



## PLANNING COMMISSION MINUTES

### Regular Meeting

February 24, 2014 at 7:00 p.m.

City Council Chambers

701 Laurel Street, Menlo Park, CA 94025

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**CALL TO ORDER** – 7:02 p.m.

**ROLL CALL** – Bressler, Eiref (Vice Chair), Ferrick, Kadvany (Chair), Onken, Riggs (absent), Strehl

**INTRODUCTION OF STAFF** – Kyle Perata, Associate Planner; Corinna Sandmeier, Contract Planner; Thomas Rogers, Senior Planner; Liz Schuller, Assistant Planner

### **A. REPORTS AND ANNOUNCEMENTS**

#### **A1. Update on Pending Planning Items**

##### **a. General Plan – City Council – February 11 and 25, 2014**

Senior Planner Rogers said the City Council considered the General Plan Update at their February 11 meeting leading to Council consideration of a draft RFP proposal for consultant services for the General Plan at the Council's February 25 meeting. He said the consultant selection committee would be made up of two Council members, two Planning Commissioners, and three staff members. He said the committee meetings would be open to the public.

##### **b. Economic Development Study Session – City Council – February 25, 2014**

Senior Planner Rogers noted the Council would hold an Economic Development Study Session at their February 25 meeting.

##### **c. 350 Sharon Park Drive Conditional Development Permit – City Council – March 4, 2014**

Senior Planner Rogers said this item, which the Commission had considered and made recommendations to the Council about, was scheduled to be heard by the Council at their March 4 meeting.

##### **d. 1015 Atkinson Drive Appeal – City Council – March 4, 2014**

Senior Planner Rogers said the appeal by a neighbor of the use permit approval for 1015 Atkinson Drive was formally withdrawn as the applicant and neighbor were able to resolve the issue that prompted the appeal.

Commissioner Bressler said he attended the first Wednesday “Off the Grid” event and he thought it went well.

## **B. PUBLIC COMMENTS**

There was none.

## **C. CONSENT**

### **C1. Approval of minutes from the January 27, 2014 Planning Commission meeting**

Commissioner Strehl suggested a change to the 1<sup>st</sup> line on page 21, 2<sup>nd</sup> paragraph as it was somewhat difficultly worded. She said the intent was that residential design guidelines, whether developed through the General Plan or not, would need to be blessed by the City and adopted. Senior Planner Rogers suggested the use of two commas so the line would read better: “Commissioner Strehl said it was very important that the Commission, whether through the General Plan or not, have residential design guidelines that were blessed by the City and adopted by the Commission to provide clarity for people bringing projects forward to the Commission.”

Commission Action: M/S Ferrick/Kadvany to approve the minutes with the following modification.

- Page 21, 2<sup>nd</sup> paragraph, 1<sup>st</sup> line: Add two commas as follows “Commissioner Strehl said it was very important that the Commission, whether through the General Plan or not, have residential design guidelines that were blessed by the City and adopted by the Commission to provide clarity for people bringing projects forward to the Commission.”

Motion carried 6-0 with Commissioner Riggs absent.

## **D. PUBLIC HEARING**

**D1. Use Permit/Farhad Ashrafi/865 Middle Avenue:** Request for a use permit to demolish an existing single-story, single-family residence and detached garage, and construct a new two-story, single-family residence with attached garage on a substandard lot with regard to lot width in the R-1-U (Single-Family Urban) zoning district. An initial version of the proposal with a stucco exterior and clay tile roof was reviewed by the Planning Commission at the meeting of January 13, 2014, and was continued with direction for redesign. The revised proposal has been redesigned in a craftsman style with a stucco exterior on the first floor, a shingle siding exterior on the second floor and a composition shingle roof for more compatibility with the neighborhood character.

Staff Comment: Planner Sandmeier said staff had received an email from Ms. Jeanette Holliday, 864 College Avenue, requesting that the three trees proposed for planting at the rear property line be Silver sheen trees.

Chair Kadvany noted that the tree requested was pittasporum.

Public Comment: Mr. Farhad Ashrafi said they modified the siding and design, and asked if there were any questions.

Chair Kadvany asked how the board and batten worked on the gable ends. Mr. Ashrafi said there were vertical boards on the exterior of the gable with the joints where it meets covered with a strip of wood, which was the batten.

Commissioner Strehl asked if the proposed windows were true divided lights. Mr. Ashrafi said they were and that was the industry name for where the outside application and inside application were inside two panes of glass.

Chair Kadvany asked about the trees requested by the neighbor. Mr. Ashrafi said that was fine with the property owner and the landscape architect.

Chair Kadvany closed the public hearing.

Commission Comment: Commissioner Eiref said he was very pleased with the changes and how well it would fit the Middle Avenue neighborhood. He said he liked the window detail.

Chair Kadvany noted he received a card for public comment on this item, and reopened the public hearing.

Mr. Dan Finley, property owner of 849 Middle Avenue, said he was concerned and wanted assurance that the project met daylight plane, setback, and lot coverage requirements.

Recognized by the Chair, Commissioner Ferrick said the project was on a substandard lot in terms of width, 55 feet rather than 65 feet, and met all residential development requirements.

Mr. Finley asked if there was anything else they needed to know about the development in terms of whether it would change the character of the neighborhood. He asked what the square footage was.

Chair Kadvany said it was about 3,000 square feet of development, noting this information was contained in the staff report. He said he could assure the speaker that all of the standards mentioned were being met.

Mr. Finley suggested to the Commission that this project would open Pandora's Box in terms of the neighborhood character.

Chair Kadvany said typically there was not dialogue during public comment but noted the Commission had requested the applicant rethink the design and style to fit better with the neighborhood context.

Chair Kadvany closed the public hearing.

Commission Comment: Chair Kadvany said the materials and straighter lines of the revised design would blend better with the neighborhood.

Commission Action: M/S Onken/Strehl to approve the item as recommended in the staff report.

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 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 Ashrafi Architect, consisting of 12 plan sheets, dated received December 10, 2013, and approved by the Planning Commission on February 24, 2014, 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.

Motion carried 6-0 with Commissioner Riggs absent.

**D2. Use Permit/Elisabeth B. Segre/772 Harvard Avenue:** Request for a use permit to demolish an existing one-and-a-half-story single-family residence and construct a new two-story, single-family residence on a substandard lot with regard to lot depth in the R-1-U (Single-Family Urban) zoning district. In addition, the project includes a request for excavation into the required corner side setback for egress associated with a basement.

Staff Comment: Planner Schuller said there were no additions to the staff report.

Questions of Staff: Commissioner Onken, noting the number of eaves and overhangs encroaching across the daylight plane and setback, said allowances for encroachment ranged from one foot to 18-inches, and asked if all of those had been confirmed to meet City regulations.

Planner Schuller said for a less than 10-foot setback, the maximum encroachment for eaves was 18-inches and that was the project proposal's maximum encroachment into the side setback.

Public Comment: Mr. Steven Charlip, project architect, said this was a unique property in that it had been owned by the same family for four generations, and was on a corner lot with heritage oaks in a very natural setting. He said the project goal was to maintain the natural setting as much as they could and minimize the visual impact of a new

house. He said they started the design process with a courtyard placed at the corner of Harvard and Cornell Avenues which was both the front yard for the home and a formal entry way to the front door of the home. He said the front door was flanked on the right side by a sliding glass door that allowed access from the great room onto the front patio courtyard space. He said a sliding glass door on the left side of the entry door allowed the same access from the study. He said locating the two-car garage was challenging so that no heritage oaks were affected but the optimal location would require the removal of a Bay tree. He said the kitchen would be located at the right rear of the property to have access to the backyard and patio space there. He said the desire was to have the master bedroom on the main floor and was placed in the left rear of the property.

Mr. Charlip said they were inspired in their design by the Allied Arts building located about two blocks from this property, particularly with the materials and the relationship of the building to the outdoor spaces. He said this proposal was a true post and beam design with vaulted ceilings in the great room, study and upper level. He said the goal with the windows was to allow enjoyment of the trees and their canopies and to allow natural light into the space. He said in the color choices for the project would diverge from the Allied Arts building as they would be much more subdued colors with rust-brownish roof tiles that would recede into the setting. He said they stepped back the second floor as much as possible from Harvard and Cornell Avenues. He said rather than a single ridge roof they stepped it to break up the massing.

Mr. Charlip said there was a desire to have a basement for storage and mechanical equipment and that required a second means of egress. He said they thought about placing the light well in the rear to the right of the master bedroom deck but the arborist raised concerns about that impacting Tree #1. He said they looked at shifting the egress light well to the Cornell Avenue side but the arborist thought that might affect Trees #4 and 5. He said they shifted it to the outside wall of the study. He asked the Commissioners to look at Sheet A.6, Section E. He said they thought it was important to step back the wall of Bedroom #3 from the wall of the master bedroom below, and so they lowered the roof necessitating clipping the eave on the right side as otherwise it would intrude into the daylight plane. He said upon doing that they discovered they liked how it looked. He said one of the things that made the Allied Arts building successful was the varieties on the different elevations and that was what they were doing with different eave lengths.

Mr. Charlip said the rear façade was shown on Sheet A.5. He said they had tried to set it back but found it problematic. He said if the rear wall on the second story was moved toward the center of the home that would really impact the size of the two modest bedrooms and bathroom. He said they thought that stepping back the wall near Bedroom #3 from the Cornell Avenue was the top priority as that was a very publicly viewed façade. He said one goal of the second story setback was to lower the second story height but instead of offsetting the upper level horizontal plane from the lower level horizontal plane, they offset the vertical planes of the rear elevation to give interest to

the center of that rear elevation. He said the right rear corner was clearly two-story but by using a trellis element and a year round evergreen vine, they would reduce the impact of the two-story. He noted additional details on the rear elevation as it approached the Cornell side including wrought iron planters. He said they worked hard to minimize the visual impact of the design on the sides as much as possible and to keep the natural setting of the site for the community.

Chair Kadvany asked if the garage door was a single door. Mr. Charlip said it was but it would have an attractive access door element in it. Chair Kadvany asked about the stucco finish. Mr. Charlip said as he recalled the Allied Arts' stucco was very textured, but he thought they would do smooth with a softer treatment at the windows. Chair Kadvany asked if the dividers of the front windows were all wood. Mr. Charlip said they were.

Commissioner Onken asked about neighborhood outreach. Mr. Charlip said it was done extensively beginning with the preliminary sketch for the site plan, which they provided to all of the neighbors to initiate conversations. He said those conversations didn't start until later but they have talked to all of the neighbors to date and everyone seemed on board with the proposal. Commissioner Onken said there had been comments about the possibly excessive fenestration particularly on the upper story with concerns with light impact and view into neighbors' yards. Mr. Charlip said he believed an email had been sent regarding that by the neighbor at the rear on Cornell Avenue. He said since then there had been discussions between the neighbors and the property owners about privacy and vegetation. He said his understanding was that the window and its sill height were no longer an issue. Commissioner Onken said the Commission looked at second story bedrooms in terms of the light and privacy. He said that both bedrooms on the second story had windows on all sides and asked if that could be mitigated somehow. Mr. Charlip said his understanding was the only concern about the windows was from the rear property owner on Cornell Avenue. He said the property owners had indicated it was no longer a concern. He said that Bedroom #3 would also be used as an art studio. He said if a story pole were used, it would show that bedroom was right inside the canopies of Trees #4 and 5, which blocked light. He said from an aesthetic perspective that they preferred fewer but larger windows as that was a more contemporary look.

Commissioner Strehl said there did not seem to be an entry from the garage into the house. Mr. Charlip said there was not, noting that the owners would use the front door. He said for transporting groceries from the car they would use the access door in the garage door as that was directly behind the patio to the kitchen.

Commissioner Onken asked about the landscape screening for the front courtyard. Mr. Charlip said a landscape plan had not been requested. He described the courtyard as a semi-private, semi-public type of space.

Commissioner Ferrick said typically with second story bedroom windows facing a neighbor's property that the sill height was required to be no lower than three foot or three-foot, six-inches. She said in this instance there was a 20-foot side setback as opposed to five- or ten-foot side setbacks. She said it was good the concern of the neighbor was alleviated but considering future ownership, the tall and lower sill heights of the side windows concerned her.

Commissioner Bressler said he liked the design and that none of the heritage trees were being removed. He said the style was a little different but he liked the look of the long windows. He said it was a legitimate concern that the second story bedroom window was both very tall and very low, and suggested raising the sill height.

Commissioner Ferrick said the site plan showed Tree #10 proposed for removal with an "X" through it but Trees #6 and 7 were also proposed for removal and did not have "X" through them. Mr. Charlip said Tree #10 was proposed for removal but Trees #6 and 7, pittosporum, were to remain. Commissioner Ferrick said the arborist report indicated they needed to be removed because of the deck. Mr. Charlip said the initial arborist report as he recalled made that recommendation but later in the design process they realized they wanted to save those trees and would do everything they could to save them.

Mr. Brian Schmitz said his wife, Stephanie Ryan and he, were the neighbors on Cornell Avenue. He said they had talked to the property owner on a number of occasions and worked out a number of their concerns but the concern around the second story rear facing bedroom remained as the window was very high and very low. He said it faced their yard and two bedrooms on that side. He said for the record that it was still a concern of theirs. He said a second concern was item #6 on Exhibit E.1 noting an existing chain link fence separating the two properties. He said the property owner had stated and the plans indicated that would be replaced by a wood fence. He said they have stone that extended from their driveway up to the property line. He said they requested that with the building of a fence the stone not be disturbed or at the least maintained sufficiently so it was safe and aesthetically pleasing. Chair Kadvanly closed the public hearing.

Commission Comment: Chair Kadvanly asked if there was any comment about the fence and stone interface. Planner Schuller said as far as the removal of that fence and construction of a wood fence causing damage to the neighboring property that had not been a concern previously presented to staff. She said she did not think digging for footers for the new fence would impact the neighboring property.

Commissioner Ferrick said the Cornell Avenue side bedroom had two other walls of windows and she thought the light would be adequate even with the vegetation. She said she thought it reasonable to request a change in the windows for the side facing the next door property.



Commissioner Eiref said the architecture was interesting, and he appreciated the architect's explanation of how they were maintaining the natural setting. He said the windows on the upper floor were very large and suggested shortening the windows.

Chair Kadvany said he was taken aback at first by the proposed design but had noted the attention to details such as the access door on the single garage door and the windows. He said a lot of thought had gone into the placement of the forms particularly on the second story.

Commissioner Onken asked if the applicant wanted to comment on possible changes to the windows along the rear elevation. Mr. Charlip suggested that he listen to all of the Commission comments and take a moment to chat with the property owner and report back to the Commission. Chair Kadvany said that would be fine.

Commissioner Ferrick said she did not know what the window coverings on the second floor rear windows would be but with the windows proposed there would be a lot of light shining on the neighbors at night, particularly with those shaped windows as typically there were not coverings at the top of the windows.

Mr. Charlip said it sounded like there was concern with the sill height on the rear window and with having three windows on Bedroom #2. Commissioner Eiref said it was really the rear window. Commissioner Bressler asked if there was a standard sill height that the Commission requested in a situation like this. Commissioner Ferrick said typically it was three-foot, six-inches and the proposed window sill heights were around two-foot, six-inches.

Chair Kadvany asked the architect if the sill height was changed whether that would motivate him to change the dimensions of the windows, for instance to make them wider. Mr. Charlip said if they were only talking about the rear window for Bedroom #2 above the trellis he did not think so. Commissioner Ferrick said the other window sill heights for that bedroom were at three-foot, two-inches and that was close, noting the 20-foot setback helped. She suggested bringing the third window to three-foot, two-inches to be similar. She said this was a very different looking home that she did not think the Commission would have thought of in their potential residential design guidelines review.

Mr. Charlip said they would be happy to raise the sill height in the rear window for Bedroom #2.

Commission Action: M/S Eiref/Bressler to approve the item with the following modification.

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 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 Stephen Charlip, consisting of 16 plan sheets, dated received February 18, 2014, and approved by the Planning Commission on February 24, 2014, 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, prepared by a Licensed Civil Engineer or Licensed Landscape Architect, including a simplified Hydrology Report detailing any changes in drainage patterns or run-off as a result of the proposed project. 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.
- 4. Approve the use permit subject to the following **project specific** condition:
  - a. Simultaneous with the submittal of a complete building permit application, the applicant shall submit plans indicating that the applicant shall remove the existing curb cut on Cornell Road and replace it with City standard curb and gutter. The plans shall be submitted for review and approval of the Engineering Division.
  - b. ***Simultaneous with the submittal of a complete building permit application, the applicant shall submit plans indicating all second-floor windows on the rear elevation have a sill height of at least three feet, two inches from finished floor. The revised plans shall be subject to review and approval of the Planning Division.***

Motion carried 6-0 with Commissioner Riggs absent.

Chair Kadvany said he was a neighbor of the next property on the agenda and would recuse himself.

**D3. Use Permit/Martin Patterson/332 Arbor Road:** Request for a use permit to demolish an existing single-story, single-family residence and construct a new two-story, single-family residence on a substandard lot with regard to lot width and lot area in the R-1-U (Single-Family Urban) zoning district. As part of the proposal, a heritage size Japanese maple tree measuring 16 inches in diameter, located in the center front yard of the property, is proposed for removal.

Staff Comment: Senior Planner Rogers said there were no changes to the staff report, but noted the applicant had submitted a rendering of the front façade of the proposal.

Public Comment: Mr. Dan Thompson, project designer, said the design was in the Santa Barbara Spanish Colonial Revival style and they were trying to complement Allied Arts and the surrounding neighborhood. He said they took the one-car garage façade and set it back from the property line to minimize impact on neighbors. He said the side patio broke up the massing in general on the left hand side and would bring light into the residence. He said light was a challenge due to the depth and narrowness of the lot. He said the home would be set back additionally from the five foot required right side setback to mitigate impacts on the right side neighbor's one-story residence.

Mr. John Kadvany said he was speaking as an individual, and that he supported the project. He said the design made good use of the lot with the massing to the left where there was a neighboring wall. He said there seemed to be room and openness on the

right hand setback. He said he really liked the front façade styling with the recessed one-car garage and that the project would be a welcome addition to the neighborhood.

Vice Chair Eiref closed the public hearing.

Commission Comment: Commissioner Onken said he thought the plan worked well for the site and would fit well in the neighborhood. Commissioner Strehl said she visited the site and spoke with neighbors, and thought the home would fit well in the Allied Arts neighborhood. Commissioner Ferrick said she thought the home would be beautiful but had concern with some of the windows. She said there were three windows on the left wall that seemed inset and did not concern her. She said the right side windows concerned her and asked if the applicant could explain the windows on the right side.

Mr. Thompson suggested looking at page H.8. He said the right hand elevation going left to right was the front bedroom, balcony stair, laundry, and the master bathroom. He said each of the windows was needed for egress. He said the front bedroom was set back 14-foot from the next property, and noted that would face the garage roof. He said the only real visual impact was toward the back and rear of the master bath where the window sills were four-foot, two-inch high. Commissioner Ferrick said that her concern was the possible impact should the neighboring house be reconstructed and that window would no longer face the garage. Mr. Thompson said they were proposing to raise the interior door and window heights to seven feet which would raise the window and the sill to three feet.

Planner Rogers said an approval would be based on the plans as submitted, and elements such as building height could not be changed at the building permit stage.

Mr. Thompson said the normal interior door height was six-foot, eight-inches and by increasing those to seven feet would not raise the plate or the roof but just the overall window heights and the sills, which would raise about four inches.

Commissioner Eiref noted there was a garage being built on the neighboring property. Mr. Thompson said a significant one-story residence was being developed on the right hand side and the garage would face the right elevation front bedroom for this project.

Commissioner Onken said the wrought iron balcony on the front façade was shown in the rendering as a couple of feet deep and asked if it would project. Mr. Thompson said the rendering was of a home in southern California that had inspired this design. He said the wrought iron balcony on the front would not project. Commissioner Onken asked if the other detail would be used. Mr. Thompson said it would. Commissioner Onken confirmed that the tile around the door shown in the rendering would be used.

Commissioner Onken said he was comfortable with the windows on the right façade and did not think there would be a problem of them overlooking the neighbor's property, noting there were not large panes of glass as with the previous project.

Commissioner Ferrick said she liked the creative way they had solved the second-parking space need with a space that could also be used as a patio.

Commissioner Onken moved to make the findings and approve the project as recommended in the staff report. Commissioner Strehl seconded the motion.

Commission Action: M/S Onken/Strehl to approve the item as recommended in the staff report.

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 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 Dan Thompson Inc., consisting of 12 plan sheets, dated received February 14, 2014, and approved by the Planning Commission on February 24, 2014, 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.

Motion carried 5-0 with Commissioner Riggs absent and Commissioner Kadvany recused.

**D4. Minor Subdivision/Menlo Sharon Park LLC/777 Sharon Park Drive:** Request for a tentative parcel map to create two single-family residential parcels where one parcel currently exists in the R-1-S (Single Family Suburban) zoning district. As part of the proposed development, nine heritage size trees, including four valley oaks (12-30 inches in diameter) and five coast live oaks (11-18 inches in diameter) are proposed for removal.

Staff Comment: Planner Perata said staff had no addition to the staff report.

Questions of Staff: Responding to a question from Chair Kadvany, Planner Perata said the Commission was being asked to review and approve the proposed tentative parcel map. He said the proposed subdivision included heritage tree removals so if the Commission approved the subdivision, the City Arborist would take action on the Heritage Tree Removal Permit. He said that had a separate process, including appeal to the Environmental Quality Commission. He said regarding improvements on the lot that the driveway and building footprint for Parcel B were conceptual at this point. He said if the subdivision was approved, the applicant would have to demolish all of the accessory structures on Parcel A including the detached garage and apply for a building permit to construct an attached garage to the home that was proposed to remain.

Public Comment: Mr. Pete Carlino, Lea and Braze Engineering, civil engineers for the project, said the project site had unique topographic features, and the goal was to keep the existing residence. He said he was available for questions.

In response to a question from Chair Kadvany, Mr. Carlino said the proposed driveway for Parcel A would go directly to the garage with a turnaround area.

In response to questions from Commissioner Onken, Mr. Carlino said that for the Parcel B driveway, there was a steep uphill incline and there would be grading associated with it. He said the home would be on the flat crest. He said they looked at building in the uphill area but based on the separation from the existing residence and the screening needed, it was better to have on the crest area.

Chair Kadvany closed the public hearing.

Commission Comment: Commissioner Onken said that it did not appear another house could be built on the front of the lot in the future. He said the health of the trees proposed for removal was such that he had no issue with that.

Commissioner Ferrick said three of the tree removals were for construction reasons and six were more health related. She asked if neighbors would be notified of the proposed tree removals.

Planner Perata said all of tree removal permits, whether based on health or on construction impacts, would be handled the same with a City notice of action and with the same appeal periods.

Commissioner Strehl asked how many oaks would be left on the property. Mr. Carlina said he was not sure but the three oaks proposed for removal were to construct the driveway.

Commissioner Onken moved to make the findings and approve as recommended in the staff report. Commissioner Ferrick seconded the motion.

Commission Action: M/S Onken/Ferrick to approve the item as recommended in the staff report

1. Make a finding that the project is categorically exempt under Class 15 (Section 15315, "Minor Land Divisions") of the current California Environmental Quality Act (CEQA) Guidelines.
2. Make findings that the proposed minor subdivision is technically correct and in compliance with all applicable State regulations and City General Plan, Zoning and Subdivision Ordinances, and the State Subdivision Map Act.
3. Approve the minor subdivision subject to the following **standard** conditions:

- a. Development of the project shall be substantially in conformance with the plans prepared by Kohler and Associates Architects and Lea and Braze Engineering, Inc., dated received February 18, 2014, consisting of 15 sheets and approved by the Planning Commission on February 24, 2014, except as modified by the conditions contained herein, subject to review and approval of the Planning Division.
- b. Within two years from the date of approval of the tentative parcel map, the applicant shall submit a parcel map for review and approval of the City Engineer. If the applicant elects to fully demolish the existing residence and pursue comprehensive redevelopment of Parcel A, this condition shall not apply.
- c. Concurrent with the parcel map submittal, the applicant shall pay the fee for the parcel map. The applicant shall also pay fees for the approval of the associated improvement plans prior to the approval of the parcel map.
- d. Concurrent with the parcel map submittal, the applicant shall submit a Grading and Drainage Plan for review and approval of the City Engineer. The Grading and Drainage Plan shall demonstrate that storm water shall not drain on adjacent properties. The Grading and Drainage Plan shall also indicate all proposed modifications in the public right-of-way including frontage improvements and utility installations.
- e. Prior to recordation of the parcel map, 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. Prior to recordation of the parcel map, the applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
- g. Prior to recordation of the parcel map, the applicant shall remove and replace all damaged, significantly worn, cracked, uplifted or depressed frontage improvements (e.g., curb, gutter, sidewalk) and install new improvements per City standards along the entire property frontage. The applicant shall obtain an encroachment permit prior to commencing any work within the City's right-of-way or public easements.
- h. Prior to recordation of the parcel map, the applicant shall install new utilities to the point of service subject to review and approval of the City Engineer. All electric and communication lines servicing the project shall be placed underground. Each lot/unit shall have separate utility service connections.



- i. Prior to recordation of the parcel map, the applicant shall pay applicable recreation in-lieu fees per the direction of the City Engineer in compliance with Section 15.16.020 of the Subdivision Ordinance. The recreation in-lieu fees shall be paid on the number of net new single family lots, and the current rate for new single family lots is \$52,000.
  - j. Prior to building permit issuance for the construction of the second residence, the approved parcel map shall be recorded at the County Recorder's Office.
  - k. Heritage trees in the vicinity of construction shall be protected pursuant to the Heritage Tree Ordinance. Prior to issuance of a demolition or building permit, the applicant shall implement the tree protection plan and recommendations in the Arborist Report for all applicable heritage trees for review and approval by the Building Division.
4. Approve minor subdivision subject to the following ***project-specific*** conditions.
- a. Prior to recordation of a final parcel map, the applicant shall submit a demolition permit to the Building Division and subsequently demolish the existing accessory structures on the project site, subject to review and approval by the Planning and Building Divisions.
  - b. Prior to recordation of the parcel map, the applicant shall obtain a building permit for the garage addition to the existing residence located on Parcel A.
  - c. Prior to recordation of the parcel map, the applicant shall either complete the construction of all required frontage improvements or enter into a subdivision improvement agreement with the City. The applicant shall properly execute the agreement and provide a cash bond to guarantee the completion of all required frontage improvements for the project.
  - d. Prior to building permit issuance for a new dwelling unit on Parcel B, the applicant shall pay a Traffic Impact Fee (TIF) at the rate for single-family dwellings, subject to the Municipal Code Section 13.26. The fee rate is subject to change annually on July 1 and the final calculation will be based upon the rate at the time of fee payment. The TIF rate is adjusted each year based on the ENR Construction Cost Index percentage change for San Francisco. The current estimated fee is \$2,841.12.

- e. Simultaneous with the submittal of a complete building permit application for the new garage on Parcel A, the applicant shall revise the plans to include the species and size for two heritage tree replacements, subject to review and approval of the Planning Division and City Arborist. The heritage tree replacements shall be a minimum of 15 gallon in size simultaneous with the submittal of a complete building permit application for the development on Parcel B, the applicant shall revise the plans to include the species and size for seven heritage tree replacements, subject to review and approval of the Planning Division and City Arborist. The heritage tree replacements shall be a minimum of 15 gallon in size.
- f. The applicant shall comply with all requirements of the San Francisco Public Utilities Commission (SFPUC) that are directly applicable to the project.

Motion carried 6-0 with Commissioner Riggs absent.

#### **E. REGULAR BUSINESS**

- E1. Architectural Control/Houston Striggow/642 Santa Cruz Avenue:** Request for architectural control for exterior modifications to construct a display case along the left-side (breezeway) façade, apply opaque film to a portion of the breezeway facade, and install planter boxes within the breezeway of an existing bakery in the SP-ECR/D (El Camino Real/Downtown Specific Plan) zoning district. The project was previously reviewed and continued by the Planning Commission at its meeting of July 22, 2013.

***This item has been continued to the meeting of March 24, 2014***

- E2. Single-Family Residential Design Review:** The Planning Commission will briefly discuss whether to schedule a Commission study session involving more detailed review, and potential limited use of, residential Design Review guidelines. The review and implementation strategy discussion would use the materials included in the August 19, 2013 Planning Commission staff report, item H1. The goal for this meeting is to determine if there is sufficient Commission interest to schedule the future study session as a continuation of the August 19 discussion.

Chair Kadvany said this item was to gauge interest in moving forward on single-family residential design guidelines. He said the goal would be to put together guidelines that would communicate important considerations in advance to applicants in a framework of issues the Commission reviews such as second story development, materials, and unique residences in the neighborhood context. He said the applicant would have the opportunity to think about the guidelines and even if they did not agree with them to

come to the Commission prepared to explain why in this instance what they were proposing would work better than what the guidelines recommended. He said there were some guidelines prepared in text form for the City that were not finished and without graphics, and were over 10 years old. He said similarly the City of Palo Alto has a structure process and sensible dos and don'ts. He said he had contact that City and there was no copyright on the materials so there were things they could copy. He said the City of Burlingame has guidelines which tended to be more voluminous. He said perhaps they could do a Fact Sheet or Frequently Asked Questions.

Commissioner Ferrick asked how this would be communicated to the community for people to be engaged in the process.

Chair Kadvany said they would hold meetings to discuss. He said they could also contact the newspaper to write about what they were trying to do. He said it was a good point to consider, and they would ask for public comment. Commissioner Ferrick said she thought a robust public process was needed to get an outcome that could be used. Chair Kadvany said many cities have these types of guidelines and he did not want to overcomplicate what they were trying to do.

Commissioner Ferrick asked what had caused the City's guidelines from 10 years ago to fall out of use. Chair Kadvany said his understanding was that the guidelines got to the City Council for their review and a group of citizens spoke out against having guidelines. Senior Planner Rogers said the previous guidelines had been part of other changes to the zoning regulations. He said he believed one issue with the proposed 2002 guidelines was that they were no longer restricted to just substandard lots and were to apply citywide, and individuals who represented more of the standard lot perspective saw that as a potential negative. He said the ordinance changes including the guidelines were adopted in November 2002 and then rescinded after an election that resulted in a different City Council.

Commissioner Eiref said he thought it was a big step to go from trying to document some of the basic logic they use for residential development on substandard lots to literally trying to apply something citywide. He said there was a difference between a guiding, non-legally binding document and a document that would apply to all single-family development where it wasn't currently. He said he recalled from their prior discussion last summer that they were talking about a fairly lightweight document that to start with would only be used for single-family residential development that had discretionary review. He mentioned the recent projects in Allied Arts the Commission had reviewed noting the one project they had asked to redesign and how guidelines could have helped that applicant understand the Commission's logic.

Commissioner Bressler said the projects in Allied Arts the Commission had reviewed tonight demonstrated how hard it would be to set rules that prescribed design guidelines. He said the only thing worth doing, but which people seemed afraid of, was

to bring all of the nonconforming lots that do a major remodel under architectural control.

Commissioner Strehl said she did not think they could just do residential design guidelines for the Commission's purposes only. She said also she did not think it could just be advisory. She said if they had guidelines then people needed to adhere to them. She said given the sensitivity around the topic she wondered about the Council's stance should the Commission adopt guidelines. She said she thought they would need approval by the City Council. She said she agreed with Commissioner Ferrick that they should do broad notification and get people's input. She said that a study session on the topic should not be the end of the discussion but the start of discussion.

Chair Kadvany said whatever they did there would be a big public process component, and the further it went toward having a mandatory dimension and a citywide scope, the more they would have to look at what staff's role in administering the guidelines would be. He said perhaps staff would make the decisions and fewer projects would come to the Commission.

Commissioner Eiref asked if Commissioner Bressler had said to bring all nonconforming lots under architectural review. Commissioner Bressler said he said two things. He said the first was he did not think it possible to determine what acceptable architecture was. He said the only thing the Commission basically did was architectural control. He said that all residential lots that did a major remodel should have architectural control.

Commissioner Onken said they could either solve the issue with a document or solve the issue with more discretionary review. He said it might not just be the major remodels but also the rebuilds on standard lots where the building was maximized and neighbors don't like it. He said they could amend the zoning code to say that any projects that would use any more than perhaps 85% of their FAL would have to have architectural review. He said that might solve the McMansion problem and more evenly apply architectural review across the town. He said maybe that could be coupled with redefining substandard lots to be more generous as to what would not have to have discretionary review. He said at the least to have a brochure at the Planning Department counter explaining what the features of good architecture were. He said there might be a combination whereas the threshold was lowered for standard lots to have to have architectural review and raised somewhat for substandard lots so they did not.

Commissioner Eiref said he supported things that could reduce process and staff workload, noting the good percentage of projects they see were obviously acceptable but which had to have discretionary review because of the definition of substandard lots. He said trying to bring lots under discretionary review that currently did not have was an uncomfortable concept.

Senior Planner Rogers said he researched Ordinance 915 from 2002. He said it had put all single-family residential lots into a more structured path but that the ordinance had subsequently been rescinded. He said the ordinance read that whether conforming or nonconforming, additions of a certain scale would go to the Community Development Director and that single-family single-story residential development had to comply to some of the residential guidelines whereas single-family two-story residential development had to comply with all of the guidelines. He said it appeared that the Community Development Director's decision could be appealed to the Planning Commission, or if the Community Development Director was not going to approve a project, the applicant could apply directly to the Planning Commission.

Chair Kadvany said that sounded similar to the City of Palo Alto's process.

Discussion ensued on whether and how single-family residential guidelines might be developed and applied.

Chair Kadvany noted there seemed to be interest in continuing the debate, and moved to continue the discussion. Commissioner Onken seconded the motion. He asked if he could draft a proposal regarding potential modification to the zoning ordinance to change thresholds related to substandard and standard lot for staff to consider. Commissioner Ferrick said she would prefer that type of action as opposed to having a study session at this point, and suggested the ad hoc committee of Commissioners Onken and Riggs could look further at the idea and bring a somewhat defined proposal back for the Commission to consider. She said then if there was a study session or public hearing later that the City should do extensive outreach to people in the community as well as architects and developers of potential or pending projects.

Commissioner Strehl said she supported Commissioner Onken's idea to develop a proposal for the Commission to consider. She said if after that there was a desire to hold a study session on the proposal that it be held early in the evening before the Commission's action items as a late evening discussion didn't really support community involvement.

Commissioner Ferrick said she thought it was important that staff's time required for this discussion should be very minimal as this was not a budgeted item.

Commissioner Onken proposed looking at whether to change standards and regulations or to do something as simple as a brochure related to residential development guidelines. Chair Kadvany said the intent was for the subcommittee originally formed to further study potential residential guidelines or ordinance amendment and bring a more specific initial proposal back to the Commission for consideration at a future meeting.

Commission Action: M/S Kadvany/Onken to continue the item with direction for the subcommittee to conduct further analysis and bring a more specific initial proposal back to the Commission for consideration at a future meeting

Motion carried 6-0 with Commissioner Riggs absent.

#### **F. COMMISSION BUSINESS**

There was none.

#### **ADJOURNMENT**

The meeting adjourned at 9:35 p.m.

Staff Liaison: Thomas Rogers, Senior Planner

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on March 24, 2014