar with the shared planting area and agreed with the speaker that it often became neglected. He suggested the applicant could plant something sustainable and hardy with irrigation extended to it as that might be a benefit to the project and the neighbor's property. Ms. Thiebaut said they could plant some type of ground cover and supply irrigation to it. Commissioner Riggs suggested she confirm that with Planning staff.

Commissioner Kennedy said that the homes done by these applicants were attractive. She said the Farmhouse style home was appearing in different neighborhoods and tended to look "cookie-cutter." She said this one had elements and treatments that made it look less like that. She moved to approve as recommended in the staff report. Commissioner Cynthia Harris seconded the motion.

Commissioner Riggs said the applicant indicated that a couple of magnolia trees would be planted in the rear and asked which variety as there was a range and some became very dense and dropped plant debris. Ms. Thiebaut said the proposal was for Magnolia Edith bogue trees. She said they would review to make sure it was not a variety that would grow in too thickly or dropped significant debris.

**ACTION:** M/S (Kennedy/Harris) to approve the item as presented in the staff report; passed 5-0-1-1 with Commissioner DeCardy recused and Commissioner Tate absent.

1. Make a finding that the project is categorically exempt under Class 3 (Section 15303, "New Construction or Conversion of Small Structures") of the current California Environmental Quality Act (CEQA) Guidelines.
2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
3. Approve the use permit subject to the following **standard** conditions:
  - a. The applicant shall be required to apply for a building permit within one year from the date of approval (by July 12, 2022) for the use permit to remain in effect.
  - b. Development of the project shall be substantially in conformance with the plans prepared by KTG Y Group, Inc., consisting of 20 plan sheets, dated received June 24, 2021 and approved by the Planning Commission on July 12, 2021, except as modified by the conditions contained herein, subject to review and approval of the Planning Division.

- c. Prior to building permit issuance, the applicants shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.
  - d. Prior to building permit issuance, the applicants shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
  - e. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval by the Planning, Engineering and Building Divisions. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
  - f. Simultaneous with the submittal of a complete building permit application, the applicant shall submit plans indicating that the applicant shall remove and replace any damaged and significantly worn sections of frontage improvements. The plans shall be submitted for review and approval of the Engineering Division.
  - g. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a Grading and Drainage Plan for review and approval of the Engineering Division. The Grading and Drainage Plan shall be approved prior to the issuance of grading, demolition or building permits.
  - h. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance and the arborist report prepared by California Tree and Landscape Consulting, Inc., dated revised May 5, 2021.
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 plans that include the following note along the shared property line between 420 Laurel Avenue and 414 Laurel Avenue: "Existing fence shall not be removed unless the property owner of 414 Laurel Avenue agrees to its removal."
  - b. Simultaneous with the submittal of a complete building permit application, the applicant shall submit plans that include the following note next to tree #2 and tree #6: "Shared tree may not be removed without the agreement of the property owner at 428 Laurel Avenue."
- F3. Use Permit & Variance/Sunil Chokshi/923 Theresa Court:  
Request for a use permit to construct first and second floor additions and perform interior and exterior modifications to an existing single-story, single-family residence on a substandard lot with regard to lot depth in the R-1-U (Single Family Urban Residential) zoning district. The second floor addition would exceed 50 percent of the existing square footage and therefore requires a use permit. The proposal also includes a variance request to legalize the existing nonconforming, ground-floor front setback, for the purpose of reconstructing eaves. The project also includes a new ground floor accessory dwelling unit (ADU), which is a permitted use. ([Staff Report #21-036-PC](#))

Commissioner DeCardy rejoined the meeting.

Staff Comment: Senior Planner Kaitie Meador said she had no additions to the written report.

Applicant Presentation: Kyu Young Kim, ACS Architects, provided a visual presentation of the proposed project. He said although adjacent neighbors had single-story homes, there were four second-story homes on Theresa Court. He said the proposed second story was setback considerably from the street.

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

Commission Comment: Commissioner Riggs said the Theresa Court lots were difficult as they were close to square in shape and not very large. He said while he did not care for a busy roof that he thought the board and batten siding minimized the in and out variation. He said overall the proposal worked well. He said thought went into the ADU that included a small backyard for it.

Commissioner DeCardy said he agreed with Commissioner Riggs' observations. He commended Planner Meador for her staff report that laid out well the findings in support of the variance request. He moved to approve as recommended in the staff report. Commissioner Kennedy seconded the motion.

Chair Doran called for the vote. Before he voted, he commented that busy rooflines were one of his pet peeves in architecture. He said he thought the City's second floor setback and daylight plane requirements forced such solutions resulting in rooflines that were not aesthetically pleasing. He voted to approve.

ACTION: M/S (/Riggs/Kennedy) to approve the item as presented in the staff report; passed 6-0-1 with Commissioner Michele Tate absent.

1. Make a finding that the project is categorically exempt under Class 1 (Section 15301, "Existing Facilities") of the current California Environmental Quality Act 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. Make the following findings as per Section 16.82.340 of the Zoning Ordinance pertaining to the approval of the variance:
  - a. The lot shape that creates the substandard depth and the existing nonconformity within the front setback are unique hardships to this lot. The buildable area of the lot at the narrowest point appears to be just over twenty feet. Additionally, the proposed additions and renovations would not increase the existing nonconformity of the residence. The existing front walls would be maintained while increasing the plate heights which would require rebuilding eaves in the required front setback. The increase in plate height within the front setback would comply with daylight plane requirements and would allow for a comprehensive remodel and increase in interior height for the ground floor. The combination of the shape of

the lot, the existing front property line, and the existing building are unique features of this lot that necessitate the variance to allow for the comprehensive remodel of the ground floor. The proposed eaves would have the same or less encroachment than the existing eaves.

- b. The outcomes that would be gained by the variances are property rights possessed by other conforming property in the same vicinity as the majority of homes have eave overhangs and covered front doors. Based on the currently proposed plans, a variance is required to allow for a covered front entry and eaves on the front of the home. In order for eaves and a covered front entry to be built without a variance required, a new home would need to be built outside the front setback or the existing structure would need to be significantly altered such as keeping the eight-foot sill heights or demolishing the portion of the home in the front setback. To achieve taller first floor sill heights without a variance would require the existing structure to be demolished and rebuilt and a new foundation which would be a substantial change. Additionally, adding a second addition without increasing the sill heights could potentially create an unbalanced massing of the home with eight foot first floor sill heights which would be lower than the nine foot second floor sill heights.
  - c. The encroachments into the front setback, which are an existing condition, would not be detrimental to the public health, safety, or welfare, and would not impair an adequate supply of light and air to adjacent property.
  - d. Similar to the discussion on findings a and b, staff believes there are unique aspects of the parcel's shape and orientation that create a unique situation that would not be generally applicable to other single-family homes in the same zoning district. A variance would allow the residence to fit within the development pattern of adjacent residences and other properties in the R-1-U zoning district
  - e. The property is not within any Specific Plan area. Hence, a finding regarding an unusual factor does not apply.
4. Approve the use permit and variance subject to the following **standard** conditions:
- a. Development of the project shall be substantially in conformance with the plans prepared by ACS Architects, consisting of 16 plan sheets, dated received June 24, 2021, and approved by the Planning Commission on July 12, 2021, except as modified by the conditions contained herein, 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 trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance.

## **G. Informational Items**

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

- . Regular Meeting: July 26, 2021

Planner Perata said the agenda for July 26 at this point had one single-family residential proposal. He said in August they anticipated potentially bringing the Final EIR for the Menlo Portal project to the Commission and potentially an Initial Study and scoping session for a proposed life science building at 1125 O'Brien Drive.

- . Regular Meeting: August 9, 2021

## **H. Adjournment**

Chair Doran adjourned the meeting at 8:01 p.m.

Staff Liaison: Kyle Perata, Principal Planner

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on August 9, 2021

# 923 Theresa Ct

Menlo Park Planning Commission  
7.12.2021



## Vicinity Map

923 Theresa Ct



## Satellite Image

923 Theresa Ct



## Existing Photo

923 Theresa Ct



## Satellite Image

923 Theresa Ct

ACS  
ARCHITECTS



## Satellite Overlay

923 Theresa Ct

ACS  
ARCHITECTS



## Existing Photo

923 Theresa Ct

ACS  
ARCHITECTS



## 3d Perspective

923 Theresa Ct

ACS  
ARCHITECTS



**3d Perspective**  
923 Theresa Ct

**ACS**  
ARCHITECTS



**3d Perspective**  
923 Theresa Ct

**ACS**  
ARCHITECTS



# 1026 Cascade Dr

Menlo Park Planning Commission  
7.12.2021



## Vicinity Map

1026 Cascade Dr



## Satellite Image

1026 Cascade Dr



## Street View

1026 Cascade Dr



## Street View (updated)

1026 Cascade Dr

ACS  
ARCHITECTS



## Satellite Overlay

1026 Cascade Dr

ACS  
ARCHITECTS



## Satellite Overlay

1026 Cascade Dr

ACS  
ARCHITECTS



## Backyard Images

1026 Cascade Dr

ACS  
ARCHITECTS



**Street View**  
1026 Cascade Dr



**3d Perspective**  
1026 Cascade Dr



**3d Perspective**  
1026 Cascade Dr



**3d Perspective**  
1026 Cascade Dr

