



## REGULAR MEETING MINUTES

**Date:** 9/23/2019  
**Time:** 7:00 p.m.  
**City Council Chambers**  
**701 Laurel St., Menlo Park, CA 94025**

### A. Call To Order

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

### B. Roll Call

Present: Andrew Barnes (Chair), Chris DeCardy, Camille Kennedy, Henry Riggs (Vice Chair), Michele Tate

Absent: Michael Doran

Staff: Kyle Perata, Principal Planner; Corinna Sandmeier, Senior Planner; Chris Turner, Assistant Planner

### C. Reports and Announcements

Principal Planner Kyle Perata said the Notice of Preparation for an Environmental Impact Report (EIR) for the Willow Village project was released on September 18, 2019. He said the comment period would close at 5:00 p.m. on Friday, October 18, 2019 and the Planning Commission would hold an EIR scoping session and project study session for the project at its October 7, 2019 meeting.

Planner Perata said the City Council at its September 24, 2019 meeting would interview Planning Commission candidates to fill the vacant seat on the Commission with appointment anticipated at the Council's second meeting in October. He said also at the September 24 meeting, the Council would conduct the second reading of the ordinance for the REACH codes.

### D. Public Comment

There was none.

### E. Consent Calendar

- E1. Approval of minutes from the September 9, 2019, Planning Commission meeting. ([Attachment](#))

Public Comment:

Peter Edmonds, Menlo Park, District 3, said he had provided staff and the Commissioners a copy of the script that he had been reading from at the September 9, 2019 Planning Commission meeting, but in four instances the minutes for that meeting had not conformed with that script. He

indicated his desired changes and provided those in writing to staff.

Commissioner Henry Riggs referred to page 2, last paragraph, where he had commented on the number of sheet plans submitted that were in his estimate 20 hours of work. He said adding “per sheet” after “20 hours of work” would reflect his comment more accurately. He said he had Mr. Edmonds’ handout and he agreed with the modifications expressed by Mr. Edmonds. He moved to approve with Mr. Edmonds’ modifications on pages 11, 24, 25, 29-30 and his own modification on page 2. Commissioner Chris DeCardy seconded the motion.

**ACTION:** Motion and second (Riggs/DeCardy to approve the minutes with the following modifications; passes 5-0-1 with Commission Michael Doran absent.

- On page 2, last paragraph change “which in his estimate was 20 hours of work” to “which in his estimate was 20 hours of work **per sheet**.”

*Incorporate the following edits to Mr. Peter Edmonds’ Public Comment on pages 1 and 2.*

- Line 11: Change “nor was ending the moratorium satisfactorily addressed” to “Only the moratorium was addressed satisfactorily.”
- Line 24: Change “the Public Works Director the City Arborist’s reports” to “the Public Works Director, to whom the City Arborist reports.”
- Line 25: Change “He quoted: Adopt in this context means the designee can also amend” to “He asked: Does this mean the designee can also ‘amend’?”
- Lines 29-30: Correct the omission of the conclusion by changing “He noted his full set of comments had been provided to the Commission” to “Having run out of time, he noted his full set of comments, including his strong disagreement with the percentages, had been provided to the Commission.”

- E2. Architectural Control/Kevin Levingston/485 Waverley Street:  
Request for architectural control for exterior modifications to an existing three-unit development on a parcel in the R-3 (Apartment) zoning district. The modifications include updates to the siding materials and windows. ([Staff Report #19-070-PC](#))

Commissioner DeCardy moved to approve consent item E2. Commissioner Camille Kennedy seconded the motion.

Recognized by the Chair, Commissioner Riggs indicated he wanted to pull the item. He said the proposed revision was a change to finishes. He said the existing brick was proposed to be covered with a lace pattern brown stucco, which concerned him as being a 1970s look. He said he had asked Assistant Planner Chris Turner for a sample of the proposed stucco finish. Planner Turner said he had reached out to the applicant but there was not enough time to get a physical sample. He said he was able to find a photo of this sample stucco on his phone and could show that. Commissioner Riggs said he would like to see the image – all Commissioners viewed the image. Commissioner Riggs said that finish was not what he anticipated as lace stucco and asked if there

was confirmation from the applicant that this image met what was being proposed.

Applicant Comment: Kevin Levingston, applicant, said the project was to update and remedy a three-unit structure. He said the proposed stucco over the existing brick was mainly because the brick had not been well maintained over the years. He said they had no intent of making the building look older but to have it fit with what was existing in the area and for a more updated look by adding the lap siding and windows. He said the light lace stucco was a fine-grained stucco and not the broad grained, very rough surfaced stucco that was the older look referenced by Commissioner Riggs.

Commissioner Riggs confirmed with the applicant that what was proposed was more of a stipple finish and not the very rough finish with gaps troweled over that caused dirt to collect in crevices. Mr. Levingston said the stucco finish they would use was smooth and would have no large voids or standouts of stucco.

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

Commission Comment: Commissioner Riggs said that he would not suggest this finish to his clients for his projects, but he could support the request. He moved to approve. Commissioner Kennedy seconded the motion.

**ACTION:** Motion and second (Riggs/Kennedy) to approve the item as recommended in the staff report; passes 5-0-1 with Commission Doran 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 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 Edwin Bruce Associates, consisting of 6 plan sheets, dated received September 18, 2019,

and approved by the Planning Commission on September 23, 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.

## **F. Public Hearing**

- F1. Use Permit Revision/Sepi Agah/1655 Magnolia Court:  
Request for a use permit revision to modify a previously-approved new two-story residence on a substandard lot in the R-1-S (Single Family Suburban Residential) district. The requested modifications include changing the approved siding from a combination of stucco and wood siding to all wood siding, and removing a second-story window. ([Staff Report #19-071-PC](#))

Staff Comment: Planner Turner said he had no changes to the staff report.

Applicant Presentation: Sepi Agah, property owner, said in designing the home with the architect they were going for a modern farmhouse look. She said they had thought a combination of stucco and siding would look nice. She said as they have moved further with the project and in looking at the trees on the property around the project and the view of the home, they decided that combination would not look as good for the neighbors as they had originally thought. She said they were proposing horizontal wood siding on the first story and vertical wood siding on the second story. She said the small window in bedroom #1 was proposed to be removed. She said that bedroom was small and had a large window. She said their neighbors were planning to build and their new master bathroom would face that small window so they decided it would be better to remove it.

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

Commission Comment: Commissioner Kennedy moved to approve, and Commissioner Michele Tate seconded the motion.

Chair Barnes said he recalled the project from when it was originally before the Planning Commission, and that the applicant had worked well with the neighbors and staff. He said he supported the proposed use permit revision.

**ACTION:** Motion and second (Kennedy/Tate) to approve the item as recommended in the staff report; passes 5-0-1 with Commissioner Doran absent.

1. 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 Jack McCarthy Designer, Inc., consisting of 17 plan sheets, stamped received on September 17, 2019, and approved by the Planning Commission on September 26, 2019, 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 and the arborist report prepared by Advanced Tree Care dated April 7, 2018.

- F2. Use Permit Extension/Tim Hudson, Off the Grid/1100 Merrill Street:  
Request for an extension of a use permit for a recurring special event (weekly food truck market) on a portion of the Caltrain parking lot, at the corner of Merrill Street and Ravenswood Avenue in the SP-ECR/D (El Camino Real/Downtown Specific Plan) zoning district. The event would continue to occur on Wednesday evenings between 5:00 p.m. and 9:00 p.m., with setup starting at 3:30 p.m. and cleanup concluding at 10:00 p.m. The event would continue to include amplified live music (typically consisting of one to two musicians playing predominantly acoustic instruments) and generator use, which may exceed Noise Ordinance limits. The use permit term would be extended from its current expiration date of February 19, 2020, to February 19, 2025. ([Staff Report #19-072-PC](#))

Staff Comment: Senior Planner Corinna Sandmeier said she did not have any updates to the written report.

Applicant Presentation: Tim Hudson, Operations Manager for Off the Grid, said they were requesting a use permit extension for their Menlo Park Off the Grid food truck at the Menlo Park Caltrain station. He said they currently operated every Wednesday between 5 to 9 p.m. with up to nine food trucks invited that offered diverse food menus and a variety of entertainment programming. He said they provided ample seating, nice tables, and good lighting to create a safe and family-friendly environment for all.

Commissioner DeCardy asked why they invited only nine food trucks as the use permit allowed up to 12 food trucks. Mr. Hudson said that the site for the event had previously been located on a different side of the Caltrain Station. He said when the event was relocated to another side of the Station, they realized the capacity size would only allow up to nine food trucks.

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

Commission Comment: Commissioner Kennedy said she and her children went to the event every other Wednesday and loved it. She said often they encountered neighbors and friends from the children's schools. She said it was a great addition for Menlo Park. She moved to approve the request for the use permit extension.

Commissioner Tate asked whether it had ever been considered to host Off the Grid in the Belle Haven neighborhood once a quarter or something like that. Planner Sandmeier said she did not think there had been any proposals to do that. She said the applicant might better address whether they would want to pursue permitting for another location in Menlo Park.

Mr. Hudson said he would have to check with the Director of Operations to find out if the location was viable, noting they were open to new opportunities within cities as long as they could be permitted and zoned properly. Commissioner Tate said her question was whether Off the Grid once a quarter could be held in Belle Haven rather than at the Caltrain Station. Planner Sandmeier said the use permit was for the specific location at the Caltrain Station so Off the Grid would have to apply for a different use permit to operate in Belle Haven or a different location in the City. Commissioner Tate said she would like to see an Off the Grid event pursued in the Belle Haven

neighborhood as she and she suspected the majority of her neighbors were not attending this event due to traffic congestion to get to the other side of the City after battling rush hour traffic to get home from work.

Commissioner DeCardy seconded the motion to approve made by Commissioner Kennedy.

Chair Barnes said at one point it was anticipated that Off the Grid would have to relocate and the parking lot for the Arrillaga Recreation Center had been proposed as an alternate location. Replying to Chair Barnes, Mr. Hudson said that had been before his time with Off the Grid. Chair Barnes said for the record at that time it was unclear that Off the Grid was going to be able to remain at the Caltrain Station parking lots. He said fortunately Off the Grid was able to stay at the Caltrain Station, which was a much better location for the event than the proposed relocation site.

**ACTION:** Motion and second (Kennedy/DeCardy) to approve the item as recommended in the staff report; passes 5-0-1 with Commissioner Doran absent.

1. 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. Development of the project shall be substantially in conformance with the project description letter and attached site plan, provided by the applicant and included in Attachment C of the staff report and approved by the Planning Commission on September 23, 2019 except as modified by the conditions contained herein, subject to review and approval of the Planning Division.
4. Approve the use permit subject to the following **project-specific** conditions:
  - a. The market operations shall be limited to Wednesday between 5:00 P.M. and 9:00 P.M. Setup may start at 3:30 P.M., and cleanup shall be concluded by 10:00 P.M.
  - b. Alcohol sales and/or consumption is prohibited.
  - c. The applicant and all vendors shall comply with all applicable permitting requirements, including but not limited to: City Business License, Board of Equalization Seller’s Permit, San Mateo County Mobile Food Facility Permit, liability insurance, and vehicle insurance.
  - d. The applicant shall regularly monitor trash while the market is operating, and shall fully clean the market and immediately surrounding areas at the conclusion of each event.

- e. Amplified live music is permitted between 6:00 P.M. and 8:00 P.M., and shall typically consist of one to two musicians playing predominantly acoustic instruments.
- f. The applicant shall implement the parking signage plan.
- g. Every week, the portable restroom shall be delivered to the site on the day of the event, and removed the following day.
- h. The use permit shall expire on February 19, 2025, unless the applicant obtains approval of an extension of the use permit.
- i. A bicycle corral may be permitted during the market operations, subject to review and approval of the location, size and operation by the Planning and Transportation Divisions.

## **G. Informational Items**

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

- Regular Meeting: October 7, 2019

Planner Perata said as he previously reported the Planning Commission at its October 7, 2019 meeting would hold an EIR scoping session and study session for the Willow Village project located at the former Prologis Science and Technology Park. He said also a second study session for 1162 El Camino Real was scheduled.

- Regular Meeting: October 21, 2019
- Regular Meeting: November 7, 2019

## **H. Adjournment**

Chair Barnes adjourned the meeting at 7:34 p.m.

Staff Liaison: Kyle Perata, Principal Planner

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on October 7, 2019