

REGULAR MEETING MINUTES



Date: 4/10/2017
Time: 7:00 p.m.
City Council Chambers
701 Laurel St., Menlo Park, CA 94025

A. Call To Order

Chair Katherine Strehl called the meeting to order at 7:00 p.m.

B. Roll Call

Present: Andrew Barnes, Drew Combs (Vice Chair), Susan Goodhue, Larry Kahle, John Onken, Henry Riggs, Katherine Strehl (Chair)

Absent: Susan Goodhue, Henry Riggs

Staff: Deanna Chow, Principal Planner, Corinna Sandmeier, Associate Planner

C. Reports and Announcements

Principal Planner Deanna Chow said Council Members Ohtaki and Mueller had been appointed to the subcommittee for Stanford's 500 El Camino Real project development agreement and for their General Use Permit through Santa Clara County.

Commissioner John Onken said he had been told that the boutique hotel project at Glenwood Avenue and El Camino Real had some changes, which had been given to planning staff. He asked if the Commission would see the changes through a substantial conformance process. Principal Planner Chow said that the developer was considering some potential changes, so dependent on what they decided, they might come back to the Planning Commission for a substantial conformance review memo. She said if the changes were minor and staff found they could approve at staff level, the changes would not come back to the Commission and the building permit would be issued.

D. Public Comment

There was none.

E. Consent Calendar

E1. Approval of minutes from the March 13, 2017 Planning Commission meeting. ([Attachment](#))

ACTION: Motion and second (Drew Combs/Andrew Barnes) to approve the minutes as presented; passes 5-0 with Commissioners Susan Goodhue and Henry Riggs absent.

F. Public Hearing

F1. Use Permit/Ying-Min Li/338 Barton 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 respect to lot width and area in the R-1-U (Single-Family Urban) zoning district. As part of the project, one heritage holly tree in the front left yard, one heritage Eugenia tree in the front right yard, and one heritage plum tree in the right side yard are proposed for removal. ([Staff Report #17-017-PC](#))

Staff Comment: Principal Planner Chow said the data table, Attachment C, was not included with the hard copy packet for the Commissioners. She said that information had been placed at the dais for the Commissioners and for the public on the table in the back of the Chambers.

Applicant Presentation: Robin McCarthy, project architect, said the property owner / developer was also present. She said they had surveyed the surrounding neighborhood, which was a nice mix of single- and two-story homes. She said their two-story home proposal was between two other two-story homes. She said the mix also included traditional Craftsman, modern cottage and other styles. She said they thought the farmhouse style would be a nice addition to the neighborhood. She said last August they reached out to the neighbors in the area providing plans and a 3D model. She said the turnout was great and generally positive. She said one neighbor whose home was adjacent to the rear property line of this proposal was very concerned about privacy. She said initially they were proposing new trees along the back property line and the rear neighbor asked if they would keep all the current trees. She said they agreed to that. She said originally they were also proposing a second story balcony for the master bedroom with lighting. She said they replaced that with a good-sized window. She said they also reduced some of the windows in the master bath and closet.

Commissioner Larry Kahle said the architect's letter had mentioned a standing metal seam roof in the front but he did not see it. Ms. McCarthy said they removed it. She said they originally proposed a mix of composition roof at the upper with metal and had received a comment that keeping it the same would be more harmonious.

Replying to Chair Strehl, Ms. McCarthy said this was a spec home for sale.

Chair Strehl opened the public hearing.

Public Comment:

- Robert Mancuso introduced his mother Natalia Mancuso. He said they live at 321 Nova Lane, which was directly behind the subject property, and have privacy concerns. He noted the changes the property owner had made in response to their concerns. He said they preferred to have no landscape or exterior lighting at the back and a reduction of the second story window size.

Chair Strehl closed the public hearing.

Commission Comment: Commissioner Combs asked if the architect could talk about the lighting the speaker mentioned.

Ms. McCarthy said it was their understanding that the neighbors' greatest concern was the second story lighting. She said that and the balcony were removed. She said for safety at least one light was usually provided outside the back door. She said there was an existing exterior light fixture there outside the back door. She said they could remove one of the three light fixtures from the back.

Commissioner Onken said code required a switch light for any door opening to the outside. He asked Principal Planner Chow if the type of fixtures had been considered and if there could be conditions around them. Principal Planner Chow said typically for single-family homes staff had not gone to that level of detail or for landscape lighting fixtures. She said for much larger projects lighting conditions for exterior lighting were made including that light shall not spill over property lines and lighting fixtures should be pointed down toward the ground. Commissioner Onken noted the legitimacy of the neighbors' concerns. He said he did not know how they could condition no landscape lighting or up lights on trees.

Commissioner Kahle said other cities have stricter recommendations for lighting. He said the design needed more fine tuning. He said the ceilings were 10-foot on the first and nine-foot on the second floor so the building looked tall. He said he was also concerned with the overall massing. He said regarding the roof that the front wall was long although broken up by the bay. He said a farmhouse style needed a bit more attention to how those masses were broken up. He said the one-story garage had what appeared to be eight-foot doors and another eight-foot of solid wall above them. He said the house would be very tall as the property was located in a flood zone. He said the roof itself could be fine-tuned, noting the side elevation showed a couple of hip roofs that did not really need to be there. He said the stair tower seemed to be just a few inches shy of the roof above. He said he was concerned with how it tied into the front and the massing of the garage. He said the design needed just a little work to be really great. He said he had not seen shutters on other farmhouse designs. He said regarding cement board siding to be careful to use the smooth and not grooved siding.

Commissioner Barnes said the neighbor who spoke asked about reducing the back second-story window, and asked if they had given that consideration. Ms. McCarthy said it didn't need to be the width it was. She said it was four-foot high which she thought worked well with the taller ceilings. She said she thought the window was six-foot wide and they could reduce it to five-foot.

Commissioner Onken said that perhaps the window could be reduced and suggested that the home could lose a foot of height which would lower the window generally so as not to loom over the rear property. He moved to approve with modifications to see the final specifications on the rear exterior lights to a make sure they were not the kind that would glare and upset neighbors and to reduce the overall height by one foot.

Commissioner Combs asked if Commissioner Onken was making a motion and if so whether it included reducing the size of the rear window. Commissioner Onken said that the applicant had been very careful with non-intrusive windows on the stairwell side, but he thought the house would greatly improve with an overall one-foot reduction in height. He moved to make the findings and through substantial conformance review have the applicant submit an application with the house's entirety reduced in height one foot and the specifications for the exterior rear lights.

Principal Planner Chow confirmed with Commissioner Onken that prior to building permit issuance the item would return to the Planning Commission for substantial conformance review by email.

Chair Strehl noted the project home was 22-feet away from the rear property line, which helped to make a positive difference.

Commissioner Kahle said regarding the rear windows that the head height was at eight feet and reducing the height one foot would definitely help. He said there was good separation between this house and the rear property as well as trees screening the views. He said removal of the balcony really helped. He said he would like to support the project but the garage height really bothered him.

Commissioner Combs seconded the motion. He thanked the Mancuso family for attending and commenting on the project. He said one thing the family mentioned in their letter was they did not like that the home was two-story. He said two-story residential development was allowed within the zoning and noted other two-stories in the area. He said the Commission would have no grounds to deny the project because it was a two-story.

Principal Planner Chow replying to Chair Strehl said the motion was to approve the project and to return for a conformance review email to the Commission with the specifications and details for the external lighting in the rear and to reduce the overall height of the house by one-foot with the same architecture.

Chair Strehl said she also appreciated the neighbors coming forward to the Commission and offering comments. She said the Commission had tried to address their concerns.

ACTION: Motion and second (Onken/Combs) to approve the project with the following modifications; passes 4-1 with Commissioner Kahle opposed and Commissioners Goodhue and Riggs absent.

1. Make a finding that the project is categorically exempt under Class 3 (Section 15303, "New Construction or Conversion of Small Structures") of the current California Environmental Quality Act (CEQA) Guidelines.
2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
3. Approve the use permit subject to the following **standard** conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by Arch Studio consisting of twenty plan sheets, dated received March 29, 2017, and approved by the Planning Commission on April 10, 2017, except as modified by the conditions contained herein, subject to review and approval of the Planning Division.
 - b. Prior to building permit issuance, the applicants shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.

- c. Prior to building permit issuance, the applicants shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
 - d. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval by the Planning, Engineering and Building Divisions. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
 - e. Simultaneous with the submittal of a complete building permit application, the applicant shall submit plans indicating that the applicant shall remove and replace any damaged and significantly worn sections of frontage improvements. The plans shall be submitted for review and approval of the Engineering Division.
 - f. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a Grading and Drainage Plan for review and approval of the Engineering Division. The Grading and Drainage Plan shall be approved prior to the issuance of grading, demolition or building permits.
 - g. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance and the recommendations in the arborist report by Kielty Arborist Services revised on March 3, 2017.
4. Approve the use permit subject to the following **project-specific** conditions:
- a. Simultaneous with the submittal of a complete building permit application, the applicant shall submit revised plans showing the furnace relocated from the proposed two-car garage in order to provide the minimum 20 feet by 20 feet unobstructed interior garage dimensions to meet the Zoning Ordinance's parking requirements. The revised plans are subject to the review and approval of the Planning Division.
 - b. Simultaneous with the submittal of a complete building permit application, the applicant shall submit an additional section (or sections) through the garage, in order to verify the interior ceiling and attic heights in this area and demonstrate compliance with the proposed floor area limit (FAL), subject to review and approval of the Planning Division. In particular, section diagrams and dimensions shall be provided to verify interior ceiling height as measured from the finished floor to the ceiling and interior attic height as measured from the top of the ceiling joist to the bottom of the roof sheathing.
 - c. Simultaneous with the submittal of a complete building permit application, the applicant shall submit revised plans showing a one-foot tall lattice on top of the six-foot tall fence along the right, rear and left side property lines, which gives the fence a total of seven feet in height. The revised plans are subject to the review and approval of the Planning Division.
 - d. Simultaneous with the submittal of a complete building permit application, the applicant shall submit the following: 1) revised plans modifying the overall height of the residence by one foot while maintaining the same exterior look as the plans**

reviewed by the Planning Commission on April 10, 2017 and 2) specification sheets for the exterior lighting on the residence, demonstrating that the lights will have minimal glare to the adjacent properties. 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 and lighting specification sheets may be considered at the next Planning Commission meeting. The revised plans and lighting shall be fully approved prior to the issuance of the overall building permit.

F2. Use Permit/Isabelle Cole/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. The property owner has separately applied for a heritage tree removal permit for a heritage redwood in good condition at the right side of the property, approximately halfway between the front and rear property lines. That removal permit has been denied by the City Arborist, and the Environmental Quality Commission (EQC) has upheld the City Arborist's action on appeal. The City Council will separately hear an appeal of the EQC action, tentatively scheduled for April 18, 2017. ([Staff Report #17-018-PC](#))

Chair Strehl said there were many persons present to object to the proposed removal of the heritage redwood tree. She said the Planning Commission had no discretion regarding heritage tree removal and would take no action on it, noting that would be a separate review by the City Council and would occur Tuesday, April 18,

Staff Comment: Associate Planner Corinna Sandmeier said they had received a number of emails about the heritage tree since the staff report was published. She said the arborist report for the use permit application included protection measures for the heritage redwood with the requirement that excavation near the tree be done by hand and that the foundation piers would be placed to avoid large roots found near excavation.

Questions of Staff: Commissioner Onken asked about the status of the actions of the EQC regarding the heritage tree. Associate Planner Sandmeier said the heritage tree removal permit was denied by the City Arborist, and the EQC upheld the denial. She said the consideration of the appeal of the EQC's denial was tentatively scheduled for April 18 before the City Council but the date might change.

Commissioner Barnes asked why the two permits were being run in parallel. Associate Planner Sandmeier said the property owner submitted the heritage tree removal permit application before the use permit application. She said usually those applications were made at the same time but done separately this time as the proposed residence design and construction would not affect the tree.

Replying to Chair Strehl, Associate Planner Sandmeier confirmed that the previous use permit approval for this site was for a two-story residence. Chair Strehl also confirmed that the approved use permit for a two-story did not have a request for a tree removal permit.

Chair Strehl noted the Commission had received a number of email correspondences that was before them for consideration.

Applicant Presentation: Scott Cole, property owner, introduced his wife Isabelle. He said they had lived in Palo Alto for 27 years and were in the process of downsizing. He said their architect was on vacation with her family. He said the structure they were proposing was a contemporary, modern farmhouse. He said they wanted a very light home and to keep it very simple. He said their previous home was a very heavy Mediterranean-style home. He said they liked the neighborhood and had been through a number of design revisions for the project. He said the site has an alley that separated it from neighbors and on the other side of the property were two oaks and a redwood tree that would provide screening. He said the lot was fan shaped and he thought that would give them and their neighbors privacy. He said they bought the property assuming the heritage redwood tree would stay. He said the house was designed to exist with the tree.

Commissioner Onken confirmed the applicant had seen the previously approved design.

Chair Strehl asked why they were trying to get a permit to remove the tree. Ms. Isabelle Cole, property owner, said they bought the property with no intention to remove the tree. She said they were required to get an arborist report and the arborist told them the tree was unstable because it has three dominant co-leaders or three trees growing out of one trunk. She said their arborist and another arborist found the tree was unstable. She said the City Arborist and other arborists agreed on the consequence of the failure of the tree. She said as homeowners that was not a risk they wanted to take.

Chair Strehl opened the public hearing.

Public Comment:

- Katie Hadrovich, Pope Street, said she lived next door to the project property. She said she never received one public notice related to 318 Pope Street for either the previous owner's project or this project proposal. She said her neighbors received a notice the past Saturday about this hearing and she did not receive a notice. She said her concern about the project proposal was this was a very big house for people who were downsizing. She said residents of the existing home were not families and the car parking created logistical problems for her home's parking and access. She said she was concerned with how this home would be parked and if it would be adequate for the number of bedrooms proposed and visitors.

Chair Strehl suggested that staff could follow up on the notification for this project. She said also if they had problems parking because of this property to call the City's Code Enforcement division.

Principal Planner Chow said with every discretionary use permit they notice twice: once when the application is filed with a link to the plans and a request to provide comments if any. She said that was done in the first week after receiving the application. She said for a single-family home application like this the noticing was to all occupants and property owners within a 300-foot radius. She said the second notice was before the public hearing is done and generally sent out 17 days before the actual meeting date. She said they would need to see if there was a glitch if property owners only received those notices the past Saturday. She said the noticing radius was the same. She said they also publish legal notices in the newspaper.

- Gordon Cruikshank, Pope Street, said his home was right across the alley from the project site. He said the tree was one issue. He said one issue he has about the planning of Menlo Park

was more projects maxing out development on lots allowed under code. He said there needed to be a discussion about this. He said he would prefer the project to be one-story. He said he was neutral about the tree and if, and when it failed, he hoped it didn't fall onto his property.

- Joe Ashton, Laurel Avenue, said his property was behind the proposed project. He said they and his neighbors use the alleyway and several homes have garages or driveways in the back. He said he expected the alley would get blocked by this project, noting that had happened before when people used the area for parking. He said they got a letter from the property owners identifying themselves as empty nesters. He said he had just gotten the letter with what was being proposed a couple of days ago and the project would be 3,200 square feet with five bathrooms. He said such a structure didn't fit within their little community and the parking situation from this project could get out of control. He said they were really concerned with the massiveness of the structure.
- Scott Marshall, O'Connor Street, said he is an Environmental Quality Commissioner and had been one of the Commissioners at the meeting when they denied the tree removal permit. He said the proposed design was within six feet of the redwood tree and that meant the tree would be destroyed. He said that the design should protect the heritage tree. He was concerned that approving this design would set a precedent for others that they could build and remove healthy heritage trees doing a similar process.
- Robert Brooks, Pine Street, said he looked at the tree today and had never seen a healthier tree. He said it was the most dominant tree in the treescape and made for a beautiful treescape. He said it would be a shame to lose it and every accommodation to save it would be in order.

Chair Strehl closed the public hearing.

Commission Comment: Commissioner Onken said he would like the applicants to discuss safeguards for the tree and to clarify they were keeping the existing garage and not building a new garage. He asked how the access and parking affected their planning.

Mr. Cole said the first issue was whether the project design conformed to having a tree next to the home. He said the design assumed the tree's presence. He said the project design prior to theirs for this site also had to honor a very large tree next to the house and it was approved. Ms. Cole said the idea raised by one of the speakers that they bought this property to get around the heritage tree ordinance was untrue and the issue was safety concerns related to the stability of the tree.

Commissioner Kahle noted a notch within the kitchen on the site plan. He asked if the notch was made to get the house farther away from the tree or whether it could be enlarged even more to move the house even farther away from the tree. Mr. Cole said he would have to ask his architect.

Replying to Commissioner Combs, Principal Planner Chow said that ordinarily heritage tree permit applications and use permit applications were made concurrently. She said in this instance the use permit application included the tree and had preservation measures to protect it. She said she recalled one instance some years prior that involved a heritage redwood tree that was located in the center of a property and was reviewed by the City Council as to whether the house should be designed around it or whether the house could be approved as proposed. She said a third party

architect was used and the Planning Commission had to consider alternative designs based on keeping the tree.

Chair Strehl confirmed with staff that the staff report did not include the City Arborist's report. Principal Planner Chow said the applicant's arborist report was included and the City Arborist had reviewed it. Chair Strehl said the City Arborist did not concur with the applicant's arborist report. Principal Planner Chow said in the applicant's arborist report in the packet the tree was to remain and they concurred with the tree protection measures. Chair Strehl said the applicant's arborist report indicated the tree was in poor form and poor condition. Associate Planner Sandmeier said the City Arborist found the tree to be in good condition and when reviewing the project arborist report he reviewed whether the tree protection measures were adequate. She said she did not think he commented on the grading for each of the trees.

Commissioner Barnes said the community concern was that should the tree remain and the house get constructed as proposed that the damage to the roots and tree would be irreparable. He noted Mr. Marshall's assertion that a tree being six feet away from new construction was problematic. He said he wanted assurance from staff that the distance as proposed was not only appropriate but best practices for construction. Associate Planner Sandmeier said that the information was from the City Arborist and he indicated that the tree would not be harmed by the construction. Commissioner Barnes confirmed with staff that her response included the correctness of the construction techniques for this project for tree protection.

Commissioner Barnes asked about liability should the tree fall. Principal Planner Chow said that she could not answer and that would be a question for the City Attorney. She said the two arborists who reviewed indicated the best construction method to preserve the tree was to do hand excavation and to then determine best place for laying the foundation based on root location – she recited the specific findings related to the latter.

Commissioner Combs said he would be most comfortable continuing this item because of the contingency of the heritage tree removal permit application.

Commissioner Onken said he could ignore the tree permit as this was not within the Commission's remit. He said it had been explained that the home was not contingent upon the removal of the tree. He said he was fine with letting the tree removal permit go through the City's channels. He said he appreciated the neighbors' concerns with the project noting there had been issues with the alley. He said the Commission looked at project designs so as not to exacerbate issues with the alley problems. He said the comments on empty nesters and the number of bathrooms were of no concern to the Commission. He said the project was before the Commission because of a substandard lot and the house design had to fit better on the lot. He said he thought the previously approved project fit better. He said this house was taller because of the flood zone but the footprint was rectangular and kind of graceless. He said regardless of the tree he would like the project continued to redesign to fit the lot better.

Commissioner Kahle said it was not the Commission's business who would occupy a home upon construction. He said it was hard to separate the issue of the tree from the use permit application. He said he thought it would make sense to continue the item until the tree issue was decided. He said regarding the proposed house design that he appreciated the nine-foot and eight-foot ceilings on the first and second floor and the massing from the front. He said the house did feel tall and his biggest concern with the curved frontage was the very visible view of the right side as he thought it

would look like a monolithic wall. He said he had some concerns with four different roof pitches and two different roof materials as it felt disorganized and could be refined better. He said the front elevation was very nice. He said if possible he would like the height reduced. He said he would support a motion to continue.

Commissioner Combs moved that the item be continued until City Council has made a decision about the removal of the heritage tree. He said he was open to additional direction. Commissioner Kahle said he would second the motion to continue with the direction that the applicant look at the siting of the house on the property and the overall appearance of the house,

Chair Strehl asked how long the continuance would take to come back to the Commission. Principal Planner Chow said they would need to confer with the applicants to see how soon their team could do revised plans and staff would then review. She said they were projecting out a month or two for Planning Commission meetings with known items. She said it could be at least a couple of months.

ACTION: Motion and second (Combs/Kahle) to continue the item with the following direction; passes 5-0 with Commissioners Goodhue and Riggs absent.

- Return after heritage removal permit appeal has been decided upon by City Council
- Redesign the project to fit on the site better and to look at the overall appearance of the house including:
 - Right side elevation and monolithic feeling wall
 - Roof design (too much variation in pitches and materials)
 - Height (lower if possible)

Chair Strehl suggested in the future that if there was a pending appeal of a heritage tree permit application denial to have a decision on that before the use permit was considered by the Planning Commission.

G. Informational Items

Chair Strehl recognized Mr. Edward Cuy to make general public comment on a matter not on the agenda.

- Edward Cuy said he was a Green Party activist and humanitarian and wanted to speak about homelessness. He said he had moved out of the Menlo Park area to Contra Costa County and now lived in Redwood City downtown. He said that city was building and creating congestion and gridlock. He said the City of Palo Alto made no response to his suggestion for a campground where homeless people could pitch RVs and tents. He said that some level of supervision would be needed.

Chair Strehl suggested to Mr. Cuy to speak to the City Council at one of its regular meetings.

G1. Future Planning Commission Meeting Schedule

- Regular Meeting: April 24, 2017

Principal Planner Chow said the April 24 meeting had a full agenda with a number of single-family

home development projects and a two-unit project.

Principal Planner Chow said there were two potential study sessions in May.

- Regular Meeting: May 8, 2017
- Regular Meeting: May 22, 2017

H. Adjournment

Chair Strehl adjourned the meeting at 8:30 p.m.

Staff Liaison: Deanna Chow, Principal Planner

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on May 8, 2017