



PLANNING COMMISSION DRAFT MINUTES

Regular Meeting
March 23, 2015 at 7:00 p.m.
City Council Chambers
701 Laurel Street, Menlo Park, CA 94025

CALL TO ORDER – 7:01 p.m.

ROLL CALL – Bressler (absent), Combs, Eiref (Chair - absent), Ferrick (absent), Kadvany, Onken (Vice Chair), Strehl

INTRODUCTION OF STAFF – Thomas Rogers, Senior Planner; Tom Smith, Associate Planner

A. REPORTS AND ANNOUNCEMENTS

A1. Update on Pending Planning Items

- a. ConnectMenlo (General Plan Update)
 - i. Workshop #3 (March 12, 2015)
 - ii. Open House #3 (March 19, 2015)
 - iii. GPAC #6 (March 25, 2015)
 - iv. Joint CC/PC Meeting (March 31, 2015)

Senior Planner Rogers said since the Commission's last meeting a ConnectMenlo Workshop and Open House were held to get feedback on preferred land use alternatives. He reported on the upcoming GPAC and Joint City Council and Planning Commission meetings.

- b. City Council
 - i. Menlo Gateway Study Session (March 10, 2015)

Senior Planner Rogers reported on the Menlo Gateway Study Session at the City Council March 10, 2015 meeting. He said the Council asked staff to move the project forward on the more expedited of two timetables. He said a study session would be held with the Planning Commission.

- c. Planning Commission Vacancies – Application Deadline – March 31, 2015

Senior Planner Rogers said there were three approaching Planning Commission vacancies. He said that two vacancies would definitely be filled by new members, and the third was Vice Chair Onken's, who had applied already for reappointment.

Senior Planner Rogers said the 138 Stone Pine Lane and the El Camino Real Corridor study agenda items were continued to the April 6, 2015 meeting.

B. PUBLIC COMMENTS #1

There was none.

C. CONSENT

- C1.** Approval of minutes from the February 23, 2015 Planning Commission meeting ([Attachment](#))

Commission Action: M/S Strehl/Kadvany to approve the minutes as submitted.

Motion carried 4-0 with Commissioners Bressler, Eiref, and Ferrick absent.

- C2. Architectural Control/Denise Forbes/138 Stone Pine Lane:** Request for architectural control for exterior modifications including enclosing the existing second floor balcony to enlarge the existing kitchen by approximately 120 square feet, building a new third floor balcony, and a vertical planting trellis located on the front elevation of a townhouse located in the R-3 (Apartment) zoning district. ([Attachment](#))

Continued to the meeting of April 6, 2015.

D. PUBLIC HEARING

- D1. Use Permit/Michael and Judith Citron/955 Sherman Avenue:** Request for a use permit to construct a new two-story, single-family residence and attached garage on a substandard lot with regard to lot width and lot size in the R-1-U (Single-Family Urban Residential) zoning district. ([Attachment](#))

Staff Comment: Senior Planner Rogers said two pieces of correspondence had been received by staff after the publication of the staff report, and those had been transmitted by email to the Commissioners. He said there were printed copies available for the public. He said Ms. Siobhan Harrington, whose home was located to the rear of the proposed development, had concerns about the scale of the home and compatibility with other homes in the neighborhood. He said the second email was from the Pecks, neighbors who wanted to follow up with more detail on their landscape suggestions.

Questions of Staff: Commissioner Kadvany asked about the changes since the previous version of the project that the Commission had seen, and if the applicants' list of changes on page C1 addressed everything. Senior Planner Rogers said some of the items on that list were changes from the original submittal and not from the Commission's direction on the project at the August 2014 meeting. He said changes of note from staff's perspective included moving the house back several feet to match the lines of adjacent houses, removing second floor windows on the right side elevation, increasing the amount of landscape screening along the rear and perimeter, and introducing a gable element and some other detail on the left side to provide variation.

Public Comment: Mr. Sloane Citron, applicant, said that after the Commission's last consideration of their proposed project, and in response to neighbors, mainly the neighbors to the west, they had made additional changes to their plans. He said the design was a classic Menlo Park-looking home meant to be a cheerful and friendly-looking home in keeping with the character of Menlo Park. He said the project conformed to regulations for the R-1-U zone regarding floor area, lot coverage, setbacks and height. He said Mr. Roger Kohler designed the home, noting Mr. Kohler had designed 40 homes in the Menlo Park area. He said the

contractor was excellent, the materials would be top quality with all the windows being true divided, and they would install beautiful landscaping. He said from the first and second presentations of the project to the Planning Commission and the concerns of the neighbors, the changes made included changing the chimney, the siding, an oval window to a rectangular window, the garage door to a tailored wood garage door, adding a trellis to the garage, reorganizing the interior space to change the rear dimensions of the home, moving the home to the same front plane as the other homes on the street, simplifying and varying the east side elevation to eliminate the appearance of bulk on that side of the home, agreeing to extending the current good neighbor fence along the lot line to their garage, reducing the height of the home so it was now almost four feet less than the maximum allowable, working to make the home more interesting and more in character with the neighborhood, demolishing the existing home prior to construction as requested by the neighbors, raising the master bedroom windows from 2-foot, 8-inches to 3-foot, 2-inches, eliminating entirely the west-facing windows in bedrooms 2 and 3, raising all window heights to the maximum allowable, making the west-facing windows smaller and higher, and designating additional privacy trees and plants along the common fence line.

Commissioner Strehl asked if he had met with all of his neighbors. Mr. Citron said there was one meeting although not with all and other communications were done through email.

Vice Chair Onken asked if the gutter would be painted galvanized or copper. Mr. Citron said painted galvanized. Vice Chair Onken said there appeared to be no caps on the chimneys. Mr. Citron said one was vented to the side and one vented upwards.

Commissioner Kadvany said regarding the window removal for bedrooms 2 and 3 whether that was staff request. Mr. Citron said that was in response to the neighbors' request.

Mr. Erik Krogh-Jespersen, Menlo Park, said he respected that the design met code but the house was massive and too big. He said that the master bedroom looked right into his backyard.

Ms. Siobhan Harrington, Menlo Park, said other properties had single-story garages in the rear 20 feet from rear property lines, but this two-story home would be 20 feet from the rear property line and her home, and would loom over her backyard and other neighbors' back yards.

Mr. Burke Culligan, Menlo Park, said his home was on the east side of the project. He said the project site needed improvement but he objected to the project design. He said taking a large, almost 3,000 square foot home, and fitting it onto a substandard lot decreasing back and front yard space belied west Menlo Park residential character. He said this would lead others to build large development projects in response. He said data showed that such large homes packed into substandard spaces would devalue other homes, which had occurred in other cities. He said putting a 23-foot wall an arm's distance from his home, particularly the side of his garage, and the height of the home provided a direct view of his backyard and a privacy invasion. He said neighbors just wanted this project to be to the neighborhood scale that wouldn't impact home value and privacy.

Mr. Jeffrey Fenton, Menlo Park, said a recent approval of a home in Palo Alto had a requirement that the trees be maintained for the life of the property. He said 14-foot evergreen trees planted would mitigate one side of the property. He said the deciduous trees mentioned in

the plan would not provide much screening for seven to eight months per year. He asked the Commission to take into consideration the question of the as-planted height, selection and maintenance of trees.

Mr. Leigh Peck, Menlo Park, said he liked the idea of evergreen trees as required by the City Council for 900 Cloud Avenue. He said he did not like the idea of a slow growing oak tree. He said the house was very bulky and out of context with other homes in the neighborhood.

Ms. Francine Peck, Menlo Park, thanked the Citrons for removing the west windows from bedrooms two and three as that resolved their privacy issue with their upstairs. She said the remaining privacy impact was the second story master bedroom that would project 20 feet past the back of her home with four windows that would look directly into her yard. She said previously there was a backyard garage that provided some privacy but that had been removed. She said they were requesting evergreen trees to provide screening. She asked that the oak tree be removed from the plan as she was highly allergic to oak tree pollen. She said the best solution would be for the applicants to build a home whose master suite would not project into the rear with a view to all neighbors' yards.

Commissioner Kadvany confirmed with staff that the prior project iteration had been closer to the front property line. Responding to a question from Commissioner Strehl, Senior Planner Rogers said that setting the home back from the front was previously suggested by Commissioner Ferrick so the front of the property would line up with other homes' fronts on that street.

Commissioner Combs asked who would enforce a requirement for screening trees to be maintained for the life of the property. Senior Planner Rogers said condition 3.a required conformance with the plans and those plans show the landscaping on the perimeter of the property, and would be part of the use permit approval. He said if the Planning Division required an onsite inspection, an inspection would occur before the building permit was closed to ensure the landscaping was installed. He said people could bring code enforcement and other planning enforcement to bear if a property owner installed landscaping and then removed it after the building permit was closed. He said there was some variability in maintaining trees as plants were subject to disease or pests that might not be immediately resolvable. He said trees planted at a larger size tended not to grow as fast and have worse health than a young tree, which tended to grow into its environment more successfully.

Vice Chair Onken closed the public hearing.

Commission Comment: Vice Chair Onken noted the Citrons' efforts to respond to the neighbors' concerns. He said the windows on the west side second story were set back and high enough that they were not an issue. He said there was significant screening in the rear and the home had been set back. He said his only concern was the window on the east side looking over neighbors' yards.

Commissioner Kadvany said people in Menlo Park tended to maintain their landscaping and he thought enforcement was not necessary. He said large trees planted did not do well and were very expensive. He said he seriously doubted the red oak would grow enough to be an allergy hazard, at least not for 30 years or so. He said removing windows from bedrooms 2 and 3 was

too much and the orientation was such that privacy was not threatened. He said he would like the approval to allow for some reasonable windows in those two windows for light and space.

Commissioner Strehl said she agreed with windows being needed in bedrooms 2 and 3 and those could be placed higher. She said the Citrons had made a lot of changes to the design since the study session. She also appreciated the neighbors' concerns.

Commissioner Combs said it was too bad that there had not been improvements in the neighbor relationships since the study session. He said there were concerns about mass and privacy, but the design was within the code allowances. He said the Citrons had gone a long way with the windows to address privacy concerns. He said he would not support qualifiers about screening trees to continue for the life of the property.

Vice Chair Onken said the plans were approvable as presented. He said he questioned adding windows back into the design when part of the direction was to lessen the impact of windows on neighbors' privacy. He said regarding the east side windows that film could be added to the lower part of the taller windows.

Commissioner Kadvany asked about the size of windows in bedrooms 2 and 3 previously. Senior Planner Rogers said those had 3-foot, 4-inch heights.

Commissioner Kadvany said he disliked window films and similar treatments. He moved to approve as recommended in the staff report with the option of returning the windows to bedrooms 2 and 3 subject to staff approval. Commissioner Combs asked if that would prompt the neighbors to appeal to the City Council. Commissioner Kadvany said he didn't see that as an issue. Commissioner Combs said he respected Commissioner Kadvany's position but he hesitated to approve the use permit request with an X-factor. Commissioner Strehl said she tended to agree with Commissioner Kadvany about the windows, at least for the back bedroom #2, and seconded the motion. Commissioner Combs said he respected their positions, but he thought it was problematic. Senior Planner Rogers said in response to Vice Chair Onken that a condition might allow the possibility for additional windows but not require the addition of them. Vice Chair Onken said he could not approve a motion that included adding a window. Commissioner Strehl said she would retract her second of Commissioner Kadvany's motion, if it included the window option. Commissioner Kadvany said he would amend his motion to approve the item as recommended in the staff report.

Commission Action: M/S Kadvany/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 Kohler Associates Architects, consisting of eleven plan sheets, dated received March 13 and 17, 2015, and approved by the Planning Commission on March 23, 2015, 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 4-0 with Commissioners Bressler, Eiref, and Ferrick absent.

D2. Use Permit/Daniel Warren/316 Durham Street: Request for a use permit to construct first- and second-story additions to an existing single-story, single-family nonconforming residence that would exceed 50 percent of the replacement value of the existing structure in a 12-month period on a substandard lot in the R-1-U (Single-Family Urban) zoning district. The proposed remodeling and expansion are considered to be equivalent to a new structure. ([Attachment](#))

Staff Comment: Planner Smith said there were no changes to the written staff report.

Public Comment: Mr. Chris Andrews introduced his wife, Erinn Andrews. He noted they had purchased their home about five years prior when they were first married and had no children. He said they now have two children, and they would like to add to it so they could stay there. He said many of the homes nearby were Craftsman which design features they wanted in their

design. He said they have very good relationships with their neighbors and have contiguous neighbors' support.

Vice Chair Onken closed the public hearing.

Commission Comment: Vice Chair Onken said the addition was in the rear but it was considerable distance from other properties. He said he liked they kept the one-car garage.

Commissioner Combs said he had visited the street and thought this was a tasteful project that would fit well with the neighborhood.

Commissioner Strehl said she thought this would be a great addition.

Commissioner Combs moved to approve as recommended in the staff report. Commissioner Strehl seconded the motion.

Commissioner Kadvany said he also liked the one-car garage door, and the two dormers were attractive.

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

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 Daniel Warren, consisting of eight plan sheets, dated received March 9, 2015, and approved by the Planning Commission on March 23, 2015 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 4-0 with Commissioners Bressler, Eiref, and Ferrick absent.

D3. Use Permit/Laith Shaheen for Mardini's Deli/408 Willow Road: Request for a use permit to allow an existing restaurant to change an existing off-sale beer and wine license (ABC Class 20) to an on-sale beer and wine for bona fide public eating place license (ABC Class 41) in the C-2-A (Neighborhood Shopping, Restricted) zoning district. In addition, a request for outside seating between the building and the parking lot, offering food and alcoholic beverage service. ([Attachment](#))

Staff Comment: Planner Smith said the applicant was not proposing any physical changes to the lot and building at this time. He said they had provided basic sketches to give the Commission a sense of what the outside seating area looked like and its relationship to other businesses. He said there was a correction to condition 3.a regarding the date the sketches were received and should be changed from January 11, 2008 to December 23, 2014.

Commissioner Combs asked if this was to bring an existing use into conformance. Planner Smith said the previous owner had installed the outside seating area, which has been in use without the proper permits. He said that the applicant was asked to bring the outdoor seating area into compliance as part of the alcohol license change request. Responding to Commissioner Combs, Planner Smith said the alcohol license would apply to on site alcohol consumption/sales and carry out alcohol sales. Responding to Commissioner Combs' further inquiry, Senior Planner Rogers said both carryout sales and onsite consumption were allowed by the ABC license type.

In response to Commissioner Strehl, Planner Smith said the applicant would need to go through the building permit process. He said there was some electrical work, structures with columns, and the ADA accessibility of the seating area that needed to be considered for compliance. He

said if the outdoor seating could not be brought into compliance that it would need to be removed.

Vice Chair Onken closed the public hearing.

Commission Comment: Vice Chair Onken said he could support the project. Commissioner Strehl said there was one neighbor letter supporting the project and none opposing. She moved to approve as recommended in the staff report. Vice Chair Onken seconded the motion.

Commissioner Kadvany said he thought this business provided a nice neighborhood amenity and vibrancy.

Commission Action: M/S Strehl/Onken to approve the item as recommended in the staff report with the modification made by staff at the meeting.

1. Make a finding that the project is categorically exempt under Class 1 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 sketches prepared by Mary Kopti, consisting of three sheets, dated received ~~January 11, 2008~~ **December 23, 2014**, and approved by the Planning Commission on March 23, 2015, except as modified by the conditions contained herein, subject to review and approval of the Planning Division.
 - b. Prior to building permit issuance, the applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
 - c. Any citation or notification of violation by the California Department of Alcoholic Beverage Control or other agency having responsibility to assure public health and safety for the sale of alcoholic beverages will be grounds for considering revocation of the use permit.
4. Approve the use permit subject to the following **project-specific** conditions:
 - a. The applicant shall submit a building permit application to the Building Division and provide any necessary plans or information to bring the columns, fencing and accessibility of the outdoor seating area into full compliance with the current building code. The application must meet the Building Division's minimum submittal requirements for a building permit. If a building permit is not issued within one year of the date of approval of this use permit, the columns, fencing, and any other structures related to the outdoor seating area shall be subject to Code Enforcement review and action. In such an instance, the use permit for outdoor seating would become null and void.

Motion carried 4-0 with Commissioners Bressler, Eiref, and Ferrick absent.

E. STUDY SESSION

- E1. El Camino Corridor Study:** Status update and opportunity to provide comments and recommendation to the City Council on potential alternatives for El Camino Real within Menlo Park. ([Attachment](#)) *Continued to the meeting of April 6, 2015.*

F. REGULAR BUSINESS

There was none.

G. COMMISSION BUSINESS

There was none.

H. INFORMATION ITEMS

There was none.

ADJOURNMENT

The meeting adjourned at 8:22 p.m.

Commission Liaison: Thomas Rogers, Senior Planner

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on May 4, 2015