



## REGULAR MEETING MINUTES

**Date:** 11/4/2019  
**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), Michael Doran, Larry Kahle, Camille Kennedy, Henry Riggs (Vice Chair), Michele Tate

Absent: Chris DeCardy

Staff: Ori Paz, Associate Planner; Matt Pruter, Associate Planner; Corinna Sandmeier, Senior Planner

### C. Reports and Announcements

Senior Planner Corinna Sandmeier said the City Council on November 5, 2019 would hold a study session at 5 p.m. on recent state housing legislation and the 2022 Housing Element Update. She said also on that agenda was the Transportation Impact Fee Nexus Study and a draft ordinance to update the fee. She said the Council would receive informational items on the Local Business Development Program and the Downtown Street Café Program.

### D. Public Comment

None

### E. Consent Calendar

- E1. Approval of transcript from the October 7, 2019, (1350-1390 Willow Road, 925-1098 Hamilton Avenue, and 1005-1275 Hamilton Court, Proposed Willow Village Master Plan Project Environmental Impact Report Scoping Hearing), Planning Commission meeting. ([Attachment](#))

Commissioner Henry Riggs suggested a number of items be clarified, changed or confirmed.

**ACTION:** Motion and second (Riggs/Michael Doran) to approve the consent calendar with the following modifications; passes 5-0-1-1 with Commissioner Larry Kahle abstaining and Commissioner Chris DeCardy absent.

- Page 45, lines 1 to 4, clarify the remarks made by speaker Adina Levin;

- Page 56, line 6, change 40 minutes to **40 years**;
- Page 59, line 25, correct spelling of *ways* to **Wayz**;
- Page 60, lines 18 to 22, clarify remarks made;
- Page 61, line 9, add a comma after *Facebook*;
- Page 61, line 10, capitalize *signature development* and add a comma after **Signature Development**;
- Page 64, line 9, change *900 – 2,000 square feet* to **962,000** square feet; and
- Page 64, line 23, change *rebuilding* to **building**.

## F. Public Hearing

- F1. Use Permit Revision/Gary Ahern/1012 Cotton Street:  
Request for a use permit revision for interior and exterior modifications to an existing two-story, single-family residence on a substandard lot with respect to lot width in the R-E (Residential Estate) zoning district. The modifications include additions on the first and second floor. The residence is nonconforming with respect to the right side daylight plane, and the proposed new work value would exceed 50 percent of the existing value. The applicant is also requesting to maintain a fence greater than four feet in height within the front yard setback. The previous use permit was granted in 1983. ([Staff Report #19-077-PC](#)) **Continued from the meeting of October 21, 2019**

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

Applicant Presentation: Brad Weber, property owner, introduced his wife Kelly Weber, noting they had purchased their home in 2014. He said his understanding was the previous owners had custom built the existing home around 1983. He said the home had three bedrooms and two and a half baths and they were proposing to add an additional bedroom and bathroom. He said with that work they proposed to update and renovate both the interior and exterior of the home. He introduced Gary Ahern, the project architect.

Commissioner Kahle asked if they had considered not keeping the little gable roof over the existing second floor entry area. Mr. Ahern said they wanted to keep it as a secondary feature. He said the new gable was the primary design feature and they thought it would make it a little plain there to remove the existing one.

Commissioner Kahle asked if the horizontal siding corner boards would be painted as an accent or to match the horizontal siding. Mr. Ahern said the intent was to match the siding. Commissioner Kahle asked about the windows in the kitchen area as they seemed to have a Gothic top to them. Mr. Ahern said they were very special windows that his clients wanted. Commissioner Kahle said the fence they wanted to keep would not match the updated design. Mr. Weber said with their children and pets it was important to them to have the fence in the front area.

Commissioner Kahle said he was friends with the project architect through Dreams Happen-Rebuilding Together but there was no conflict of interest.

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

Commission Comment: Commissioner Kahle said it was a very nice upgrade and a supportable project. He said visiting the site he found that the fence was quite different from other neighbors' fences, which were low and open. He said another fence down and across the street was a solid brick fence. He said he thought the fence should be removed.

Replying to Chair Barnes, Planner Pruter said a use permit was granted in 1984 for the existing two-story home on the site. He said the requested revisions to the first and second story and the extensive exterior changes were triggering the use permit revision requirement. He said additionally the existing project had been found to be nonconforming as to the right-side daylight plane. He said the work was in excess based on a nonconforming work value calculation spreadsheet, which was another trigger for a use permit revision. He said additionally a fence was greater than four feet in height in locations in the front setback. He said they asked if the applicant wanted to keep the fence as part of the use permit revision request.

Chair Barnes said he thought the upgrades to the house were very nice. He said the front fence matched the current home's materials with stucco and brick and related some to the brick fence mentioned by Commissioner Kahle. He said he thought it was punitive to ask them to remove the fence, but he would like to see some landscaping outside the fence. He suggested that would help with the materials difference between the fence and proposed exterior. He moved to approve with a condition to provide landscaping in front of the fence. Commissioner Kahle seconded the motion.

Planner Sandmeier said the area proposed for landscaping was in the public right of way. She said to plant there she believed the applicants would need an encroachment permit and permission from Public Works Department if paving needed to be removed to plant. She said the condition could be made subject to approval of Public Works and Planning.

ACTION: Motion and second (Barnes/Kahle) to approve the item with the following modifications; passes 6-0-1 with Commissioner Chris DeCardy 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. Development of the project shall be substantially in conformance with the plans prepared by Focal Point Design, consisting of 14 plan sheets, dated received October 23, 2019, and approved by the Planning Commission on November 4, 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 Kielty Arborist Services, LLC, dated received May 31, 2019.

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

- a. If future frontage improvements, such as sidewalks, are installed by the City along the front property line, then the City may request the driveway gate be relocated to a minimum of 20 feet from edge of sidewalk, based on potential conflicts with pedestrian, bicycle, and vehicle traffic conditions, subject to review and determination by the Transportation Division. If the Transportation Division determines that the existing gate would not create potential conflicts with pedestrians, bicyclists, or vehicles then no modifications to the gate location would be required.
- b. ***Simultaneous with the submittal of a complete building permit application, the applicant shall submit revised plans providing landscaping in the public right of way in front of the existing front property line fencing, subject to review and approval by the Public Works Department and the Planning Division.***

F2. Use Permit Revision/Sebastian Heilgeist/530 Laurel Avenue:  
Request for a use permit revision to perform interior and exterior modifications to an existing two-story single-family residence on a substandard lot with respect to lot width in the R-1-U (Single Family Urban Residential) zoning district. The modifications include additions on the second floor. The previous use permit was granted in 1992. ([Staff Report #19-078-PC](#))

Staff Comment: Planner Sandmeier said the location map was incorrect in the printed report but

had been updated online. She said the staff report had not included the survey, but that was provided now to the Commission at the dais and for the public at the rear table.

Applicant Presentation: Sebastian Heilgeist, property owner, said the existing two-bedroom home had a master bedroom that was the entire second floor with the second bedroom on the ground floor. He said they wanted to add bedrooms for their growing family and to increase ceiling heights to accommodate his height.

Replying to Commissioner Kahle, Ayesha Sikander, the project architect, said they would like to keep as much of the exterior walls as possible. She said the interior of the home was very segregated and compartmentalized and her clients wanted a more open floor plan. Commissioner Kahle asked about the choice to paint the brick on the gable on the second floor. Mr. Heilgeist said that was his wife's choice and she liked painted brick. Ms. Sikander said that the color choice with the stucco and painted brick was monochromatic and somewhat mute to support the modern farmhouse style the owners wanted. Commissioner Kahle said the front façade was very balanced except on the left side there was a single window above and a single window below while on the right there were a pair of windows above and a pair of windows below. He said looking at the floor plans it seemed those could be matched one way or the other. Ms. Sikander said they potentially could do that.

Commissioner Kahle said he wanted to be sure the Commission had the survey as on the side elevation there were windows on both sides with fairly tall windows. He asked if any were frosted for privacy. Ms. Sikander said the one on the left side for the bathroom they planned to keep frosted. Commissioner Kahle asked about the stairwell. Ms. Sikander said they wanted to keep those clear to capture as much light as possible. Commissioner Kahle referred to the neighborhood outreach most of which seemed to be about the trees in the back and asked if anyone had expressed concerns about privacy. Ms. Sikander said no one had spoken with them or the Planner about the project. She said they were keeping the redwood tree in the rear yard.

Commissioner Kahle asked if the soffits were closed or open. Ms. Sikander said they were keeping them open at this point as they were still five feet from the property line and did not need to have them fire rated. Commissioner Kahle said he asked because on both the front and rear gables there was a fascia return, a little boxlike shape that was usually for a closed soffit. He said if there were no closed soffits his personal preference was for that element to go away and match the eaves they had on the side of the house.

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

Commission Comments: Commissioner Riggs said he appreciated that the front elevation maintained the image of the original house. He said that stair wells provided a panoramic view of neighbors' side yards and side windows and sometimes the rear yard. He said the quantity of light through clear windows was no greater than that through textured windows. He said he recommended the stair window be textured glass at least to some proportion. Ms. Sikander said they could look into that as there were many textured glasses and frosted design patterns. Commissioner Riggs said that anything below three feet above the second-floor level should be textured or design glass. Ms. Sikander indicated assent. Commissioner Riggs asked about the landscaping as he did not recall seeing mature landscaping. Ms. Sikander said there were a lot of existing redwood trees in the rear of the house.

Commissioner Riggs moved to approve with a condition to alter the stair glazing using textured glass or design glass from three foot above the second level and down.

Commissioner Kahle said he wanted to support the project, but he was having problems with the detailing and proportions, and how it came together with the materials such as the metal columns. He said he thought the design needed more refinement.

Commissioner Riggs said he would like to add to his motion the modification to the eaves at the front as suggested by Commissioner Kahle. Chair Barnes seconded the motion.

**ACTION:** Motion and second (Riggs/Barnes) to approve the item with the following modifications; passes 5-1-1 with Commissioner Kahle opposing and Commissioner DeCardy 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. Development of the project shall be substantially in conformance with the plans prepared by MA Dimensions INC, consisting of 10 plan sheets, dated received October 28, 2019, and approved by the Planning Commission on November 4, 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 Advanced Tree Care, dated October 22, 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 showing the removal of the decorative window awning on the right elevation so that the elevation complies with the daylight plan intrusion requirements, subject to review and approval by the Planning Division.
- b. Simultaneous with the submittal of a complete building permit application, the applicant shall submit revised plans showing all the eaves to be consistent with eaves on the second story side elevations and confirming that no eave returns are proposed, 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 textured or distorted glass for the portions of all window above the first floor but below a point three feet above the second floor, finished floor, subject to review and approval of the Planning Division.**

F3. Use Permit/Mehdi Jazayeri/713-715 Partridge Avenue:

Request for a use permit to demolish two existing single-family residences and construct two new two-story, single-family residences on a substandard lot with respect to width in the R-2 (Low Density Apartment) zoning district. The proposal includes a request to place the detached garage on the front half of the lot. ([Staff Report #19-079-PC](#))

Staff Comment: Associate Planner Ori Paz said the only update was Commissioner Kennedy was recusing herself as her residence is within the 1,000-foot radius of the subject property. He said at the dais was an email with an eave detail and a color and materials sheet was being distributed.

Chair Barnes confirmed Commission Kennedy was recused and had left the dais and chambers.

Applicant Presentation: Rick Hartman, Hometec Architecture, said similar to other sites on Partridge Avenue, this proposal was a single-family residence in front and one in the rear with the front house having a detached garage and the rear unit having an attached garage. He said the design style was modern ranch. He noted open wood eaves with wood fascia and wood trim around doors and windows. He said a belly band was proposed to break up the wall massing.

Commissioner Kahle said the drawings noted aluminum-clad wood windows and the materials

sheet said vinyl windows. Mr. Hartman confirmed they would be aluminum-clad wood windows. Commissioner Kahle asked why they were doing slab on grade and whether it was a height issue to have the crawl space. Mr. Mehdi Jazayeri, property owner, said he would prefer to have crawl space, if possible. Mr. Hartman clarified if it could meet the daylight plane.

Commissioner Kahle said the front elevations of both houses had three posts each and suggested the middle one was not really needed. Mr. Hartman said it was a decorative device and not in the direct path of anything. Commissioner Kahle said they were taking a very minimalist approach that he appreciated and recommended simplifying the posts. He asked if they had considered an accent material as there was a lot of stucco. Mr. Hartman said just the wood trim and the belly band. Commissioner Kahle asked about privacy on the sides and whether any of the windows there were frosted. Mr. Hartman said the second story bathroom window that was the slightly taller one was. Commissioner Kahle asked about the stair tower windows on the front house. Mr. Hartman said that was on the driveway side. He said he was the architect for the next-door neighbor project and its driveway would be adjacent to this one so the distance between the houses was good.

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

Commission Comment: Commissioner Riggs said a belly band on a traditional form house bothered him as he expected to see a clean two-story wall. He said in situations where mass needed to be broken up and a wall could not be set back then the compromised default was to add a belly band. Replying to Commissioner Riggs, Planner Paz said the belly band was the architect's choice. Mr. Jazayeri said his idea to use the belly band came from the house across from this site that was built in 2016. He said it could be removed.

Commissioner Kahle said he found the belly band was a nod to an apartment building, but he had not brought it up earlier as in wrapping around the corner it helped to break up the two-story walls. He said he thought the double channel relief would be a good idea and suggested giving the applicant flexibility to do something other than the belly band to break up the massing.

Commissioner Riggs moved to approve with the condition that the belly band be removed with the option for a different treatment through staff review and approval. Commissioner Kahle asked if the motion could include removing the middle post from the front facades and to clarify the windows were aluminum-clad windows and not vinyl windows. Commissioner Riggs agreed. Commissioner Kahle seconded the motion.

Chair Barnes said he thought the level of design changes proposed far outstripped the review that would be required of a single-family residential project not needing a use permit. He asked if the makers of the motion and the second could support having those changes as recommendations and not conditions. Commissioner Riggs said the applicant was interested in the belly band option and he did not think the applicants had strong feelings about keeping the middle column on the front façade. Mr. Jazayeri said he liked the idea of two columns instead of three.

Chair Barnes said he supported the project as proposed but not the proposed motion for approval.

Commissioner Kahle said he shared Chair Barnes' grief about over-designing, but he agreed with Commissioner Riggs on this one.



**ACTION:** Motion and second (Riggs/Kahle) to approve the item with the following modifications; passes 4-1-1-1 with Commissioner Barnes opposed, Commissioner Kennedy recused and Commissioner DeCardy 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 Hometec Architecture, Inc., consisting of 18 plan sheets, received October 30, 2019, and approved by the Planning Commission on November 4, 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 requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
  - c. Prior to building permit final inspection, all 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.
  - d. Prior to commencing any work within the right-of-way or public easements, the Applicant shall obtain an encroachment permit from the appropriate reviewing jurisdiction.
  - e. 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.
  - 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 plans for: 1) construction safety fences around the periphery of the construction area, 2) dust control, 3) air pollution control, 4) erosion and sedimentation control, and 5) tree protection fencing. The plans shall be subject to review and approval by the Building, Engineering, and Planning Divisions. The fences and erosion and sedimentation control measures shall be installed according to the approved plan prior to commencing construction.

- 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. Post-construction runoff into the storm drain shall not exceed pre- construction runoff levels. A Hydrology Report will be required to the satisfaction of the Engineering Division. Slopes for the first 10 feet perpendicular to the structure must be 5% minimum for pervious surfaces and 2% minimum for impervious surfaces, including roadways and parking areas, as required by CBC §1804.3.
- i. 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).
- j. Simultaneous with the submittal of a complete building permit application, 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.
- k. If construction is not complete by the start of the wet season (October 1st through April 30th), the Applicant shall implement a winterization program to minimize the potential for erosion and sedimentation, subject to review and approval of the Engineering Division. As appropriate to the site and status of construction, winterization requirements shall include inspecting/maintaining/ cleaning all soil erosion and sedimentation controls prior to, during, and immediately after each storm event; stabilizing disturbed soils through temporary or permanent seeding, mulching, matting, tarping or other physical means; rocking unpaved vehicle access to limit dispersion of mud onto public right-of-way; and covering/tarping stored construction materials, fuels, and other chemicals. Plans to include proposed measures to prevent erosion and polluted runoff from all site conditions shall be submitted for review and approval of the Engineering Division prior to beginning construction.
- l. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a heritage street tree preservation plan, detailing the location of and methods for all tree protection measures.
- m. Prior to building permit issuance, the applicant shall pay all Public Works fees. Please refer to City of Menlo Park Master Fee Schedule for fee information.
- n. Prior to final occupancy, the applicant shall retain a civil engineer to prepare "as-built" or "record" drawings of public improvements, and the drawings shall be submitted in AutoCAD and Adobe PDF formats to the Engineering Division.
- o. During the design phase of the construction drawings, all potential utility conflicts shall be potholed with actual depths recorded on the improvement plans submitted for City review and approval.

- p. Simultaneous with the submittal of a complete building permit application, the applicant shall submit engineered off-site improvement plans including specifications & engineers cost estimates. All public improvements shall be designed and constructed to the satisfaction of the Engineering Division.
- q. All lateral connections to overhead electric, fiber optic, and communication lines shall be placed in a joint trench.
- r. Prior to issuance of each building permit, the applicant shall pay the applicable Building Construction Street Impact Fee in effect at the time of payment, to the satisfaction of the Public Works Director. The current fee is calculated by multiplying the valuation of the construction by 0.0058.
- s. All agreements shall run with the land and shall be recorded with the San Mateo County Recorder's Office prior to building permit final inspection.
- t. Prior to final inspection, the Applicant shall submit a landscape audit report.
- u. 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 March 29, 2019.

**4. Approve the project, subject to the following project-specific conditions:**

- a. Simultaneous with the submittal of a complete building permit application, the applicant shall submit revised plans showing the window materials to be aluminum-clad wood windows subject to review and approval by the Planning Division.**
- b. Simultaneous with the submittal of a complete building permit application, the applicant shall submit revised plans with the front, center post at the front porch removed for both units, subject to review and approval by the Planning Division.**
- c. Simultaneous with the submittal of a complete building permit application, the applicant shall submit plans modifying the exterior of both units to remove the wooden "belly band" feature. The applicant shall have the flexibility to propose an alternative 12-inch relief feature, subject to review and approval by the Planning Division.**

F4. Use Permit/MidPen Housing Corporation/1345 Willow Road:  
Request for a use permit to construct a fence that exceeds the seven-foot maximum height, along the rear of the property in the R-4-S (AHO) (High Density Residential, Special – Affordable Housing Overlay) zoning district. ([Staff Report #19-080-PC](#))

Chair Barnes noted that Commissioner Kennedy had returned to the dais.

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

Application Presentation: Kristen Belt, Mithun, project architect, said the request was for a use

permit to construct a fence at the rear of the site for a project featuring 140 affordable living units and amenities spaces. She said during community outreach for the project they had a number of conversations with residents of Carlton Avenue single-family homes located behind the subject property. She said although the neighbors were generally supportive of the project, they wanted privacy maintained to whatever extent possible while understanding that a four-story multi-family building behind them would fundamentally change the condition of the subject property. She said the most significant response the project made was to pull the building as close as possible to Willow Road to create the greatest buffer at the rear between the project and property line. She said the neighbors expressed great interest in a fence at the rear to prevent any direct sight lines into the Carlton neighbors' yards. She said what they were presenting was a slightly complicated, technical proposal. She said the site was about 1,000 feet long with four to five instances of grade change from one end of the site to the other end. She said the north end of the property was the lowest as it reached toward the Bay. She said to deal with FEMA requirements and ADA access requirements into the building they were proposing a grade change at the northern end of the site that would raise it anywhere from 18- to 24-inches. She said that created a condition where pedestrians in the rear of the multi-family housing would potentially have a direct sight line into some of the Carlton Avenue neighbors' backyards. She said the proposal was to build the fence tall enough to preclude any direct sight line of any pedestrian on the subject property into the neighbors' yards. She said the existing grading was complicated, the proposed grading was an additional complication, and there was also an existing CMU (concrete masonry unit) wall along the length of the property that also varied in height along the length of the property. She said the CMU wall was from five-and-a-half- to six-and-a-half-feet tall depending where a person was. She said the proposal was to put a fence in front of the CMU wall on the subject property side that would increase that height as the result of the grade change to anywhere from seven-foot-six- to nine-foot-three-inches high depending where a person was on the property. She said that was the height required to preserve the privacy from pedestrians on the subject property into Carlton Avenue rear yards.

Ms. Belt said the fence would be a simple cedar wood slat fence with the slats being varying dimensions to create texture and variation. She said it would be placed as close to the CMU wall as possible. She said they were not able to take the CMU wall down because of varying conditions with some neighbors building sheds next to it. She said this precast CMU wall did not allow for just building on top of it. She said they were holding the slats above grade about 16-inches to prevent creating a cavity between it and the CMU wall so it could be accessed for maintenance. She said there would be some plantings at the base of the fence of a low water native plant mix that would grow to approximately 24-30 inches tall that would conceal the gap at the bottom of the fence. She said the 20-foot swath between the building and the proposed fence was a 20-foot public utility easement (PUE) for sewer so nothing substantial was allowed to be planted that would prohibit access to that line.

Commissioner Michele Tate said she understood the neighbors wanted to make sure there would be trees so from the units there was no sight line into their properties. She asked what happened to that request. Ms. Belt said trees would be planted along the rear of the building that would eventually provide some screening but those were not within the 20-foot PUE. She said fortunately most of the properties along Carlton Avenue had mature trees in their backyards that would create a natural buffer. She said the arborist had provided some additional information about hand digging the footings to protect existing heritage trees in the Carlton Avenue neighbors' yards.

Commissioner Tate asked staff if this was an instance where larger trees might be conditioned to provide screening sooner. She said she had visited the Sequoia project to look at units and was very surprised to find she had a direct sight into peoples' homes on Carlton Avenue from it. She said the people on the 1300 block of Carlton Avenue really wanted to prevent something like that happening to them.

Planner Pruter said his understanding was that the trees proposed for planting were an appropriate box size that over time would grow larger with greater canopy. He said for some additional context for this site there was a zoning requirement for plantings along the rear behind the Carlton Avenue properties but because of the PUE that could not occur. He said the agreement and discussion with the applicant was that they provide as many trees as possible along the rear of the building as close as possible to the PUE area.

Commissioner Tate asked when the species of trees proposed for planting would grow to maturity to screen the neighbors' homes. Ms. Belt said she thought it would take a while. She said because of legal issues surrounding the title and use of frontage road for the Sequoia project that building could not be built closer to Willow Road and further from Carlton Avenue like this project was proposing to do.

Planner Pruter said staff would need to check with the City Arborist regarding the length of time for the trees to reach maturity. He said the Arborist Compliance Review was completed and approved and the Commission held a study session on the project. He said to find a nexus to try to change or alter tree planting was not technically feasible for this particular approval request. Commissioner Tate said that the study session was before her time on the Commission. She said privacy was a concern of the Carlton Avenue residents. She said she would not be doing due diligence for her community if she did not pose the question.

Nesreen Kavar, Midpen Housing, said at Sequoia they were not given the opportunity to do what they were trying to do here by placing a wooden fence in front of the CMU wall. She said from the units at Sequoia there was a sight line into neighbors' yards and that was why very intentionally with this project they were making efforts to avoid that. She said other outreach they did and/or changes in their design was that the building was both three and four stories. She said the building for portions of the rear was lowered to three stories. She said also intentionally they were putting a lot of their community residents' services on the upper floors, so people were not living there 24/7 looking out into neighbors' rear yards. She said because of the West Bay Sanitary District sewer line in the PUE through their property they could not plant there so they worked with Planning to plant trees along the rear of the building. She said they went with the bigger boxed trees that were required and they were willing to look into the plantings with staff and see if there was anything else that could be done. She said here the fence was being proposed to improve privacy because of the lesson learned from the Sequoia project. She said they were not able to do a higher fence for the Sequoia project and had other constraints working with West Bay Sanitary District there.

Commissioner Kennedy said it appeared the developer had learned from past projects how to work better with the community for this project. She said topographical challenges existed. She said she was cognizant of Commissioner Tate's due diligence around community concerns. She said any screening no matter how quickly it grew was not a perfect solution as it was not known how space and adjacent properties would be used over time. She said the proposal request seemed a workable solution and the community had a lot of input into the developer. She moved to approve.

Commissioner Tate noted that public comment had not been opened.

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

Commission Comment: Commissioner Kahle said he would second the motion to approve.

**ACTION:** Motion and second (Kennedy/Kahle) to approve the item as recommended; passes 6-0-1 with Commissioner DeCardy 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 Mithun, consisting of eight plan sheets, dated received October 24, 2019, and approved by the Planning Commission on November 4, 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 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.

- f. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance and the arborist report prepared by HortScience, dated received October 9, 2019.
4. Approve the use permit subject to the following **project-specific** condition:
    - a. If applicable, prior to issuance of a building permit the applicant shall submit documentation of an approved encroachment permit from the West Bay Sanitary District, for the location of the fence, subject to review and approval of the Planning Division.

## **G. Regular Business**

- G1. One Year Review/Don Fox, WineBank/1320-A Willow Road:  
Request that the Planning Commission conduct a one-year review of the use permit revision to increase the signage and advertising permitted, adjust the minimum prices of wines available for sale and consumption on-site, provide daily wine tastings, and host up to 150 wine tasting events per year at an existing wine storage facility in the LS (Life Sciences) zoning district. **Continued to the PC meeting of November 18, 2019**

- G2. Review of Draft 2020 Planning Commission Meeting Dates. ([Staff Report #19-081-PC](#))

Staff Comment: Planner Sandmeier said staff had nothing to add to the written report.

Commission Comments: Chair Barnes said he would be absent for the proposed July 13, 2020 meeting. Commissioner Tate said she would be absent for the proposed April 20, 2020 meeting.

## **H. Informational Items**

- H1. Future Planning Commission Meeting Schedule
  - Regular Meeting: November 18, 2019

Planner Sandmeier said for the November 18, 2019 the agenda would include consideration of General Plan consistency for a right of way vacation on Woodland Avenue, a single-family residential development on Haight Street, a use permit for a preschool at a church on Ravenswood Avenue, the one year review of the WineBank continued from the November 4, 2019 agenda, and at 1200 El Camino Real consideration of alcohol sales at an existing service station.

Replying to Chair Barnes, Planner Sandmeier said staff had not received revised plans since the Commission's last study session on a proposed boardinghouse on Willow Road. She said usually after a year if no plans were received, staff would contact the applicant to see if they still wanted to move forward on the project. She said she was not aware of any Code Enforcement issues with the parcel. She said demolition would only be required if there was a health and safety issue and that would go through Code Enforcement.

- Regular Meeting: December 9, 2019
- Regular Meeting: December 16, 2019

**I. Adjournment**

Chair Barnes adjourned the meeting at 8:36 p.m.

Staff Liaison: Corinna Sandmeier, Senior Planner

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on November 18, 2019