



REGULAR MEETING MINUTES

Date: 7/11/2016

Time: 6:00 p.m. *Please note early start time*

City Council Chambers

701 Laurel St., Menlo Park, CA 94025

A. Call To Order

Chair Katherine Strehl called the meeting to order at 6:00 p.m.

B. Roll Call

Present: Andrew Barnes, Drew Combs (Vice Chair), Susan Goodhue, Larry Kahle, John Onken, Henry Riggs (arrived at 6:02 p.m.), Katherine Strehl (Chair)

Absent: None

Staff: Deanna Chow, Principal Planner; Sunny Chao, Assistant Planner; Yesenia Jimenez, Associate Planner; Michele Morris, Assistant Planner; Kyle Perata, Senior Planner; Tom Smith, Associate Planner

C. Reports and Announcements

Principal Planner Deanna Chow said the City Council at its July 19, 2016 meeting would consider the Facebook development agreement term sheets and hold a study session on public benefit for the Station 1300 El Camino Real project.

Chair Strehl asked if the Housing Commission had an item for the July 19 Council meeting to consider the displacement of residents due to the Facebook development. Principal Planner Chow said that was a tentative study session highlighting the nexus study for both a commercial and residential BMR program but was not confirmed yet.

D. Public Comment

Gita Dev said the Sustainable Land Use Committee had submitted a letter of comments for the General Plan EIR update and they had not received a response from staff, and were requesting an extension to the public period past July 15, 2016. She said there were other EIRs to review now and her group felt this was a very important one.

E. Consent Calendar

- E1. Approval of minutes from the June 6, 2016 Planning Commission meeting. ([Attachment](#))

ACTION: Motion and second (Onken/Goodhue) to approve the minutes as presented; passes 6-1 with Commissioner Combs abstaining.

F. Public Hearing

- F1. General Plan Amendment, Zoning Ordinance Amendment, Rezoning, Environmental Review/City of Menlo Park: Public hearing to receive public comments on the Draft EIR for the General Plan Land Use and Circulation Elements and M-2 Area Zoning Update. The Draft EIR prepared for the project identifies less than significant effects in the following categories: Aesthetics, Geology, Soils and Seismicity, Hydrology and Water Quality, and Public Services and Recreation. The Draft EIR identifies potentially significant environmental effects that can be mitigated to a less than significant level in the following categories: Biological Resources, Cultural Resources, Hazards and Hazardous Materials, Land Use Planning, Noise, and Utilities and Service Systems. The Draft EIR identifies potentially significant environmental effects that are significant and unavoidable in the following categories: Air Quality, Greenhouse Gas Emissions, Population and Housing, and Transportation and Circulation. The California Environmental Quality Act (CEQA) requires this notice to disclose whether any listed hazardous material sites are present at the location. The project area does contain a hazardous waste site included in a list prepared under Section 65962.5 of the Government Code. Written comments may also be submitted to the Community Development Department (701 Laurel Street, Menlo Park) no later than 5:00 p.m., Friday, July 15, 2016. ([Staff Report #16-050-PC](#)) ***Continued from the meeting of June 20, 2016. Please note that the 6:00 p.m. Planning Commission meeting will be preceded by a 5:00 p.m. "Town Hall" on the ConnectMenlo topic, also to be held in the City Council Chambers.***

Transcript minutes were prepared.

The Commission reconvened after a short break with Commissioners Combs, Goodhue, and Onken in attendance after being recused for Agenda Item F1.

- F2. Use Permit/Gregory Pickett/320 Grayson Court:
Request for a use permit to remodel and add onto an existing nonconforming single-story, single-family residence in the R-1-U (Single-Family Urban) zoning district. The proposed work would exceed 75 percent of the existing replacement value in a 12-month period. The project includes a request to remove a heritage Blackwood Acacia tree in the rear yard. ([Staff Report #16-051-PC](#))

Staff Comment: Associate Planner Yesenia Jimenez said she had no additions to the report.

Applicant Presentation: Greg Pickett, property owner, said the property was two-bedroom and one bath, and the project would add bathrooms and some living space for his family members. He said they did not want to expand any more than the modest amount as they wanted to preserve the heritage Chinese elm in the backyard. He said their neighbors were very excited with what their home would look like after the remodel.

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

Commission Comment: Commissioner Riggs noted that a 15-gallon ironwood replacement tree was part of the proposal. He said he had seen projects in which heritage trees were removed from front yards and not replaced in the front but elsewhere on the property, and asked for the rationale about that.

Principal Planner Thomas Rogers said typically the goal was for the replacement tree to be located near where a heritage tree that was removed had been located. He said if a tree was removed for other reasons such as conflict with another tree or property improvements that precluded the replacement, tree being planted in the same area as the tree that was removed. He referred to instances of possible lack of enforcement as opposed to policy decisions regarding replacement tree locations. He noted efforts by the City to hire a contract arborist within a month to assist and potentially provide enforcement related to heritage trees and replacement of those removed.

Commissioner Kahle said the project was approvable. He said the south elevation on page 3 showed two posts added to the front providing a nice covered entry but those were set so high that the eaves and gutter line of the existing house were still visible. He said that made it look like an addition. He recommended strongly that either the entry feature be lowered to capture existing eaves or they should add a band of wood or something to make it not seem like an addition.

Chair Strehl said she liked the project and noted that if the applicant was willing to take Commissioner Kahle's suggestion about the roofline and porch, she would move to approve the project. Commissioner Onken seconded the motion.

Principal Planner Rogers asked if the motion included Commissioner Kahle's suggested modification. Commissioner Onken said as the maker of the second he would like that included. Chair Strehl said she agreed but asked the applicant to respond.

Mr. Rob Rice, the applicant's designer, said he disagreed with Commissioner Kahle's interpretation, and that the roof would look better as proposed.

Commissioner Onken asked if they were keeping the existing gutter and eaves and wrapping it in underneath the new roof. Mr. Rice said the gutter would stop short of the entryway. He asked if the concern was it looked like the gutter was going across the front door. Commissioner Onken said it looked like nothing was done there except to add two posts. Mr. Rice said the gutter and eave should not have been shown going past the post for the porch. Commissioner Onken said he would like the entryway clarified so that the gutter and eaves did not show across the entryway. He said if the Commission approved the applicant could work with staff on that and the process for the Commission to consider conformance with the approved plans would be followed.

Principal Planner Rogers asked if the Commission wanted staff to review and approve the clarification of the entryway or go through the email Commission conformance process. He said the latter was speedier than bringing the item back to the Commission meeting but it was still more time sensitive than relying purely on staff for review and approval. Commissioner Onken said it was his intention to have an email conformance process. Chair Strehl said she would want it all through staff.

Mr. Rice said in looking at the sections there was a gutter shown but also a fascia board. He said that line could be interpreted on the elevations as the fascia board that would run behind the gutter.

Commissioner Kahle asked if that was the bottom section of page A.5. Mr. Rice said yes. Commissioner Kahle said that was the confusing part. He said they were looking at an eave coming out with a beam and then beyond it a gutter that wraps around it all under the proposed porch. Mr. Rice said below that was shown the fascia board that would be returned with the gutter.

Commissioner Kahle said rather than have this reviewed at the staff level he would like it reviewed by the Planning Commission through email.

Commissioner Combs asked if they were clarifying what they were looking at. He asked if it was clear what should be done, corrected or changed.

Mr. Rice said he thought the confusion was how far the gutter on the front of the house extended as it was shown as one plane going through there and did not distinguish between the gutter and the fascia board behind it. He said he was willing to do what was needed to clarify that as long as he understood what was required.

Commissioner Combs asked if Mr. Rice meant to clarify in the plans and not to change them. Mr. Rice said that was correct as he could not imagine anyone running the gutter across an entryway. He said since there was fascia board behind the gutter then what was drawn was indicating the fascia board and not the gutter.

Commissioner Kahle asked on the south elevation above the entry door if that was fascia board that continued. Mr. Rice said it was and he had not distinguished the fascia board and gutter. Commissioner Kahle said what the drawing did not show was some kind of beam supporting the new hip roof and that beam could be set in such a way that it captured the fascia board so it was not seen continuing over the entry way which would make this look like it was an addition.

Chair Strehl said she believed what Commissioner Onken was suggesting was for the applicant to work with staff and an email process with the Commission through staff to communicate what was being proposed was in conformance with the action the Commission made this evening.

Principal Planner Rogers said there was a suggestion to lower the porch. He asked if that was still a strict objective, or whether solutions could be more flexible. Commissioner Kahle said the porch height lowering was not necessarily a requirement. Principal Planner Rogers stated it was a matter of clarifying gutters and opportunities to tie those in for a cleaner look but not necessarily any substantive changes to the height or substance of the design. He said they could work on that.

ACTION: Motion and second (Strehl/Onken) to approve the project with the following modification; 7-0.

1. Make a finding that the project is categorically exempt 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 Robert Rice, consisting of 7 plan sheets, dated June 17, 2016 and stamped received on June 21, 2016, and approved by the Planning Commission on July 11, 2016, 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.
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 revised plans (elevations and roof plan) modifying or clarifying the interaction between the new covered porch at the front of the residence and the existing roof in that area. The revised plans shall have the objective of reducing visual clutter and removing unnecessary elements such as gutters and/or eaves underneath the new porch roof. The revised plans shall be subject to the review and approval of the Planning Division. The Planning Commission shall be notified by email of this action, and any Commissioner may request that the Planning Division's approval of the revised plans may be considered at the next Planning Commission meeting. The revised plans shall be fully approved prior to the issuance of the overall building permit.***

Commissioner Kahle recused himself from consideration of Item F3.

- F3. Use Permit and Variance/Lawrence Kahle/590 Fremont Street:
Request for a use permit to build a new single-family home on a substandard lot with regard to lot width, depth, and area in the R-3 (Apartment) zoning district. The use permit request includes a proposal to allow excavation within the left side yard setback to install a retaining wall and driveway to provide access to a below-grade garage. The proposal includes a request for a variance for the new residence to encroach into the required 20-foot separation between main buildings located on adjacent lots. ([Staff Report #16-052-PC](#))

Staff Comment: Associate Planner Jimenez said that the property owner had provided two diagrams for review that had been distributed to the Commission at the dais.

Questions of Staff: Commissioner Onken said the sections and elevations showed the ultimate height but did not show the daylight plane profile. He asked about conformance. Associate Planner Jimenez said there was no daylight plane requirement in the R-3 zoning district.

Applicant Presentation: Mr. Nick Webb, property owner, said they were planning to build their family home on the lot. He said the proposed traditional design would have a covered porch and no parking in the front noting it was across the street from Jack W. Lyle Park. He said they would provide partially underground parking and that he had provided the two diagrams to show how they arrived at that solution. He said this project was in an R-3 zoning district and had different setback requirements from R-1-U. He said the setbacks were wider from the corner side as well as the interior side that created somewhat of a narrow house and pushed it back in length somewhat more. He said they wanted to put the parking on the side but with requirement for covered and an uncovered space and both of those off the 20-foot road with a detached garage in the rear would have used most of the outdoor space. He said to protect privacy the windows on the second story adjacent to single-story homes were small in size with high window sills, the staircase windows were frosted half way up, and they intended to plant a wall of greenery around the fence to provide privacy.

Chair Strehl opened the public hearing.

Public Comment:

- Samuel Lee said he and his wife lived two houses down from the subject property. He said they had communicated concerns to Planning staff in April, which he thought had gotten lost as the applicant just contacted them three days ago to discuss their concerns. He said that discussion was not reflected in the staff report. He said their main concern was privacy as the neighborhood was single-story and this was the first two-story. He said they wanted the applicant to build the house but their main concern were three windows on the second floor which provided a view into their garden. He said the mitigations only helped the neighbor immediately next door. He asked for contingency to require a tree line higher than the first floor and to extend the frosted glass on the staircase window.

Chair Strehl closed the public hearing.

Commission Comment: Commissioner Onken asked if the applicant could address the speaker's concerns.

Mr. Webb said the immediate adjacent neighbor was at 570 Fremont Street. He said the tree line and window frosting were the main mitigations to protect privacy. He said the back corner bedroom did not have a lot of windows but they reduced the size of the windows on the interior side as much as they could while maintaining as much habitable space as possible. He said the two small windows have four-foot-four-inch window sills. He said that the amount of planting space might preclude planting species that would have the height needed to screen the two smaller windows. He said additionally there was a Japanese maple heritage tree planted there which needed light and space to grow that had to be taken into consideration.

Commissioner Goodhue asked what the distance between the house and the house two lots away. Project architect Larry Kahle said the subject property was 56-feet wide and the neighbor's was 53-feet wide so it was 109 feet property line to property line and another nine feet for their setback and another five feet or so of setback at 570 Fremont Street. Mr. Webb said the distance would be their 10-foot interior side setback, one lot width of 53-feet and then Mr. Lee's property. He said the distance would be 63-feet or more. Commissioner Goodhue asked if shade studies had been done to address the adjacent neighbor's concerns. Mr. Kahle said they had looked on December 20 in the late afternoon and there would be a little shade on 570 Fremont Street but not much at other times.

Chair Strehl asked about the pop-up roof on A.5 and asked if that was attic space as it added to the height and perceived mass. Mr. Webb said it was.

Commissioner Barnes said he would like more effort put into the landscaping as this was essentially a two-and-a-half story structure in a one-story neighborhood. He asked what options they had explored with their landscape architect to benefit the neighbor's privacy.

Mr. Webb said in one direction the homes were one-story but the rest of the neighborhood was developed with two and two-and-a-half-story structures including single-family homes and multi-family apartments. He said that landscape plans were not a requirement for the Planning Commission so they hired someone late into the process at staff's request to provide detail regarding privacy screening. He said it was their full intention to do full detail landscaping plans that would include more trees and other plantings to provide privacy all around the property. He said that they had spent a lot of time with a landscaper to select evergreen trees of the right height to screen for the adjacent neighbor. He said they met with Mr. Lee just a few days ago so they had not gotten deep into whether there was a tree that could grow ten feet taller than what they had already identified. He said there was not a lot of space there and he had concerns with a 25-foot tall tree next to a heritage Japanese maple.

Commissioner Barnes asked if the applicant were willing to work diligently with this landscape designer to identify plantings there that would be amenable to the neighbor. Mr. Webb said he was willing to work with the neighbor but he was not in the position to commit that they would find a plant that would satisfy his neighbor's preferences. He said he also had to take the immediate adjacent neighbor into consideration as a 25-foot tall tree might grow over the neighbor's property. Commissioner Barnes said he would suggest a species whose canopy would not extend over the neighbor's property.

Commissioner Onken said as part of the use permit there were notes on the plans listing species of trees pending agreement with the neighbor so if they approved the use permit they would also be approving that method of selecting trees. He said it was a tall house but was within the

planning restrictions and he appreciated the applicants had created a great space in the back rather than just filling it all up with parking. He said he liked the large front façade with the covered porch facing the park and appreciated the efforts on the fenestration to protect privacy. He said he could support the project.

Commissioner Riggs said the sensitivity to the privacy issue in the plans was significant. He said the project was attractive from all angles and was a good use of land. He said in his opinion this variance request was what variance law had been written for as this was an unusual site condition. He said it was self-evident looking at the property from the street. He moved to make the findings, and approve the use permit and the variance request. Commissioner Goodhue seconded the motion.

Chair Strehl noted there was 64 feet between the subject property window to the neighbor's property two lots down.

ACTION: Motion and second (Riggs/Goodhue) to make the findings and approve the use permit and variance request as recommended in the staff report; passes 6-0 with Commissioner Kahle recused.

1. Make a finding that the project is categorically exempt under Class 3 (Section 15303, "New Construction or Conversion of Small Structures") of the current California Environmental Quality Act 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. Make the following findings as per Section 16.82.340 of the Zoning Ordinance pertaining to the granting of variance:
 - a. The adjacent building to the right of the subject parcel does not conform to the required interior 10-foot side setback required in the R-3 zone. The combination of an adjacent non-conforming building, the narrow width of the lot, and the fact that the site is further constrained due to it being located on a corner, creates a uniquely small area for the permitted building footprint. This hardship is unique to the property, and has not been created by an act of the owner.
 - b. If the proposed residence were built to be 20 feet away from the main building on the neighboring lot, it could only be a maximum of 27 feet wide, likely resulting in a long narrow structure with less usable rear yard. The applicant proposes a 23.6-foot rear setback instead of the minimum required 15 feet in order to provide a larger rear yard. If the adjacent structure was in conformance with their required side setbacks, the variance would not be necessary for the proposed 31-foot wide residence. The variance would thus be necessary for the preservation and enjoyment of substantial property rights possessed by other conforming property. Given that in general, other properties in the vicinity do not have similar constraints with regard to being a narrow, corner lot with an adjacent non-conforming structure, the requested variance would not represent a special privilege.

- c. The setback to the building on the adjacent property would be approximately 15 feet. If the adjacent parcel is redeveloped in the future, it would be required to adhere to 10-foot side setbacks and the proposed variance would no longer be needed. The proposed project would be below the maximum allowed floor area and building coverage and all other development standards would also be met. As such, granting of the variance would not be materially detrimental to the public health, safety, or welfare, and will not impair an adequate supply of light and air to adjacent property.
 - d. Although there are a few other narrow parcels in the area that may be adjacent to properties that are not in conformance with the required 10-foot interior side setbacks, these appear to be the exceptions. As such, the conditions on which the variance is based would not be generally applicable to other property in the same zoning classification.
 - e. The property is not within any Specific Plan area. Hence, a finding regarding an unusual factor does not apply.
4. Approve the use permit and variance subject to the following **standard** conditions:
- a. Development of the project shall be substantially in conformance with the plans prepared by Metropolis Architecture, consisting of 11 plan sheets, dated received June 29, 2016, and approved by the Planning Commission on July 11, 2016, 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

F4. Use Permit/Lorin Hill/805 Magnolia Street:

Request for a use permit to remodel and add to an existing nonconforming two-story, single-family residence in the R-1-S (Single-Family Suburban) zoning district. The proposed work would exceed 50 percent of the existing replacement value in a 12-month period. There is an active building permit regarding the remodeling of and additions to the first floor and the modification of the roof to conform to daylight plane regulations. At this time, the applicant is requesting that the building be allowed to remain nonconforming, which requires Planning Commission review of the overall proposal. ([Staff Report #16-053-PC](#))

Staff Comment: Assistant Planner Morris said there were no additions to the written report.

Applicant Presentation: Mr. Lorin Hill, project architect, introduced the owner Steven Smith and his associate Beth Harrington. He said this structure had been a single-story with a second-story addition in the early '80s that was like a box on top of a ranch-style home. He said the current owners were in the process of remodeling and making additions to the first floor when it came to light that one corner of the roof intrudes into the daylight. He said the request was to allow that to remain nonconforming as no work was planned on that side and also that a nonconforming balcony there since the '80s also be allowed to remain.

Chair Strehl opened the public hearing and closed it as there was no public comment.

Commission Comment: Commissioner Kahle said he had a project that had an existing gable that was clipped by the daylight plane triggering a use permit requirement. He said the architect had done a good job and the issue was the two-story volume that contributed two more roof pitches creating four roof pitches. He said he assumed it was useful space so he would not recommend doing something to remove it. He said the architect had done a great job with what there was and it was approvable.

Commissioner Onken said it was a bit of a beast of a house but the architect had done his best to improve it. He moved to approve as recommended in the staff report.

Commissioner Riggs asked about the gable intrusion. Planner Morris said this lot was too large to qualify for a permitted intrusion.

Commissioner Riggs concurred with Commissioner Onken's comments, and moved to make the findings and approve the use permit.

ACTION: Motion and second (Onken/Riggs) to approve the use permit as recommended in the staff report; passes 7-0.

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 Lorin Hill Architect consisting of fourteen plan sheets, dated received July 1, 2016, and approved by the Planning Commission on July 11, 2016 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

F5. Use Permit/Charles Holman/361 Marmona Drive:

Request for a use permit for an addition to an existing, nonconforming one-story, single-family residence on a lot in the R-1-U (Single-Family Urban) zoning district. The value of the work would exceed 75 percent of existing replacement value in a 12-month period. ([Staff Report #16-054-PC](#))

Staff Comment: Assistant Planner Sunny Chao said there were no updates to the written report.

Applicant Presentation: Mr. Charles Holman, property owner and project designer, said this home was built in the '40s, was a two bedroom, one bathroom home and in pretty bad shape. He said originally he considered tearing down the home and doing a conforming two-story project. He said the house has a two-foot section that is non-conforming along the side. He said in talking to

neighbors he decided it would be better to do a three-bedroom, two-bathroom, one-story project. He said they would improve windows using divided lights.

Replying to a question from Commissioner Barnes, Mr. Holman said he owned the property, was the project designer, but would not live in the home.

Replying to a question from Commissioner Kahle, Mr. Holman said regarding the notes on the divided lights that they would be simulated. Commissioner Kahle asked that correction be made.

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

Commission Comment: Commissioner Kahle moved to make the findings and approve the project as recommended. Commissioner Riggs seconded the motion and to make the change that the approval included simulated lights.

Principal Planner Rogers said regarding the window notations that through research staff had determined that window manufacturers' terminology was not consistent. He said whenever a Commissioner saw a note of either simulated divided light or true divided lights, they would be the type that have interior and exterior grids with a space bar in between giving a perception of classic divided lights.

ACTION: Motion and second (Kahle/Riggs) to approve the use permit as recommended in the staff report; passes 7-0.

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 Charles Holman Design consisting of eleven plan sheets, dated received June 28, 2016 and May 18, 2016, and approved by the Planning Commission on July 11, 2016, 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 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 applicant 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

F6. Minor Subdivision/Peter Carlino for David Ferrari/668-672 Partridge Avenue:
Request for a tentative parcel map to convert two existing residential dwelling units into two condominium units on one parcel in the R-2 (Low Density Apartment) zoning district. No additional floor area is proposed as part of this project. ([Staff Report #16-055-PC](#))

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

Applicant Presentation: Mr. Peter Carlino, Bracewell Engineering, said he was representing the property owner and developer. He said this was an existing development from 2004 with two units at which time they chose not to prepare a tentative map to divide the lots and now would like to do a condominium conversion. He said everything would remain as is in terms of the buildings.

Replying to a question from Commissioner Goodhue, Mr. Carlino said one home would be for resale and the owner would retain the other.

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

Commission Comment: Commissioner Onken he was okay with a condominium conversion but could not have supported a lot split.

ACTION: Motion and second (Combs/Goodhue) to approve the request as stated for a tentative parcel map; passes 7-0.

1. Make findings that the project is categorically exempt under Class 15 (Section 15315, "Minor Land Divisions") of the current State 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 tentative map prepared by Lea & Braze Engineering, Inc., dated received June 29, 2016, consisting of one plan sheet and approved by the Planning Commission on July 11, 2016, except as modified by the conditions contained herein, subject to review and approval by the Planning Division.
- b. 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.
- c. 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.
- d. Heritage trees in the vicinity of construction shall be protected pursuant to the Heritage Tree Ordinance.
- e. 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. The parcel map shall use a benchmark selected from the City of Menlo Park benchmark list as the project benchmark and the site benchmark.
- f. Concurrent with parcel map submittal, the applicant shall submit covenants, conditions and restrictions (CC&Rs) for the approval of the City Engineer and the City Attorney. The parcel map and the CC&Rs shall be recorded concurrently.
- g. Concurrent with the parcel map submittal, the applicant shall submit a plan indicating all proposed modifications in the public right-of-way including frontage improvements and utility installations.
- h. Prior to recordation of the parcel map, the applicant shall remove and replace all damaged, significantly worn, cracked, uplifted or depressed frontage improvement (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 with the City's right-of-way or public easements.

4. Approve the minor subdivision subject to the following **project specific** conditions:

- a. Prior to recordation of the parcel map, the Conditions, Covenants and Restrictions (CC&Rs) shall incorporate language to specify that the existing development exceeds the Floor Area Limit (FAL) set by the Zoning Ordinance and therefore, no additional floor area can be developed at the site. The language shall be subject to review and approval of the City Attorney.

Chair Strehl noted that Commissioners Combs and Goodhue were recused from Item F7.

- F7. Use Permit/Facebook, Inc./200 Jefferson Drive:
Request for a use permit for a temporary mobile kitchen for only food preparation that would be located within the parking lot adjacent to the existing building at 200 Jefferson Drive, located in the M-2(X) (General Industrial, Conditional Development) zoning district. The proposed temporary kitchen would be on-site for a maximum of one year from installation. The proposed mobile kitchen would temporarily displace eight parking spaces. ([Staff Report #16-056-PC](#))

Staff Comment: Senior Planner Perata said staff had no updates.

Applicant Presentation: Ms. Danielle Douthett, Facebook, said the company was expanding into 180, 190 and 200 Jefferson Drive buildings. She said 190 and 200 Jefferson Drive would be completed prior to the 180 Jefferson Drive building that would be the location of the permanent kitchen to provide the Facebook employees with food service. She said Facebook was requesting a temporary mobile kitchen for a maximum of one year.

Commissioner Kahle asked if these buildings would continue to be occupied after construction of Buildings 21 and 22. Ms. Douthett said Facebook was leasing these buildings for five years.

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

ACTION: Motion and second (Onken/Riggs) to approve the use permit as recommended in the staff report; passes 5-0 with Commissioners Combs and Goodhue recused.

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 Gensler consisting of 13 plan sheets, dated received July 1, 2016, as well as the Project Description Letter, dated received July 11, 2016, approved by the Planning Commission on July 11, 2016, except as modified by the conditions contained herein, subject to review and approval of the Planning Division.
 - b. Prior to building permit issuance, the applicants shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.
 - c. Prior to building permit issuance, the applicants shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.

- d. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval by the Planning, Engineering and Building Divisions. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
4. Approve the use permit subject to the following **project-specific** conditions:
 - a. The applicant shall remove the temporary mobile kitchen from the site within one year from installation, subject to review and approval of the Building and Planning Divisions.
 - b. The applicant shall repair and/or restripe the eight displaced parking spaces within 30 days of removal of the temporary mobile kitchen, subject to review and approval of the Engineering, Transportation, and Planning Divisions

Commissioners Combs and Goodhue returned to the dais.

- F8. Use Permit/Ellen Ackerman/1525 O'Brien Drive:
Request for a use permit for the storage and use of hazardous materials associated with the research and development of biotechnology for the detection of cancer, located in an existing building in the M-2 (General Industrial) zoning district. Additionally, some hazardous waste would be stored outside the facility in an existing steel chemical storage unit that was also used by the previous tenant. ([Staff Report #16-057-PC](#))

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

Applicant Presentation: Mr. John Tarlton, Tarlton Properties, said he was representing the tenant Grail Bio and noted their Chief Operating Officer Ken Drayson was present. He said Ellen Ackerman was also present for any environmental questions.

Mr. Ken Drayson, Menlo Park, said Grail Bio's mission was to find a way to detect cancer early so it might be cured. He said they were gathering the best people to work together on this. He said they had 50 employees, were now 80 employees, and they expected to grow to 130 employees by the end of the year. He said they were well-funded and expected to stay in Menlo Park for a long time. He said his CEO was a neighbor in Menlo Park and other executives were from this area.

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

ACTION: Motion and second (Onken/Strehl) to approve the use permit as recommended in the staff report; passes 7-0.

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 provided by DES Architects/Engineers, consisting of eight plan sheets, dated received June 1, 2016, as well as the Hazardous Materials Information Form (HMIF), dated received April 18, 2016, approved by the Planning Commission on July 11, 2016 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 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 applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project. If there is an increase in the quantity of hazardous materials on the project site, a change in the location of the storage of the hazardous materials, or the use of additional hazardous materials after this use permit is granted, the applicant shall apply for a revision to the use permit.
- d. If there is an increase in the quantity of hazardous materials on the project site, a change in the location of the storage of the hazardous materials, or the use of additional hazardous materials after this use permit is granted, the applicant shall apply for a revision to the use permit.
- e. Any citation or notification of violation by the Menlo Park Fire Protection District, San Mateo County Environmental Health Department, West Bay Sanitary District, Menlo Park Building Division or other agency having responsibility to assure public health and safety for the use of hazardous materials will be grounds for considering revocation of the use permit.
- f. If the business discontinues operations at the premises, the use permit for hazardous materials shall expire unless a new business submits a new hazardous materials information form and chemical inventory to the Planning Division for review by the applicable agencies to determine whether the new hazardous materials information form and chemical inventory are in substantial compliance with the use permit.

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

- a. Prior to the use of hazardous materials, the applicant shall provide a copy of the emergency response plan, including the phone numbers of the West Bay Sanitary District, Silicon Valley Clean Water, and all other standard relevant agencies in the event of an accidental spill or discharge, subject to approval of Planning Division staff.

G. Informational Items

- G1. Future Planning Commission Meeting Schedule
- Regular Meeting: July 25, 2016
 - Regular Meeting: August 15, 2016
 - Special Meeting: August 22, 2016
 - Regular Meeting: August 29, 2016

Principal Planner Rogers announced they had received an email that the Council would meet on July 12 at 9 p.m. for a special meeting to consider a request to extend the 75-day review and public comment period for the draft Environmental Impact Report for ConnectMenlo, the Menlo Park General Plan Update.

H. Adjournment

Chair Strehl adjourned the meeting at 9:16 p.m.

Staff Liaison: Thomas Rogers, Principal Planner

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on August 15, 2016