



## REGULAR MEETING MINUTES

**Date:** 5/8/2017  
**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), Larry Kahle, John Onken, Henry Riggs, Katherine Strehl (Chair)

Absent: Susan Goodhue

Staff: Arnold Mammarella, Architectural Consultant; Corinna Sandmeier, Associate Planner; Ori Paz, Planning Technician; Thomas Rogers, Principal Planner; Tom Smith, Associate Planner

### C. Reports and Announcements

Principal Planner Thomas Rogers said the City Council at its May 2, 2017 meeting heard a proposal to improve electrical vehicle charger requirements citywide and gave general support to proceed with a more detailed proposal. He said regarding that Menlo Gateway project that there was an agreement to share in the costs of the Chrysler Drive pump station.

### D. Public Comment

There was none.

### E. Consent Calendar

- E1. Approval of minutes from the April 10, 2017, Planning Commission meeting. ([Attachment](#))

**ACTION:** Motion and second (John Onken/Drew Combs) to approve the minutes with the following modification; passes 5-0 with Commissioner Henry Riggs abstaining and Commissioner Susan Goodhue absent.

- Page 8, 1<sup>st</sup> full bullet, 1<sup>st</sup> line: Replace “Laurel Street” with “Laurel Avenue”

### F. Public Hearing

- F1. Use Permit/Sarah Potter/207 Oakhurst Place:

Request for a use permit to partially demolish, remodel, and add a second story addition to an existing single-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 #17-024-PC)

Chair Strehl noted that Commissioner Larry Kahle would recuse himself from consideration of this item due to the project site's proximity to his property.

Staff Comment: Principal Planner Rogers noted he was covering this item for Associate Planner Kaitie Meador. He said there were no additions to the staff report.

Applicant Presentation: Ms. Sarah Potter, project designer, said the proposal was to add a small second story to the existing one-story home. She said they had talked to neighbors and one neighbor's concern was about her solar panels and whether a second story next door would have an impact on them. She said they talked to the supplier of the solar panels and were assured that that the proposed second story addition was far enough away to preclude impact on the neighbor's solar panels.

Chair Strehl opened the public hearing.

Public Comment: Mattie Gatien, Greenwood Drive, said she would like a copy of the solar study referred to in the packet.

Chair Strehl closed the public hearing.

Commission Comment: Chair Strehl asked if there was a study that could be provided to the neighbor who spoke. Ms. Potter said it was an email between her and Peterson Dean, the solar provider, and she provided a copy to Ms. Meador with the intent of it being shared with the neighbor. She said she would provide the neighbor with a copy.

Replying to Chair Strehl, Principal Planner Rogers said he had not seen the email. He said the second story addition was extremely modest in size and completely within the daylight plane, which requirements comprehensively protected neighbors' solar access.

Commissioner Onken said this was a good example of a transitional two-story project in a one-story neighborhood in that it maintained the ranch home feeling of the neighborhood while adding a modest extension. He said the roofline was a bit awkward but he appreciated that half the home had hip and the other gable. He said the zoning regulations did not address solar panel access on roofs and suggested that might be a future discussion.

Commissioner Andrew Barnes said the project was very acceptable. He said the second floor was somewhat abrupt due to the existing structure but approvable. Commissioner Riggs said he agreed with Commissioner Barnes' comments and added that once built the project would look fine. He moved to approve the project as recommended in the staff report. Commissioner Combs seconded the motion noting the addition was very modest. He said the area was experiencing a transition from one-story to two-story homes, and this project fit well within that transition.

**ACTION:** Motion and second (Riggs/Combs) to approve the item as recommended in the staff report; passes 5-0-1-1 with Commissioner Kahle recused and Commissioner Goodhue absent.

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 Clearstory Construction, consisting of nine plan sheets, dated received on April 13, 2017, and approved by the Planning Commission on May 8, 2017, 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.

Commissioner Kahle returned to the dais.

- F2. Use Permit/Bryan Baskin/857 College Avenue:  
Request for a use permit to demolish an existing one-story single-family residence and construct a new two-story single-family residence on a substandard lot with respect to lot width in the R-1-U (Residential Urban) zoning district. ([Staff Report #17-025-PC](#))

Staff Comment: Associate Planner Corinna Sandmeier said the neighbor at 866 College Avenue had emailed about the project and that had been forwarded to the Commission and was available for the public at the back table.

Questions of Staff: Commissioner Kahle said on the survey he did not see neighbors' adjacent structures on the left side. Associate Planner Sandmeier said adjacent structures were not required in the survey. She said they were shown in the area plan on Sheet A0.00. Commissioner Kahle said that the City has a handout for surveyors and he believed one of the required items was to show adjacent structures. Associate Planner Sandmeier indicated she did not have that handout currently and noted that they required it on the area plan and not necessarily on the survey.

Commissioner Barnes asked what triggered two covered parking spaces. Associate Planner Sandmeier said the parking requirement for single-family residences was two off street spaces, one of which had to be covered, and that was irrespective of square footage.

Applicant Presentation: Mr. Dan Spiegel said he was the project architect and was a longtime acquaintance of the property owner Bryan Baskin. He read an excerpt from the project description. *The project was designed to take advantage of the natural setting with particular focus on climate, landscape, lighting, ventilation and energy efficiency. He said structures were arranged to be inward facing with views toward a communal courtyard and away from neighbors' properties. He said the massing was arranged to reduce the bulk of the building from the street facing side and for neighbors walking on College Avenue to experience the trees.* He said the design drew from traditional California architecture including farmhouse, ranch and courtyard, notably Eichlers. He said the primary form was the pitched roof farmhouse. He said at its core this was a modern home that drew influence from traditional and vernacular forms of the region.

Commissioner Kahle asked about the horizontal siding. Mr. Spiegel said it was a specialized Hardy siding called Artisan that allowed for mitered corner details and painting. Commissioner Kahle asked about the modern elements of the design noting Salt Box and Cape Cod homes. Mr. Spiegel said the modern element was how the spaces were arranged. He said the difference from a modern, contemporary house was that this design drew from a vernacular of a pitched roof house typical of the area before ranch homes. He said the design was not unrelated to the east coast designs but was more open in the interior and drawing from the courtyard style of Eichlers.

Commissioner Kahle said he met with a neighbor who had concerns with two windows facing her second floor bedroom. Mr. Spiegel said they had reviewed the neighbor's email. He said they had provided that neighbor a scheme earlier before applying with this scheme, which removed based on feedback 40% of the windows on the second story facing the neighbor's direction. He said they also pushed the mass as far to the opposite side as they could to privilege the existing windows on the neighbor's house. He said one of the windows of concern was in the master bedroom which was set 10-foot beyond the perimeter of the neighbor's house and the other window was in the corridor and was not a living space. Commissioner Kahle said the neighbor's suggestion was to raise the sill of those two windows and/or add some landscaping. Mr. Baskin said raising the sill was not feasible due to where the pitch roof would sit. He said there was fairly dense vegetation between the two properties and they were not against adding more greenery. Commissioner Kahle said the neighbor noted the landscaping was primarily on her side and her hope was the applicant would be willing to add more on the project side. Mr. Spiegel said the neighbor's plants

grow over onto the project site and that created a less than ideal planting area. He said the condition was different from what was described in the neighbor's letter. Commissioner Kahle said he did not understand why the window sills could not be raised. Mr. Spiegel said they could raise the bottoms of the windows but not the tops. He said they did not want expansive views from that corridor but wanted sufficient natural light.

Commissioner Onken said on the front elevation two shutters seemed to be shown on either side of the front windows and asked if those were sliding. Mr. Spiegel said they were. Commissioner Onken asked about window trim. Mr. Spiegel said the narrowest trim was being used and that the specialized Hardy siding was being used to provide such details. Commissioner Onken confirmed Mr. Spiegel was the architect for a home on Cotton Street.

Commissioner Barnes asked if they had thought about other locations for the uncovered parking space. Mr. Spiegel said they studied a number of versions. He said the basis for its location was when not in use it wasn't a large patch of asphalt visible from the street but a space that blended in with the landscaping and the comprehensive design of the house and to pull the house forward to provide privacy for neighbor's backyards.

Commissioner Riggs asked about the ginkgo tree in the courtyard and how big it was. Mr. Spiegel said he was not an expert on trees but he would like a 12 to 15 foot tall tree to provide foliage. Commissioner Riggs said that would be a big tree to plant and commented that the neighbor would appreciate such screening. Commissioner Riggs said he was looking at photos of the space between the house and fence and didn't see the evidence of planting growth from the neighbor's site that Mr. Spiegel had mentioned. Mr. Spiegel said they had received the neighbor's comment a few days ago. He said they had new photos of the area in question, and provided those to the Commission to look at. Commissioner Riggs noted that the growth did not show in the black and white photos. Commissioner Riggs asked about the vinyl windows being proposed. Mr. Spiegel said windows would be Anderson 400s. He said he believed it was vinyl clad exterior and wood frame interior. Commissioner Riggs said Anderson 200 or 400 was fine with him.

Chair Strehl opened the public hearing.

Public Comment:

- Ms. Bronwyn Dobberstein said she lived across the street from the subject property. She said this house was the last in the neighborhood to be replaced. She said she and her husband had reviewed the plans in depth and thought the home as proposed was beautiful and would add curb appeal. She said they had no complaints about the proposal and were pleased with young families living on their block.
- Carlton Willey, College Avenue, said he enthusiastically supported the applicant's project and thought the project would be a great asset to the neighborhood. He provided a short written comment to staff.
- Laura Low Kee, College Avenue, said she and her family supported the proposed project, which they thought was beautiful.
- Greg Lucas, College Avenue, said he also supported the proposed project noting that the applicants had responded to feedback as the plans developed.

- Kathy Baskin said she was the applicant's mother. She said he met with neighbors and done all he could to be a good neighbor with this project proposal.

Chair Strehl closed the public hearing.

Commission Comment: Commissioner Onken said he thought the windows (105 and 106) that the neighbor at 865 College Avenue was concerned about were fairly insignificant given comments received on other projects' with side facing windows. He said they were twenty-seven feet away from the neighbor and fairly small with one in a hallway and the other in the master bedroom, which was not directly across from the neighbor's building. He said he was surprised the neighbor to the north had not commented noting that 13 feet eight inches away were two bedrooms and their only aspect was directly to the neighbor. He said there was evergreen screening there and wanted to remind the project applicant they would need to think carefully about window coverings there.

Commissioner Kahle said he loved the simplicity of the design and thought the Artisan siding would add to the design. He said he had a concern that the project was at the maximum height of 28-feet with the roof pitch and the floor height. He said as mentioned the windows on the northeast side were very close to the adjacent neighbor. He said keeping in mind the simplicity of the design that the windows on that side could use more order in terms of placement and height. He suggested that those be considered as the plans were refined. He said he visited the neighbor's house which was why he asked about the survey as he did not believe the drawing adequately depicted what was happening next door. He said he appreciated the new photos which supported the need for additional screening and raising the sill heights of the master bedroom window.

Commissioner Riggs said that they had seen other projects by this architect and they were well thought out projects. He said he thought the windows were fine, noting that was landscaping on the sides. He said the 12 by 12 roof pitch was the reason for the maximum 28-foot height and was the least disruptive in terms of wall height and a handsome proportion that was not seen very often. He moved to approve as recommended in the staff report.

Commissioner Barnes said he supported expanding homes. He questioned a 3,000 square foot five bedroom home however on a very narrow lot. He said should the home have a new owner in the future that he feared the use of the uncovered parking, which would then dominate two views. He said with so much square footage available he was having a hard time understanding why some interior parking could not have been accommodated.

Chair Strehl said she did not like the parking configuration but the project was within code.

Commissioner Onken seconded the motion. He reminded the applicant that if he planted a 48-inch ginkgo tree to make sure of its sex as fruiting ginkgoes were becoming a problem in the area.

Commissioner Combs said he supported the project noting it was well designed and had the community's support.

**ACTION:** Motion and second (Riggs/Onken) to approve the item as recommended in the staff report; passes 5-1, with Commissioner Barnes opposing and Commissioner Goodhue 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 Spiegel Aihara Workshop, consisting of 17 plan sheets, dated received April 5, 2017, and approved by the Planning Commission on May 8, 2017, 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 and street trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance and the arborist report by Kielty Arborist Services, LLC dated revised April 4, 2017.
- F3. Use Permit/Ken Friedman/953 Hobart Street:  
Request for a use permit to demolish a single-story, single family residence and construct a new two-story single family residence with a basement on a substandard lot with respect to lot width in

the R-1-S (Single-Family Suburban) zoning district. The proposal includes excavation in the required right side and rear yard setbacks associated with light wells for the basement. As part of the proposed development, four heritage trees are proposed to be removed: a 16-inch plum (poor condition), a 28-inch date palm (good condition), a 15-inch yucca (poor condition) and an 18-inch oleander (fair condition). (Staff Report #17-026-PC)

Staff Comment: Planning Technician Ori Paz said that additional sheets were provided to the Commission and public noting that there had been changes to the floor plan since the release of the staff report. He referred to the basement and noted that what was once an office and a library were now bedrooms, and that one of the full baths in the basement was now a closet. He said the library in the rear of the first story was now also a bedroom and the bathrooms and bedrooms on the second floor were relabeled. He said an inconsistency between the agenda and the staff report was that five heritage trees were being applied for removal and not four. He said the staff report was accurate in listing five trees.

Questions of Staff: Commissioner Kahle asked about a survey noting that the property on the left of the subject property was not adequately drawn. He said that requirement should be made of all second-story applications. He said there was a stairway in front of the garage with a glass rail and asked if staff had concerns about the front of the proposed house. Planning Technician Paz said at the time of the building permit the stairwell would be reviewed in more detail. He said at the front of the property was a seven foot wall so visibility of the glass rail would be limited to anytime the gate was open and would be at an indirect angle to a passerby. Commissioner Kahle said the right light well was encroaching 12-inches into the setback. He said that might need to be an exit light well in which case it needed to be larger than the 12-inch encroachment. He suggested that was something that needed to be double checked by the building department. He also noted removal of one bathroom. He said in the original application there were 10 bedrooms with 10 bathrooms. He asked if the City had any concern regarding the number of bathrooms and/or water usage. Principal Planner Rogers said that neither the number of bathrooms nor water usage was part of the zoning code. He said water rates would increase if more water was used. He said parking was regulated partly through overnight on street parking limits. Replying to Commissioner Kahle, Principal Planner Rogers said he did not remember the Planning Commission ever imposing limits on the number of bathrooms or bedrooms.

Chair Strehl said she met with the applicant to review the plans prior to the meeting.

Applicant Presentation: Mr. Ken Friedman said he was the owner of the property. He said he sent letters about the project to everyone within 350-feet to provide an opportunity to meet with him to discuss the project. He said he met with two neighbors and left the meeting thinking one person supported the project but found out later she did not. He said it was a six-bedroom home and the numbers could be changed. He said the cost of the land was substantial and he could not guarantee he would live in Menlo Park until he died, and that he needed to look at resale value.

Commissioner Onken said there was a single line at the top of the stucco. Mr. Lewis Butler, project architect, said it was important to them to not have metal flashings on top of the walls. He said the key to this project was great stucco execution and great window to stucco details. He said they had to flash below the stucco and slope to drain below the stucco, and that was why there was no second line shown.



Chair Strehl opened the public hearing.

Public Comment:

- Hanna Poplawski, Hobart Street, said she was the neighbor to the left of the project site. She was very concerned with the impacts of the project on her outdoor living space and the replacement of the garage that would block her living room window. She said the new lap pool would be five feet from the fence and directly across from her patio, her outdoor living space, and questioned legality of the pool being so close to the fence. She said the pool barbecue would be close to her living room. She said the wall on the first floor would be glass and the second floor master bedroom large window would look into her master bathroom and part of her bedroom. She said she felt that all of her privacy would be taken by this future neighbor and her calm would be disrupted by the pool noise and barbecue smell. She said when she remodeled she took her neighbor's privacy into consideration.
- Aline Young, Hobart Street, said her property was on the right side of the subject property. She said her home was U-shaped and the bottom of the U faced the subject property. She said in front of that was a courtyard that took up most of the interior of the U. She said the bottom part of the U was mostly glass with two sets of sliding glass doors and a hallway with a large paned window. She said her concerns were with the proposed project's second floor due to the toilet window in the master bathroom that would look into her courtyard, noting it was a very low window. She requested it be raised as it faced her breakfast nook and sliding glass door. She suggested it might be a clerestory window to ensure her privacy. She said the meeting with the property owner and another property owner across the street was very informative. She said the left side of the new home would extend further into her courtyard than she was told with the second story going to the middle of her courtyard and a very large balcony, 11 by 13 feet, outside the master bedroom extended almost all the way to the end of her courtyard. She said her major concern was privacy. She said if the balcony was not eliminated her desire was that it be smaller. She said she appreciated the applicant's rights noting her home was one-story and that there were trees on her property but the second story would extend beyond the screening provided by those trees. She said she would like mandated landscaping that was monitored for compliance.

Chair Strehl closed the public hearing.

Commission Comment: Commissioner Onken said the applicant had done a study session with the Commission to develop a design. He said the neighbors had identified a number of things that could be addressed without jeopardizing the application itself. He suggested that the larger part of the L-shaped master bedroom window on the second floor could be transposed to the rear where it would create much less nuisance or at least perception of nuisance. He said regarding the neighbor to the north he saw no harm in moving the master toilet window or varying its size slightly to create less of a perceived nuisance. He said he thought the new second story was far enough away from the neighbor's courtyard given the proximity of other homes.

Commissioner Kahle said he thought the design was dynamic and unique. He said he agreed with Commissioner Onken that the second story detail was critical. He said one solution was to run the stucco up over a parapet to protect it. He said he had concerns with window placement noting the bedroom window to the left seemed unbalanced. He encouraged the applicant to give more thought to the window placement. He said even with the elimination of one toilet there were nine in

the home. He said the neighbors' privacy had not been given adequate consideration. He said that went back to the survey as he did not think the site plan was accurate. He said visiting the site from the street you see an open courtyard to the left property where there was a pool. He said the second story was very invasive and that it was 13 feet off the ground and fairly high. He said the balcony was large and potentially invasive. He said he had concerns with the project's impact to the neighbor on the right as well. He said he could support the project if more attention was given to the balcony and the windows facing the adjacent right property.

Chair Strehl noted the second story bedroom windows were 23 feet away from the property line. She said the neighboring property had a pool next to the proposed pool at the subject property. She said she thought the master bedroom was quite some distance from the right side neighbor.

Commissioner Riggs said the project design was very strong and would be most optimal on a larger parcel. He said that privacy was the key issue. He said he hoped this could be addressed with evergreen landscaping particularly for the master bedroom. He said he would like to know what type of glass would be used in the stairwell window that would face west. He said the privacy issues from the master bedroom window, the stair window, the water closet window, and the position of the balcony would require that landscape screening be placed on one side or the other. He said the plan seems to be for a bed and breakfast. He asked if the architect would address the glazing.

Mr. Butler said regarding the stairwell, master bedroom and master bathrooms windows that the house on the second story was pulled in from all sides. He said the second story was a bit harder on the street as that was the north side. He said the massing was pulled back from all the other three sides. He said they expected to treat privacy with landscaping as the windows were very far back from the property line. He said all the windows would have window coverings. He said the stairwell window was meant as a "Wow" window and it would need to be laminated with uvb and uva treatment. Commissioner Riggs said the infrared load would be great which Mr. Butler acknowledged as fairly large and they would engineer for that, noting that was an energy issue more than a privacy issue. Commissioner Riggs said he would like to see what the landscaping proposal was to address in particular the three windows under discussion. Commissioner Riggs said the window to skylight was an integral part of the design and it would be good for the Commission to know whether that would revert to a conventional window head noting they had had at least two projects come back indicating skylights were expensive and wanting to do the project less expensively. He said he understood how a window head could be created to be a skylight frame but questioned how the skylight would be drained. Mr. Butler said for the skylight detail you used thick glass at least ½-inch and run the top piece of glass past the bottom slightly to create a drip edge and bevel the end piece of glass to create that drip edge. He said it was an eave on the glass.

Chair Strehl asked when a study session was held on the project. Planning Technician Paz said to his knowledge there had not been a study session.

Commissioner Combs said he met with the applicant, Mr. Friedman, a couple of weeks past, to see the house plans. He said he was not a fan of the design. He said a contemporary design house was across the street from this one and he was not a fan of that design either. He said it was a big house on a street with many other big houses so he was not concerned with the size or the number of bathrooms. He said he was not concerned this might become a bed and breakfast. He said he heard the neighbors' concerns but did not know if that should be burdened onto this

property noting Chair Strehl's observations on the significant distance between structures. He said in general he was supportive but would support some modifications as suggested by other Commissioner.

Commissioner Kahle moved to approve the project with additional conditions. He said he would like a more accurate plan of the neighbors' structure whether that was a survey or more architectural detail as to what was affected on either side. He said a landscape plan was needed to see what would be provided for screening on either side. He said lastly for the applicant and architect to consider comments about windows both on the side and front and possibly even for the balcony itself. He said this was not to continue the project but to approve with the conditions for the review and approval of Planning. Commissioner Riggs said this was a good motion. He said regarding the neighbor's concern about loss of light because of the garage placement that the garage was one-story and really should not affect the light, noting it was within the daylight plane. He said the massing was sensitive. He seconded the motion.

Commissioner Onken said the fenestration had been carefully placed and wondered if the architect would consider changes to them. Mr. Butler said that they could change the master bedroom window and he liked the suggestion of the clockwise rotation of the L of it. He said that would have solar gain negatives but privacy positives. Mr. Friedman said he was amenable to making changes but noted his wife was struggling with illness and solar access to the bedroom was important as she needed to spend a great deal of her time there.

Commissioner Riggs said he had listed the balcony as well as the windows in terms of landscape screening. He asked if that was included in Commissioner Kahle's motion. Commissioner Kahle said it was. Commissioner Kahle said the applicant had submitted some late revisions and were not completely satisfied with those so he wanted to make that a reason this could be considered by the staff.

Responding to Chair Strehl, Principal Planner Rogers asked if the review and approval was staff's to make or if they wanted the email memo process where the Planning Commission gets to see what staff's decisions were. Chair Strehl noted from the nods of Commissioners that the preference was for email memo conformance.

**ACTION:** Motion and second (Kahle/Riggs to approve the project with the following conditions; passes 5-0-1-1-1, with Commissioner Goodhue 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 Butler Armsden Architects, consisting of 17 plan sheets, dated received April 26, 2017, and

approved by the Planning Commission on May 8, 2017, 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 and street trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance and the arborist report by Mayne Tree Expert Company, Inc. dated August 5, 2016.

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

- a. ***Simultaneous with the submittal of a complete building permit application, the applicant shall submit the following: 1) a revised survey noting the locations of the adjacent neighboring residences and update the site plan and area plan; 2) provide a landscape plan showing proposed screening; and 3) propose modifications to the windows and balcony to reflect consideration of Commissioner discussion. 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 be considered at the next Planning Commission meeting. The revised plans shall be fully approved prior to the issuance of the overall building permit.***

- F4. Use Permit Revision/Justin Young/435 University Drive:  
Request for a use permit to make exterior changes to an existing residence on a substandard lot with regard to lot width and lot area in the R-1-U (Single-Family Urban Residential) zoning district. The project received a use permit on February 22, 2016 to partially demolish, remodel, and

construct first- and second-story additions to an existing single-story, single-family residence.  
([Staff Report #17-027-PC](#))

Staff Comment: Associate Planner Tom Smith said a letter of support was received after the publication of the staff report and was sent to Commissioners last Friday by email.

Applicant Presentation: Ms. Karen Zak, project architect, said the property owners were doctors with small children and had asked her to come represent them this evening. She said the main change was on the first story windows. She said in the rear on the kitchen there had been three windows and in the family room two windows. She said the change was two windows in the kitchen and three windows in the family room. She said they wanted to relocate the fireplace from the family room to the living room which was where it had been located previously. She said in doing that they realized they had a wonderful wall and they wanted more glass on it. She said they talked to her as the neighbor and other neighbors, and they all thought this was a prettier design. She said the garage door changed, they added divided lights and they changed the siding in response to the proliferation of the white board and bat houses in the area. She said they did a nice detail of an Artisan siding with the mitered corners. She said they also had to relocate a furnace from the garage to under the stairway. She said there were two small doors added under the stairway bumpout. She said it was behind her garage and was not visible from any vantage point.

Commissioner Combs said the staff report indicated the work was done without seeking a revision to the permit because of miscommunication and misstatement, but that Ms. Zak seemed to indicate the changes evolved during the construction. Ms. Zak agreed. She said she told the property owners in December that they would need to get a use permit for the changes. Commissioner Combs said the applicants did not stop the process and deviated from what had been approved by the Planning Commission.

Associate Planner Smith said the applicant had been very forthcoming about the changes that were made. He said once they realized there were things that had not been communicated, they had come in and met with staff to discuss. He said they started working on a use permit revision at that time.

Commissioner Combs said that being forthcoming was one thing but that within government constructs there was typically penalty for not following the rules. He raised the issue of the BBC and the shed doors that were explicitly not to be installed but which were installed anyway. He questioned the purpose of a Planning Commission if people could do whatever they wanted after project approval. He said he would not support this change.

Principal Planner Rogers said there were statutory penalties in the building permit process and fees could be doubled for work done without a permit. He said they could follow up on that. He said if the Commission had interest in some kind of penalties for unpermitted work that best would be on a comprehensive basis. He said many things did not through the use permit process so if it was really an issue it should be dealt with more comprehensively. He said the Commission did not have to approve the changes if there were issues they found with the changes. He encouraged them to focus on the plans.

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

Commission Comment: Commissioner Kahle said he shared Commissioner Combs' frustration to consider changes that were already in place and alternatively to tell the applicants to tear them out and do again. He said he thought there should be a fine for such projects that came for approval after doing the work. He said he had a project for which there were changes and he had gotten approval before making them. He said in this case the revision was better than the original design.

Commissioner Riggs said he understood Commissioners' concerns with applicants who make changes noting his frustrations with those changes that cheapen the building or get rid of trees the applicants just think are in the way. He said in every way the proposal was a better building. He said he would support the use permit but not any penalties. He moved to approve the use permit as recommended in the staff report.

Commissioner Barnes said it was a burden to have a substandard lot and go through a use permit process and then have to do again whereas other properties in Menlo Park did not have such a burden.

Commissioner Onken seconded the motion. He said he did not see much change from what was originally approved.

**ACTION:** Motion and second (Riggs/Onken) to approve the item as recommended in the staff report; passes 5-0-1-1 with Commissioner Combs abstaining and Commissioner Goodhue absent.

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 Zak Johnson Architects, consisting of nine plan sheets, dated received on April 20, 2017, and approved by the Planning Commission on May 8, 2017, 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. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance.

- F5. Pre-Zoning, Rezoning, General Plan Amendment, Tentative Map, Use Permit, Architectural Control, and Environmental Review/Leland Stanford Junior University/2111-2121 Sand Hill Road  
*Continued to a future meeting. New notices will be published and mailed when that meeting is scheduled.*

## **G. Study Session**

- G1. Architectural Control/Ranjeet Pancholy/115 El Camino Real:  
Request for a study session for the demolition of an existing hotel and construction of a three-story, mixed-use development with commercial uses on the ground floor and a total of four residential units on the upper floors in the SP-ECR/D (El Camino Real/Downtown Specific Plan) zoning district. (Staff Report #17-028-PC)

Staff Comment: Principal Planner Rogers said they had received an email from former Planning Commissioner Kadvany noting he was supportive and questioning whether the windows of the residences would be open. He introduced Arnold Mammarella, Architectural Consultant.

Applicant Presentation: Mr. Ranjeet Pancholy introduced his wife noting they were the owners of 115 El Camino Real, which existing building was a 1940s building and past repair. He said they and their family would occupy the top floor residential units.

Mr. Arvind Iyer, project architect, said this was a mixed use project with commercial on the first story, three residential units on the second floor with one additional residential unit on top. He said the building had mainly glass as it was on El Camino Real. He said the third floor would be stepped back and the second floor would be modulated as required by the Specific Plan.

Mr. Pancholy noted the site was bordered by three streets and it was a challenge to provide parking but they had accomplished that. Replying to Chair Strehl, Mr. Pancholy said they had received Mr. Kadvany's comment just that day.

Commissioner Kahle noted that the right side ground floor office space was glass and asked why as it faced the wall of the neighboring building. Mr. Pancholy said his wife has a natural health practice, the practice would be in that office and they wanted as much sunlight coming in as possible.

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

Commission Questions: Commissioner Onken asked if the parking calculations could be clarified. Principal Planner Rogers said the parking calculation on the cover sheet was not correct. He said that there had been discussions and that would be resolved through the application process.

Commissioner Onken said he thought it might be possible for only one stair to the residences if they did not go through the lobby. He asked if there was a known use for the remaining office on the first floor.

Mr. Pancholy said the parking was based on four spaces per 1,000 square feet and they would have seven spaces for the commercial use.

Replying to Commissioner Kahle, Architectural Consultant Mammarella said Ms. Lin and Mr.

Rogers had requested his assistance with this project in terms of compliance with the rules and guidelines of the Specific Plan and to help the architect and owner work on their plan.

Commissioner Kahle said the entry doors were not recessed on the first floor plan along El Camino Real. Mr. Mammarella said that was open to comment.

Replying to Commissioner Combs, Principal Planner Rogers said staff did not necessarily direct applicants toward any particular style but provided guidance for whatever style was selected so that it would have some relationship to the surrounding environment and be executed with attention to proportion and balance. He noted that they had gone through a series of iterations with the applicant and thought it was a good idea to have the Commission look at the proposal with a fresh perspective.

Mrs. Pancholy said they were not big developers and this was their retirement property. She said with the Specific Plan they had gone through a lot of changes to their plan and had spent much more money than they needed to. She said it was not their choice and the building was very different looking from what she had wanted.

Commissioner Kahle said overall the project was great. He said the terraces for the second floor were too big and the terrace on the top floor was massive. He said the third floor terraces were overkill. He said the balcony over the entry and the sidewalk seemed inappropriate. He said the materials board was a good start but was concerned with the heavy texture of the siding and the terra cotta panels. He said the materials and massing needed to be thought through more carefully as to how they would go together. He said as alluded to in the staff report that the tall stair tower on the Harvard Street side was overpowering and probably unnecessary given his earlier concerns about the roof terrace. He said each of the volumes have a really tall forehead due to a large expanse of material over the windows. He said on the floor plan itself that the middle floor residential units seemed chopped up with only a four foot hallway separating them. He said he would encourage them to consider the approved large Stanford project across the street and its relationship to this project.

Commissioner Riggs said square slate boxes did not add anything to past projects on El Camino Real. He said he had concerns with the materials proposed noting that the Hardee siding would not work. He said the layout of the residential units was challenging for furnishing. He said the project would benefit from a restart.

Commissioner Onken said the project's use of the site was appropriate for the future of El Camino Real with parking in the back and not having a sea of parking and with its mass to the front with a variety of masses across the front. He said he shared concerns about the materials as they could be better quality and better proportioned for the windows and overall mass. He cautioned to be careful with tinted glass on upstairs windows as its use could be subtle and sophisticated or funny looking.

Commissioner Kahle asked if other Commissioners had concerns about the terraces and balcony noting particularly those facing adjacent residences, and noted considerable head nodding. Commissioner Barnes said the terraces and balconies were proportionally wrong. Commissioner Onken said that large upstairs terraces and balconies could be a problem if over other buildings but in this case they were across the street from other buildings. He suggested being careful with the terraces and balconies however. He confirmed that the stair tower was so tall because of the



elevator run. He suggested there were other elevators not needing additional run and they could take the stair and have it going outside to the roof and uncovered.

Commissioner Barnes asked about the materials in particular the siding. Mr. Iyer said that they wanted to keep the materials simple: stucco in terra cotta and wood siding in white that would blend rather than stand out. He said the balcony on the second floor was big because the footprint of the building was large. He said the square footage of the building was the maximum allowed for the floor area ratio (FAR) and the balconies had been placed so they would not reflect on the El Camino Real and Harvard Street sides. He said regarding the balconies on the third floor the owners wanted space and once the unit was placed this was the space around it.

Mr. Pancholy said they were limited to the size of the constructed area and the needed parking created limitations. He said he had one floor, the fourth floor, where he had his choice of what he wanted for his residence and he wanted an outdoor balcony. He said he thought having that open space helped the design. He said each balcony had a different purpose – the terrace on the second floor, El Camino Real side, was for the one unit on that side and on the Alto Lane side there were two units, each of which would have a balcony.

Commissioner Barnes asked what the architectural thought was behind the style. Mr. Pancholy said he previously lived in Saratoga and had Mediterranean Spanish style housing. He said his first choice would have been to duplicate that style but received feedback that was not the right style for this area. He said the glass design came out of the new design guidelines for the Specific Plan area. He said that this design was commercial looking, which they did not like and they did not like the colors but those were the colors recommended. He said he had made 10 attempts to design and that had taken five years.

Commissioner Onken said the material indicated was a very cheap version of Hardee siding and was not appropriate for El Camino Real. He asked about the terra cotta panels noting it appeared like a stage set. He asked where the mechanical equipment was. Mr. Iyer said it would be on the third floor and terraces facing Alta Lane. Commissioner Onken suggested showing that and that it was screened off. Mr. Iyer said that for the next materials board they would exchange Hardee siding for lapped siding.

Commissioner Kahle said there were four materials noted and suggested rather than three accent materials to have only two accents for a total of three materials. He said the site was challenging as it was very prominent and whatever was there would be very visible. He encouraged the applicants to take the Commission's suggestions and use all their creativity to address complex conditions noting that flat roofs were needed for the amount of balconies proposed. He said perhaps that might not be the right solution.

Commissioner Riggs said 1300 El Camino Real and 500 El Camino Real were Specific Plan projects but those were not modern architecture noting Spanish influence for one and more traditional for the other project. He said there was another approach and they could do much better than what was proposed.

Commissioner Kahle confirmed with staff that the project was a base level project.

Commissioner Combs said he agreed with the comments made. He said they were excited about the project in general and something new on that site. He said they wanted to be encouraging and

helpful with the process. He said the Commission has legitimate concerns about the design and the quality of materials.

Mr. Pancholy thanked the Commission for its input. He said they wanted their project to look nice and to add to El Camino Real. He was not sure what the design should be and expressed his interest in finalizing the design.

Commissioner Barnes asked if they had considered going into bonus. Mr. Pancholy said their original design was bonus plan but they could not accommodate a below market rate unit.

Commissioner Kahle said he was an architect but did not do commercial work. He wondered if the design staff was up to the project scale.

Mr. Ayers (Name?) said he has been in business almost 30 years and 90% of his projects throughout the Bay area had been commercial noting he mainly does hospitality work. He said he was struggling with what the Specific Plan required and the layout the owners wanted.

As a study session, no group action was made, but Commissioners made individual comments for the consideration of staff and the applicant, including the following:

- General support for the proposed uses and basic site layout (parking in back, mass at front)
- Significant concern with quality and interaction of materials; Hardie siding is a particular issue
- Concern with the height and prominence of Harvard Avenue stair/elevator tower; recommend lowering this element, or replacing it with an exterior stair/ladder at the upper level, if that would be unobtrusive
- Encouragement to look at whether the second stair is necessary from a code perspective, and to remove it if it is not required
- Consider setting the El Camino Real commercial space entrances within the recessed areas
- Concern with the size of the residential terraces as these could create privacy issues for residences across Alto Lane, and the covered terraces on the second floor would also limit natural light into those units
- Consider the proposed Middle Plaza (500 El Camino Real) project across the street and this project's relationship to it
- Potentially rethink the interior floor plans for the residential levels
- Nearby buildings with slate materials may not be good examples
- Project could potentially benefit from a "restart"
- Tinted glass on upper levels could be an issue
- On the orange terracotta elements, the area above the windows looks odd/out-of-proportion;
- Where materials turn a corner and then end abruptly, it creates a thin, "stage set" feel;
- Encouragement to look at other designs in the area (Station 1300, Middle Plaza, 389 El Camino Real), for how they use more traditional styles in modern massings

## H. Regular Business

- H1. Selection of Planning Commission Chair and Vice Chair for May 2017 through April 2018 ([Staff Report #16-029-PC](#))

**ACTION:** Motion and second (Strehl/Barnes) to select Andrew Combs as Chair; passes 6-0, with Commissioner Goodhue absent.

**ACTION:** Motion and second (Onken/Combs) to select Larry Kahle as Vice Chair; passes 6-0 with Commissioner Goodhue absent.

**I. Informational Items**

**I1. Future Planning Commission Meeting Schedule**

- Regular Meeting: May 22, 2017

Principal Planner Rogers said at the May 22, 2017 meeting the 405 Oak Court project will return to the Planning Commission and a study session on a proposed expansion to the Facebook campus.

- Regular Meeting: June 5, 2017
- Regular Meeting: June 19, 2017

**J. Adjournment**

Chair Strehl adjourned the meeting at 10:10 p.m.

Staff Liaison: Thomas Rogers, Principal Planner

Recording Secretary: Brenda Bennett