



## REGULAR MEETING MINUTES

**Date:** 7/20/2015  
**Time:** 7:00 p.m.  
**City Council Chambers**  
**701 Laurel St., Menlo Park, CA 94025**

Chair Onken called the meeting to order at 7:01 p.m.

### Roll Call

Present: Combs, Goodhue, Kadvany, Onken (Chair), Strehl (Vice Chair)

Absent: Ferrick, Kahle

Staff: Thomas Rogers, Senior Planner, Tom Smith, Associate Planner, Michele T. Morris, Associate Planner, Corinne Sandmeier, Associate Planner

### A. Reports and Announcements

Senior Planner Rogers noted that the City Council would be meeting on July 21 on a number of topics that could be of interest to the Planning Commission and the public: traffic analysis in the M-2 area; Economic Development Plan adoption; and affordable housing Notice of Funds Availability (NOFA). He also noted the General Plan Advisory Committee (GPAC) would be meeting on July 23.

### B. Public Comment – None

### C. Consent Calendar

- C1. Approval of minutes from the June 29, 2015 Planning Commission meeting. ([Attachment](#))

**ACTION:** M/S Goodhue/Combs to approve the minutes as submitted.

Motion carried 4-0 with Commissioner Onken abstaining and Commissioners Ferrick and Kahle absent.

### D. Public Hearing

- D1. **Use Permit/Caitlin Darke/745 Hobart Street:** Request for a use permit to demolish an existing one-story residence and construct a two-story residence with a basement on a lot that is substandard with regard to lot width in the R-1-S (Single-Family Suburban Residential) zoning district. In addition, one heritage hawthorn tree (15.5-inch diameter), in poor condition, at the left side of the property would be removed. ([Staff Report # 15-001-PC](#))

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

Public Comment: Mr. Gary McClure, Jim Maliksi and Associates, said he was the project architect.

Chair Onken said the large windows for bedroom #3 faced the neighbor's large windows and he was concerned with privacy. Mr. McClure said they had not received any comments about the

windows from the neighbors. Mr. Peter Wartwell, property owner, said that there were tall arbutus trees along the fence line on that side.

Mr. Nicholas Telischak, the next door neighbor, said he supported the project and noted the applicant had shared the plans with them. He said he liked how the house did not extend past the margin of his home and preserved their backyard. He said they had concern with the large balcony in the rear as it might create an intrusion into their backyard. He said a tree was being removed along the driveway due to poor health but noted there were plans to replace it.

Chair Onken closed public hearing.

Commission Comment: Chair Onken asked the applicant to address the neighbor's concern regarding privacy. Mr. McClure said they had taken photographs from the current roof as the balcony in the new home would be at the same height as the existing home's roof. He said it would not create a view of the neighbor's yard. He said they were planning to replace the hawthorne tree that was being removed.

Commissioner Combs said the design seemed to fit well with the neighborhood. Noting that the project would bring the side setbacks into compliance, he said he supported the project.

Commissioner Goodhue asked if the photographs from the roof had been shared with the neighbor, and what size arbutus would be planted to screen the light well. Mr. Wartwell said a 24-inch box tree was standard. Commissioner Goodhue asked about a 36-inch box tree. Mr. Wartwell said that would be okay.

Commissioner Goodhue asked if they were willing to put a certain size tree in the area to provide privacy from the balcony. Mr. McClure said there would be a 42-44 inch high all on the balcony providing privacy on both ends. He said he was concerned with impacting the existing silver maple canopy with another tree in that area. Commissioner Goodhue said she would ask a condition on the tree screening the light well and asked if he was amenable to another tree planting if needed to screen for the balcony. Mr. McClure asked that the condition specify landscape screening for the balcony and not necessarily a tree planting.

Commissioner Kadvany said he agreed with a row of pittosporum or something to effectively screen in a few years.

Commissioner Strehl said it was a very handsome house and she could support approval with the suggestions made by Commissioners Goodhue and Kadvany.

Commissioner Goodhue asked if there was stone veneer on the garage. Mr. McClure said there was and it would wrap to the back. Commissioner Goodhue said she was not comfortable with a lot of stone and a massing of material. Mr. Jim Maliksi, architect, said it looked busy on the drawing but would be dry stacked without grout, and that it would enhance the home.

Chair Onken said hiding the balcony behind the eaves of the roof was acceptable as that kept it semi-private.

Commissioner Goodhue moved to approve with a condition to have a 36-inch replacement tree to face the neighbor's stair well and for additional landscape screening related to the balcony. Commissioner Strehl seconded the motion.

**ACTION:** M/S Goodhue/Strehl to approve the item with the following modifications.

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 If 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 J. Maliksi & Associates, consisting of seventeen plan sheets, dated received on June 25, 2015, and approved by the Planning Commission on July 20, 2015, except as modified by the conditions contained herein, subject to review and approval by the Planning Commission.
  - 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.
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 propose a heritage tree replacement for the 15-and-a-half inch hawthorn tree to be removed. The replacement ~~street~~ tree species and location shall be subject to review and approval by the City Arborist prior to issuance of the building permit. **The replacement tree shall be a minimum 36-inch box size.** The tree shall be planted prior to final inspection of the building permit, subject to review and approval of the Planning Division.
- b. **Simultaneous with the submittal of a complete building permit application, the applicant shall submit a revised site plan including additional landscaping along the center-right property line, with the intent of providing additional privacy screening between the rear balcony and the adjacent neighbor at 725 Hobart Street, subject to review and approval of the Planning Division. The landscaping shall be planted prior to final inspection of the building permit, subject to review and approval of the Planning Division.**

Motion carried 5-0 with Commissioners Ferrick and Kahle absent:

- D2. Use Permit/Tim Petersen/132 Dunsmuir Way:** 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 area and lot width in the R-1-U (Single-Family Urban) zoning district. ([Staff Report # 15-002-PC](#))

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

Mr. Tim Petersen, project architect, introduced Ms. Mirjana Alvi, the applicant. He said that the existing home is 1,486 square feet. He said his design was to meet his clients' needs, a family of four, who wanted an open plan design similar to Craftsman but unique. He said they kept the existing foundation, building up from there and articulated the front elevation. He said they would use arched windows to create some character, a roof wraparound to reduce massing, create focus on the entry and an indoor/outdoor connection, and maintain rear and front yards.

Ms. Alvi said her family moved to Suburban Park from the Flood Triangle neighborhood as her mother-in-law's asthma was exacerbated by damp and the freeway. She said they wanted a home that supported social gathering. She said they had talked with neighbors on both sides, in the rear, and others to get support for their project.

Chair Onken closed the public hearing.

Commission Comment: Chair Onken noted the restraint of the side windows as they did not present any privacy concerns. He said the project was well designed.

Commissioner Strehl asked why they chose vinyl clad windows and not aluminum clad windows. Mr. Petersen said they planned to use Anderson windows that were good quality and to have painted wood on the inside.

Commissioner Goodhue said there had been good neighborhood outreach and that she supported the Chair's comments.

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

**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 3 (Section 15303, "New Construction or Conversion of Small Structures") of the current CEQA Guidelines.
2. Make findings, as per Section 16.82.030 If 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 Petersen Architecture, consisting of ten plan sheets, dated received on June 30, 2015, and approved by the Planning Commission on July 20, 2015, except as modified by the conditions contained herein, subject to review and approval by the Planning Commission.
  - 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.
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 propose a new street tree in front of the property at 132 Dunsmuir Way. The replacement street species and location shall be subject to review and approval by the City Arborist prior to issuance of the building permit. The tree shall be planted prior to final inspection of the building permit, subject to review and approval of the Planning Division.

Motion carried 5-0 with Commissioners Ferrick and Kahle absent.

- D3. Use Permit/Daniel and Lan Haarmann/1140 Orange Avenue:** Request for a use permit to remodel and add approximately 671 square feet to a nonconforming single-story residence on a lot in the R-1-U (Single Family Urban Residential) zoning district. The remodeling and expansion work would exceed 75 percent of the existing replacement value in a 12-month period. The project also includes a request to construct up to a 7-foot tall fence within the front yard setback, where four feet is the maximum height allowed. ([Staff Report # 15-003-PC](#))

Staff Comment: Planner Morris said staff received correspondence over the weekend and that if received earlier, staff may have made a different recommendation about the proposed seven-foot fence. She said the applicant had submitted A.3-01 through A.3-04 elevations as they wished to switch the shape of the skylights from rectangular to tubular. She said those changes had been distributed to the Commission and made available to the public.

Public Comment: Ms. Elizabeth Riegel, Belcan Architects and Engineers, said they had worked hard to make a project that was visually attractive. She said they had received written favorable comment written until today when they received communications regarding the proposed fence. She said that was the first they had heard from neighbors about their concerns with the fence. She said they would change the seven-foot high fence section to four-foot. She said they were proposing to change three rectangular skylights to tubular in the master closet, master bathroom and laundry room as they were more efficiently designed.

Mr. Dan Haarmann said he and his wife Lan had purchased this property as they needed more space for their family. He said they currently live in the Oak Knoll area already and were pleased with this property that they would remain within the area for the Oak Knoll school. He said they made efforts to discuss their plans via email and at a neighborhood block party. He said they only hear about neighbors' concerns with the fence height and they were happy to change the fence height.

Commissioner Kadvany asked if they were suggesting reducing the seven-foot length of fence to four-feet. Mr. Haarmann said the architectural front of the house was on Orange but the real front of the house was on Nancy. He said there the neighbor has a seven-foot fence extending from the garage. He said they would make their connection to that fence four feet high.

Commissioner Goodhue said this was a good design. She suggested with a four foot fence connecting with a seven foot fence they might consider doing a step down and then do planting to soften the appearance.

Commissioner Strehl said she was glad to hear they would change the fence. She said she appreciated the design of the home.

Commissioner Combs asked if the neighbor's seven-foot fence was an exception or a back fence. Ms. Riegel said the neighbor's seven-foot fence stopped at the front setback. She said their fence would continue from there to the front setback and would not go into the setback.



Mr. Mark van de Pyl , neighbor, said his concern with a seven-foot fence was poor visibility and driving out from the driveway.

Mr. Edward Solomon, neighbor, said he had not been a part of the community outreach mentioned, and had written the late letter regarding the seven-foot fence. He said the applicants' solution was acceptable to him. He said otherwise they had done a great job on the home design.

Ms. Allison Pereur, neighbor, said she was contacted about the plans. She said there were a lot of children in the neighborhood and that a seven foot fence would create a blind spot for people coming around the corner. She recommended the fence be kept to four foot to allow for adequate sight view.

Chair Onken closed the public hearing.

Commission Comment: Commissioner Combs asked about residents not receiving notification. Planner Morris said once staff receives a use permit application and deposit, they send out a seven-day notice to residents and property owners within a 300-foot radius of the project site. She said when the project submittal was considered complete, a notice of hearing was sent to those within a 300-foot radius. Senior Planner Rogers said staff also encourages applicants to do public outreach and include a description of what they have done as part of the project description letter.

Chair Onken said he applauded the application for restraining itself to a one-story design and found the design to be thoughtfully done. He moved to approve as recommended in the staff report and to modify the fence to four feet where proposed as seven foot. Commissioner Strehl seconded the motion. Commissioner Kadvany suggested giving the applicant the option to step the fence down. Chair Onken said he could not agree with that due to the need for sight view. He confirmed that the motion included the revisions to the skylights as noted previously. Commissioner Strehl agreed as the maker of the second.

**ACTION:** M/S Onken/Strehl to approve the item with the following modifications.

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 If 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 Belcan Architects and Engineers, consisting of 19 plan sheets, dated received on July 2, 2015, and approved by the Planning Commission on July 20, 2015, except as modified by the conditions contained herein, subject to review and approval by the Planning Commission.
  - 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.
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 a revised site plan specifying that the total maximum front setback fence height (inclusive of any trellis elements) is **four** ~~seven~~ feet, subject to review and approval of the Planning Division.
  - b. **Simultaneous with the submittal of a complete building permit application, the applicant may revise the plans to include additional/modified skylights similar to what was distributed by staff at the July 20, 2015 Planning Commission meeting, subject to review and approval of the Planning Division.**

Motion carried 5-0 with Commissioners Ferrick and Kahle absent:

- D4. Use Permit Revision/James Barker/746 Hermosa Way:** Request for a use permit revision to add approximately 448 square feet to a previously approved two-story, single-family residence and secondary dwelling unit on a substandard lot with regard to lot width in the R-E (Residential Estate) zoning district. The proposal also includes the removal of six heritage trees. The previous use permit was approved by the Planning Commission on March 4, 2013. ([Staff Report # 15-004-PC](#))

Staff Comment: Planner Sandmeier said staff had no additions to the written report.

Questions of Staff: Commissioner Kadvany confirmed with Planner Sandmeier that there was no materials board for the project.



Public Comment: Mr. Ted Stinson, property owner, said they had done neighborhood outreach the first time they applied for a use permit, which had been approved previously, and also for this use permit revision request. He said in both cases they sent out a letter to surrounding neighbors as well as went door-to-door to talk to people. He said as with the original request that had letters of support, this time there were three letters of support and verbal support from the owners of 719, 800 and 801 Hermosa Way and 765 and 805 San Mateo Drive. He said only one neighbor did not support the project.

Mr. John Lum, project architect, said the property owners determined during a change to the construction schedule that the secondary dwelling unit would be better with another bedroom and that the kitchen and master bedroom needed reconfiguration to provide them with the interior design they were seeking. He said with this the basement has been reduced in size. He said the materials would be the same as previously submitted.

Mr. Rich Lambert, landscape architect, provided a graphic explanation of the proposed tree removals to the Commission. He said per the arborist report from Advanced Tree Care that he had a walkthrough with his arborist discussing the longevity and age of the trees on the site and which trees would be sustainable over time. He said the trees noted for removal were essentially all non-native conifers, cedar and stone pine, and those would be replaced with native trees. He said the replacement trees would all be 36-inch box trees. He said the pines were dependent upon one another and probably had not been pruned in 20 years. He said some of them have signs of beetle infestation. He said the rear neighbor was concerned about privacy. He said they would replace trees in that location using native, semi-drought tolerant tree species.

Mr. Larry Hatlett, neighbor, said the applicant had done a good job reaching out to neighbors. He said currently his view however was of a forest. He said with this project he would be looking at a large house being the secondary dwelling unit near the rear setback. He said the view would change dramatically for him and his wife despite the tree replacement plantings.

Ms. Renee Lombardi, neighbor, said she was a next door neighbor and had planted numerous Japanese maples on her property that were quite large. She said she asked the applicant to plant something that would grow fast and provide screening so her trees would not burn. She said however that they were proposing slow growing trees. She said she would like a fence built that was high enough for privacy. She said she needed the applicant to plant fast growing trees along the fence line to provide shade for her trees.

Mr. Yasu Teva, neighbor, said his home was located behind the applicant's home. He said this area was a forest and things were lost when large homes were built to the property line.

Chair Onken closed the public hearing.

Commission Comment: Chair Onken asked about the extent of tree removal and landscape screening for the previously approved use permit. Planner Sandmeier said originally four heritage trees were proposed for removal and this proposal has six. She said the City Arborist visited the site and recommended that all of these trees be removed for structural reasons.

Chair Onken asked the landscape architect whether the trees with bark beetle were in front or in the back of the property. Mr. Lambert said one of the two additional trees proposed for removal was a cedar in the front of the property. He said with that tree there were beautiful cedars on either side of it on both the neighbor's and the project properties. He said removing that tree would

create more space for the other trees. He said the other tree, an Italian stone pine, was in the rear. He said regarding the neighbor's concern about shade that when they designed the planting plan they essentially were drawn into the list of semi-drought tolerant plants and they chose the best of the trees available to them. He said they would plant 36-inch box, 15-foot tall trees. He said they were amenable to changing the plant species to be faster growing.

Commissioner Kadvany asked what the view would be from the large window pane system on the second story. Mr. Lum said trees would be seen noting there were several large trees at the front of the property and also there was a view of the courtyard.

Chair Onken said he was generally supportive noting the desire for secondary dwelling units in the City. He said he could see the reasoning for the removal of the two additional trees noting the canopy of the other trees would not be impacted.

Commissioner Combs said he also was generally supportive of the revision request. He said he appreciated the comments made by the neighbors as the project would create a view change for them. He noted the need for balance with developments that met standards and were attractive.

Chair Onken moved to approve as recommended in the staff report. Commissioner Goodhue seconded the motion. She said the project was handsome and she liked how the garage was designed.

**ACTION:** M/S Onken/Goodhue 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 John Lum Architecture Inc., consisting of 24 plan sheets, dated received July 9, 2015, and approved by the Planning Commission on July 20, 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 5-0 with Commissioners Ferrick and Kahle absent:

- D5. Use Permit/Timothy Gudgel/318 Pope Street:** 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 in the R-1-U (Single-Family Urban) zoning district. (*Staff Report # 15-005-PC*)

Staff Comment: Planner Sandmeier said an email from the property owner at 328 Pope Street was received in the a.m. and that had been distributed via email to the Commission.

Public Comment: Mr. Tim Gudgel, project architect and property owner, said the homes in the area were quite tall due to the flood zone. He said his home would be at least five foot less in height than other new homes in the area. He said he was surprised with the email from his neighbor this morning but he had spoken with the neighbor and addressed the concerns. He said there were three heritage trees on the lot and they would not remove them.

Chair Onken said the Commission had seen other applications that used the alleys for their driveway access and asked how well those functioned as driveways. Mr. Gudgel said the existing garage was accessed from the rear and there was a turnaround that all of the neighbors used. Chair Onken asked whether it would be used as a garage or whether cars would be parked in the front of the lot. Mr. Gudgel said that it would be used as a garage.

Commissioner Goodhue asked how he had addressed the neighbor's concerns. Mr. Gudgel said the neighbor's first concern was the home would have a view into their bedroom. He said there were three windows on the existing house that looked directly up into the neighbor's bedroom. He said their design would have one window and a hallway with skylight. He said he had not known the neighbors had a privacy concern when he planted three jacarandas in a rectangle outside of the window. He said they wanted privacy from the alley, and if there was a view into that window, which there was not because of the mass of the adjacent building, it would be screened by one of the jacaranda trees.

Commissioner Combs said he thought this design at the curve of Pope Street would stand out from other homes. Mr. Gudgel said the first view when a person drives up Chaucer and crosses the creek was three large Craftsman-ish homes with large trees. He said their home was stepped back from the front, would use natural wood, soft toned stone, and gray plaster. Commissioner Combs asked about the parking pads. Mr. Gudgel said they wanted to keep one parking space off the alley and would landscape around it. He said they might have to upgrade their water line to accommodate sprinklers and if so they would have to have an exposed valve. He said he had created a bench and hedge in front of the one smaller parking spot to screen the sprinkler valve if needed. Commissioner Combs said often when alleys were used for access there were requirements for paving. Mr. Gudgel said that it was gravel.

Commissioner Goodhue said there were two cars parked on the pads today and it was not very attractive. She asked staff about the regulations regarding the parking pads. Planner Sandmeier said the municipal code allowed for one parking space that did not lead to covered parking. Senior Planner Rogers said the aesthetics of the site were subject to the use permit review and Commission's discretion.

Commissioner Goodhue asked if the applicant could provide more detail on the proposed treatment of the area. Mr. Gudgel said he did not like the current parking. He said the current home did not feel like it had a front door as everyone came in through the back way. He said he would like the parking in front for guests who would visit that would not be overnight. He said the hedge would be three feet high along the front face and a bench where the front bumper of a car would come. He said it was not certain whether they would have to upgrade the water line.

Chair Onken asked staff to confirm that a required parking space would not be located in the front setback but that this was a casual parking space beyond the requirement and would be allowed. Planner Sandmeier said that was correct and the two required parking spaces were in the garage.

Commissioner Kadvany asked the applicant to confirm that the L-shaped window in the front of the home was for an office so a curtain was not needed. Mr. Gudgel said there was no need but he expected his wife would want him to have a curtain in the window. He said the office space overlooked the living room and was not in any way a bedroom or private space in the house. Mr. Gudgel said he would not want the window to be covered but he would need to discuss that with his wife.

Commissioner Strehl asked staff to confirm that the applicant would not be required to upgrade the alley as it was already being used. Planner Sandmeier said that was correct.

Commissioner Goodhue asked if the water valve was not needed what he would do in the area of the parking pads. Mr. Gudgel said the sidewalk entered about six feet away from the parking space and he would want to fill that six foot space with a flower garden. Commissioner Goodhue urged the applicant to use drought-tolerant grasses in the front and rear yards.

Chair Onken closed the public hearing.

Commission Comment: Commissioner Kadvany said he thought a border separating the front parking space would look fine and better than a sprawling two-car driveway.

Commissioner Goodhue said the design was handsome. She asked the applicant about neighbor outreach. Mr. Gudgel said all of the neighbors were contacted and had come to his home in Palo Alto for the Oscars. He said the owners of the newer homes were the biggest fans of his project.

Chair Onken said a neighbor asked why they could not get rid of the redwood tree. He said as a point of record in Menlo Park it was never suggested to lose oaks or redwoods. He said the balcony in the back might overlook someone's garage and he did not see a problem with that. He moved to approve as recommended in the staff report. Commissioner Goodhue seconded the motion.

**ACTION:** M/S Onken/Goodhue 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 If 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 AWorks, LLC, consisting of 26 plan sheets, dated received on July 8, 2015, and approved by the Planning Commission on July 20, 2015, except as modified by the conditions contained herein, subject to review and approval by the Planning Commission.
  - 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.
4. Approve the use permit subject to the following **project-specific** conditions:
- a. If the existing detached garage is removed, it shall be replaced with two off-street parking spaces, one of which must be covered, that meet all applicable regulations.

Motion carried 5-0 with Commissioners Ferrick and Kahle absent.

## **E. Study Session**

- E1. Use Permit/Farnad Fakoor and Aria Vatankhah/755 Cambridge Avenue:** Request for a use permit to demolish two single-family dwelling units and to construct two two-story, single-family dwelling units on a substandard lot with regard to lot width in the R-2 (Low Density Apartment) zoning district. The project includes a request for excavation within the right side setback for basement lightwells. ([Staff Report # 15-001-PC](#))

Staff Comment: Senior Planner Rogers said for the record that there was an email from a neighbor that had been distributed to the Commission in connection with this application. He said the applicants had since brought to that neighbor's attention that the address he had commented upon was not the applicant's address, and he had since withdrawn his comment.

Public Comment: Ms. Farnad Fakoor said she was the owner of the subject property and had lived there for nine years. She said originally she had planned to live in the front unit and have her mother live in the back unit. She said since then she had married and now has a child. She said they would like to build a home with more space for them noting their home was built in the 1920s and was literally falling down. She said they were working with Mr. Behrooz Nemati on the design, which was inspired by homes in the area including those in the Allied Arts area.

Mr. Nemati said the client wanted three bedrooms on the second floor which was very hard to accommodate in 600 square feet.

Chair Onken asked if there was any specific guidance they were seeking from the Commission. Mr. Nemati said the form, function and square footage forced the design. He said the first question was the location of the stairs and he put it in the corner so he could accommodate three bedrooms on the second floor. He said the bedrooms on the second floor were minimized.

Commissioner Kadvany asked if Mr. Nemati was an architect. Mr. Nemati said he was a designer and not licensed as an architect. Commissioner Kadvany said that they could have built just one home considering the constraints.

Ms. Fakoor said since they have two existing single-story family homes that her mother has lived in the rear unit. She said they would like to have the option for her family to purchase the second home and be close. She said she purchased the property because of the R2 zoning. She said the adjacent lots were R2 with two homes.

Commissioner Strehl said there was also a request to subdivide the property. Ms. Fakoor said one of the homes would be for her family and the other one would be for sale. She said it might be sold to family such as her mother.



In response to a question from Chair Onken, Ms. Fakoor said to sell the home that the property would need to be subdivided. Senior Planner Rogers said the lot could only be a condominium subdivision.

Commissioner Combs said the architectural design as proposed would stand out and did not mirror the surrounding neighborhood at all. Mr. Nemati said he understood the concern and had developed an alternate design noting the one was the French Beaux Arts style and the other alternative was Mediterranean-style. He said the clients preferred the French design. Commissioner Combs said there did not seem to be any architectural detail on the second story, and it looked fortress-like to him.

Commissioner Kadwany said the staff report mentioned areas of concern with the proposed design including a lack of clear relationship to neighborhood styles, overly prominent stair turret and entrance, large expanses of stucco, and others. He said French Beaux Arts was a highly crafted architectural style. He said this proposed design would not work in the neighborhood and he thought they needed to rethink their goals in using the property and what would work on the lot. He said he did not find the alternate design aesthetically better. He suggested they really think about their goals for the site. He said there were too many constraints because of the lot size. He suggested looking at the Palo Alto design guidelines. He said the staff report also mentioned positive aspects of the proposed design.

Chair Onken said the problem with the aesthetic was they were trying to fit too much into too little volume. He said they were creating a five bedroom house in 1,600 square foot above ground which meant the stairway went to the side. He said if they had fewer bedrooms the stair could be brought in and the home could be balanced. He said a project at 629 Harvard Avenue that the Commission recently approved did a second-story larger house in the front and a raised single-story with a basement in the rear. He said tonight's design had a scale problem. He suggested putting more house in the front and make it look more gracious and make the second home smaller or reduce the size of both homes.

Commissioner Strehl said the two homes felt large because of the design and she did not think it fit with the neighborhood. She said there would be opposition from the neighborhood.

Chair Onken said if all the decoration was removed all that remained would be a box and that was a difficult size to make look good. He suggested reshaping the homes and using the site better.

Commissioner Goodhue said she did not think the Commission was saying there should not be two houses on the lot. She said the referenced Harvard property put three bedrooms in the basement in the rear house. She said they were creating their own constraints in requiring three bedrooms on the second floor. She suggested looking at other styles and to look at the Harvard plans. Ms. Fakoor said they would look at other similar lots and home designs. She said they were trying to create something that met their family's needs. She said they have started outreach with neighbors one to two homes away from the property, and had their support.

**F. Regular Business - None**

**G. Commission Business - None**

**H. Informational Items – None**

**I. Adjournment**

Chair Onken adjourned the meeting at 9:19 p.m.

Staff Liaison: Thomas Rogers, Senior Planner

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on August 17, 2015