



REGULAR MEETING MINUTES

Date: 6/5/2017
Time: 7:00 p.m.
City Council Chambers
701 Laurel St., Menlo Park, CA 94025

A. Call To Order

B. Roll Call

Present: Andrew Barnes, Drew Combs (Chair), Susan Goodhue, Larry Kahle (Vice Chair; arrived 7:02 p.m.), John Onken, Henry Riggs (arrived 7:02 p.m.), Katherine Strehl

Staff: Michele Morris, Assistant Planner; Ori Paz, Planning Technician; Thomas Rogers, Principal Planner; Corinna Sandmeier, Associate Planner

C. Reports and Announcements

Principal Planner Thomas Rogers said the City Council at its May 23, 2017 meeting gave direction to enhance the City's electrical vehicle charger requirements and appointed two members to a subcommittee to study. He noted that Commissioner Larry Kahle had arrived at the dais. He said the proposal would come back to the City Council later in the year. He said the City's budget was on the agenda for the upcoming June 6, 2017 Council meeting. He noted that Commissioner Henry Riggs had arrived at 7:02 p.m., also. He said the 318 Pope Street heritage tree removal appeal was going to the Council for action and was linked to a use permit requirement for a single-family residential development on a substandard lot that the Commission had continued. He said the Commission was tentatively scheduled to review the use permit application at the June 19 meeting.

Commissioner Susan Goodhue asked if Menlo Park had a requirement for electric vehicle charger installation for new development. Principal Planner Rogers said in the El Camino Real / Downtown Specific Plan area there were a few requirements implemented but those did not apply citywide.

D. Public Comment

There was none.

E. Consent Calendar

E1. Approval of minutes from the May 8, 2017 Planning Commission meeting ([Attachment](#))

Commissioner Riggs said on page 10, sixth line from the bottom, in the phrase "...they had had at least two projects come back indicating skyhooks were expensive..." that "skyhooks" should be replaced with "skylights." He said under "Action" for the same item, Commissioner Kahle was listed as recused. Commissioner Kahle said he made the motion and was not recused. Commissioner Riggs said on page 16, three fifths of the way down to add "past projects of" before "square slate

boxes...”in the sentence “Commissioner Riggs said square slate boxes did not add anything to El Camino Real.” Commissioner Kahle said on page 9, near the bottom, to delete “cabin” from the sentence: “He said one solution was to run the stucco up over a parapet cabin to protect it.”

ACTION: Motion and second (Katherine Strehl/Andrew Barnes) to approve the minutes with the following modifications; passes 6-0 with Commissioner Goodhue abstaining.

- Page 9, near the bottom, delete “cabin” from the sentence: “He said one solution was to run the stucco up over a parapet ~~cabin~~ to protect it.”
- Page 10, sixth line from the bottom, change “skyhooks” to “skylights” in the phrase “...they had at least two projects come back indicating sky~~hook~~lights were expensive.”
- Page 10, under Action, delete “with Commissioner Kahle recused...”
- Page 16, insert “past projects of” before “...**past projects of** square slate boxes did not add anything to El Camino Real.”

F. Public Hearing

- F1. Use Permit/Justin & Amy Kurpius/1151 Westfield Drive:
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 in the R-1-S (Single-Family Suburban Residential) zoning district. ([Staff Report #17-035-PC](#))

Staff Comment: Assistant Planner Michele Morris said a neighbor at 621 Windsor had sent in a handwritten letter last week that was available at the dais for the Commission and the rear table for the public. Ms. Morris indicated she had spoken with the neighbor.

Applicant Presentation: Justin Kurpius introduced his wife Amy and their architect Steve Schwanke. He said they had met with all of the neighbors about the project and had been well received.

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

Commission Comment: Commissioner Kahle said the two street elevations worked well together. He said there were five different roof pitches in two different materials. He said two materials could work together but he had concerns that they were not tied together with this proposal. He said the standing seam metal roof on the left elevation looked like it continued beyond the wall above and did not resolve itself. He said it could have the potential to gather water there. He said he would like more consistent roof forms noting there were gables and hips and a lot going on with different sheds and such. He said the project was pushing the maximum height by a couple of inches, which was sort of a trend, as well as it seemed a bit of at trend to put the guard rails for the light well in the front of the house. He said his biggest concerns were the roof pitches, the light well, and also what appeared to be two doors to the house. He said the main door was on the Westfield side but on the Windsor side there was another entry door right next to the garage. He said that could be confusing and suggested it was easier to address architecturally than with landscaping. He said as a comment the basement plan had a lot of jogs and it would be cheaper and easier to build if it did not have so many offsets.

Chair Combs referred to Eleanor Rackowitz’ letter saying it was not clear whether she supported or opposed the project. Assistant Planner Morris said the neighbor had concerns with the size of the

house and that it was two-story but did not oppose the project. She said the neighbor also spoke very generally about how the house might or might not fit within the neighborhood context. She said the neighbor was generally concerned about the design.

Commissioner Riggs acknowledged Commissioner Kahle's comments about the roof pitches. He said he thought the project was nicely detailed and noted in particular the two lantern style chimney caps, which he hoped would not be dropped from the design.

Commissioner Onken said the house would read as a large home to the neighbors as it was on a corner lot. He said however the house followed the lines of neighbors' homes and although proposed to the maximum had pitched roofs and was not just a big box. He indicated the project was supportable.

Commissioner Goodhue said she had some general concerns initially about the roof pitches but she thought it was a very handsome house. She said she tended to agree with Commissioner Onken that it would create a nice space for the occupants. She said it was a large house on a corner lot next to a one-story and probably would look large until the neighbor built a two-story home, which she thought was inevitable. She said she agreed with Commissioner Riggs about keeping the nice details as proposed.

Commissioner Combs said he had visited the site and as he recalled there was a fairly large, two-story house directly across the street. He said he thought the project would be a good addition to the neighborhood. He asked if the applicants would address some of the concerns raised by Commissioner Kahle.

Mr. Schwanke said they did not want the garage at the front of the house where the main door was situated. He said with planting and fencing that the side door next to the garage would nicely allow for great circulation. He said the home would connect with neighbors on both sides of the streets in a more welcoming way. He said regarding the roof slopes that they specifically lowered the hip to 7 by 12 pitch from the 8 by 12 pitch to bring the scale down as the home was on a corner. He said they started with 8 by 12 as that was the proportion that worked better with gables typically. He said the steeper pitch also fit the vernacular character the clients wanted. He said he thought it was too steep and that was why it was slightly less. He said it was a subtle adjustment but because of its dominance on the corner they thought it sent a softer message about the overall massing. He said for the ground floor roof they wanted to have the sills come down lower. He said the other pitches were shed roofs and they would not be the same. He said although there were subtle differences the pitch went from 6 by 12 to corner hips of 7 by 12 and other gables of 8 by 12. He said they thought this presented a more reduced scale solution for what they were trying to accomplish. He said regarding materials the client wanted to have two different roofing materials. He said they kept the standing seam metal roof on the ground floor and the entire second floor would have wood shingles.

Commissioner Goodhue said that Commissioner Kahle had asked how the standing seam metal roof would resolve itself on the left exterior, noting sheet AE.01 on the left exterior elevation. Mr. Schwanke said the standing seam metal roof would terminate there.

Commissioner Kahle said the rear elevation on sheet AE.02 indicated the roof just stopped and there was a vertical wall on the side of the standing seam metal roof. Mr. Schwanke said they could return it to meet the shingled roof. He said that the varying roof slopes were the result of

thinking through the design.

Commissioner Riggs asked staff at what point attic space was counted as additional square footage. Assistant Planner Morris said if attic space exceeded five feet and higher it counted double toward the floor area limit. Commissioner Riggs asked the architect to look at Section A of the drawings, as it had attic space height at 4-foot and 11 and 15/16 inches and a 7 by 12 pitch. Mr. Schwanke said if they needed to change that to 8 by 12 they could just raise the ceiling below and keep the attic space conforming.

Commissioner Onken moved to approve the findings as recommended in the staff report. Commissioner Goodhue seconded the motion.

ACTION: Motion and second (Onken/Goodhue) to approve the item as recommended in the staff report; passes 6-1 with Commissioner Kahle opposed.

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 Schwanke Architecture consisting of 18 plan sheets, dated received May 24, 2017, and approved by the Planning Commission on June 5, 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.

F2. Use Permit Revision/Andrew Barnes/210 McKendry Drive:
Request for a use permit revision to add approximately 281 square feet of first and second floor space and make other exterior revisions to a previously-approved project to expand and modify a single-family residence. The subject parcel is a substandard lot with regard to lot width, depth and area in the R-1-U (Single-Family Urban) zoning district, and the proposal would exceed 50 percent of the existing floor area and is considered equivalent to a new structure. The project would exceed 50 percent of the replacement value of the existing nonconforming structure in a 12-month period. The previous use permit was approved by the Planning Commission on February 8, 2016. ([Staff Report #17-036-PC](#))

Chair Combs said that Commissioners Barnes and Riggs recused themselves from consideration of the item.

Staff Comment: Associate Planner Corinna Sandmeier said there were no additions to the written report.

Questions of Staff: Commissioner Strehl asked when the City received the use permit revision application. Associate Planner Sandmeier said it was received February 27, 2017.

Applicant Presentation: Andrew Barnes introduced his wife Deb and said they were the owners of 210 McKendry Drive. He said they had architectural and design assistance on the project from Michael Pittinger. He said the project was originally approved in February 2016 before he was on the Planning Commission and their building permit was issued June 22, 2016. He said from July 2016 through the beginning of 2017, he and his wife had considered a number of upgrades and modifications to the originally approved project. He said the proposed changes included moving the first floor and the living and dining rooms out approximately four feet, changing the roofline and the pitch to improve the proportion to the dormers, changing materials from asphalt shingles to cedar shake, from stucco to horizontal siding and changing all the windows out for wood clad windows. He said they also changed some of the window shapes, put overhangs on the left and rear elevations, and put a shed roof on the right side of the building.

Commissioner Strehl asked about the timing of the revision application noting that in the past the Commission has dinged applications that were made after the work was done. Mr. Barnes said that they moved the ridge line forward three feet and brought the dormer out seven and a half feet, which added 80 square feet to the FAL on the second floor and brought the first floor up 4 feet which added approximately 70 square feet to the FAL on the first floor. He said the situation was it was December and heavy rains were expected. He said they felt they had to get a roof on and weather tight and finish that roof. He said subsequently they had not done exterior elements of

their desired revised design. Commissioner Strehl confirmed that they had submitted the use permit revision plans to the city in February.

Commissioner Kahle said the staff report indicated a deck might be added. Mr. Barnes said they currently have front and rear decks. He said they would put a deck along the left side. Commissioner Kahle asked if that would wrap the porch area too. Mr. Barnes said there was a deck there now. Commissioner Kahle said the drawings on A7 seemed to show a landing and step at the entry door. Mr. Barnes said there was as they had had to raise their foundation about 18-inches above grade which created the need for a landing there. Commissioner Kahle asked about the curved forms to the lower roof. Mr. Barnes said they fell in love with the swale idea to make the roof lines work. Commissioner Kahle asked if the pair of windows on the right of the front dormer on the second floor went to attic space. Mr. Barnes said they have six windows across the front and four of those went to the cathedral ceiling in the living room. Commissioner Kahle said in the section it looked like it opened to attic space, noting A11, cross section 4, indicating beams. Mr. Barnes said those beams were architectural details and had open space above them.

Commissioner Strehl said there garage was in the same location and asked about their one uncovered space. Mr. Barnes said they had covered and uncovered spaces in tandem. He said several years ago they widened their driveway and could now park two cars next to each other.

Chair Combs opened the public hearing.

- John Grundy said he lived two doors down from the Barnes. He said he had recently completed a two-story remodel of his house. He said the original plans and the current proposed plans showed the Barnes' further thinking in how they would use the space inside to push out more on the first floor for family space and give an uplift to the exterior. He said he liked the changes being made and it was a benefit for the neighborhood.

Chair Combs closed the public hearing.

Commission Comment: Chair Combs said in reference to Commissioner Strehl's observation about project revisions done before being approved and the Commission dinging those, that often he has been the one doing the dinging. He said Mr. Barnes provided a reasonable explanation regarding the rain, the need for a roof, and how that led to the situation of a use permit revision. He said he wanted to go on record that in the past he had been a Commissioner very critical of projects where revisions were made before seeking approval to the point of him abstaining from approval.

Commissioner Onken said one minor problem of conformance with the original approval was it intruded into the daylight plane in a minor way at the top of the gable. He said in moving the gable forward that it would intrude a greater amount into the daylight plane but it must still be within the exception limit. He said this design maintained the idiosyncratic charm the original design had. He said the original design had been a mix of Cape Cod and Salt Box with long Craftsman lights along the top, which was very welcome at the time. He said this design sorted out a few of the internal issues and was approvable.

Commissioner Goodhue said she agreed with the comments made noting she was a stickler for people following the rules, but there were always exceptions to the rules. She said she understood the need to get a roof on the project. She said she generally liked the changes made including the roof slope and the change in materials from asphalt to cedar shingles. She said asphalt shingles

would not be in her design guidelines.

Commissioner Kahle said he not been a great fan of the previous design but liked how the changes had turned out. He said the design was improved due in large to the upgrade in materials with the cedar shake and siding rather than stucco. He said he thought the curved roof was very charming and fit the house very well. He said regarding doing the work before the approval that the positive was you could see the work and find it looked great but the downside was you could see the work and want the applicant to take it out. He said there were multiple roof pitches but the odd ones were on the back and the front ones looked really good. He noted the roof materials were combined so that one material was an accent and the other was the base material. He said the master bedroom did not have a door open at the top of the stair well with a laundry room below, and suggested they might want to close that. He said regarding the deck it might be nice to have a porch at the level of the front door so the deck could wrap around and eliminate some of the steps of the landing.

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

ACTION: Motion and second (Goodhue/Strehl) to approve the item as recommended in the staff report; passes 5-0 with Commissioners Barnes and Riggs 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 John MacNaughton, consisting of 17 plan sheets, dated received May 30, 2017, and approved by the Planning Commission on June 5, 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 January 27, 2016 and the addendum prepared by Kielty Arborist Services, LLC dated April 20, 2017.
4. Approve the use permit subject to the following **project-specific** condition:
- a. Any additional deck area near heritage trees shall be reviewed and approved by the Planning Division and the City Arborist.

F3. Use Permit/Clear Labs/3565 Haven Avenue, Suite 2:

Request for a use permit for the use and storage of hazardous materials for the research and development (R&D) of a food safety testing platform located in an existing building in the M-2 (General Industrial) zoning district. All hazardous materials would be used and stored within the building.

Commissioner Barnes rejoined the Commission on the dais.

Staff Comment: Planning Technician Ori Paz said there were no additions to the staff report.

Applicant Presentation: Kenny Herrera, Research Associate, Clear Labs, said they had been developing a food safety testing platform using next generation sequencing which involved extracting DNA from any food sample and amplifying and sequencing it to describe exactly what it was and what food borne pathogens it might contain.

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

ACTION: Motion and second (Strehl/Kahle) to approve the item 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 Green Environment Inc., consisting of six plan sheets, dated received May 11, 2017; the project description letter, dated April 5, 2017; and the Hazardous Materials Information Form (HMIF), dated received April 5, 2017; all approved by the Planning Commission on June 5, 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 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. 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 business plan to the Planning Division for review by the applicable agencies to determine whether the new hazardous materials business plan is in substantial compliance with the use permit.

G. Informational Items

G1. Future Planning Commission Meeting Schedule

- Regular Meeting: June 19, 2017

Principal Planner Rogers said the 318 Pope Street project use permit was tentatively scheduled for the June 19 agenda and by that time hopefully there would be a resolution of an appeal of the heritage tree removal permit. He said in addition to a couple of other residential development projects the agenda would have the 2131 Sand Hill Road project that would include annexation to the City, zoning for an office building, approval of a use permit and architectural control, and rezoning of the Provost's house to residential. He said the Planning Commission would be the recommending body to the City Council for that project.

Commissioners Strehl and Onken said they would not be at the July 17 meeting.

- Regular Meeting: July 17, 2017
- Regular Meeting: July 31, 2017
- Regular Meeting: August 14, 2017

H. Adjournment

Chair Combs adjourned the meeting at 7:50 p.m.

Staff Liaison: Principal Planner Thomas Rogers

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on July 17, 2017