



REGULAR MEETING MINUTES

Date: 7/17/2017
Time: 7:01 p.m.
City Council Chambers
701 Laurel St., Menlo Park, CA 94025

A. Call To Order

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

B. Roll Call

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

Absent: John Onken, Katherine Strehl

Staff: Thomas Rogers, Principal Planner; Kaitie Meador, Associate Planner; Sunny Chao, Assistant Planner; Yesenia Jimenez, Associate Planner; Tom Smith, Associate Planner; Ori Paz, Planning Technician

C. Reports and Announcements

Principal Planner Thomas Rogers said the 1075 O'Brien Drive Study Session on tonight's agenda was continued and tentatively moved to the August 14, 2017 meeting. He said absent Commissioners this evening and some present Commissioners who would need to recuse themselves from consideration of the item meant there would not be a quorum of Commissioners.

Principal Planner Rogers said the City Council's agenda for July 18, 2017 had an appeal by the adjacent left side neighbor of the 445 Oak Court use permit approval. He said at the same meeting the Council would receive informational items on Facebook campus development including an application for the Willow Campus (formerly the Prologis campus), and the pending conditional development permit (CDP) and development agreement revision.

Chair Combs asked which Commissioners would have needed to be recused for the 1075 O'Brien Drive item. Principal Planner Rogers said for the record that Commissioners Combs and Susan Goodhue would need to be recused due to their employment with Facebook, and Facebook's proximity to the project site. He said also Commissioner John Onken would need to be recused as he was an architect and was working with a client at 1010 O'Brien, which was within 500 feet of the project property. He said Commissioners Larry Kahle, Henry Riggs, Andrew Barnes and Katherine Strehl had no conflicts of interest related to the subject property; however, Commission Strehl could not attend this evening's meeting which left less than four Commissioners or a quorum to consider the item.

Commissioner Riggs asked if 1075 O'Brien Drive and 20 Kelly Court would be updated as to height conformance when it was considered on a future agenda. Principal Planner Rogers said that was an item highlighted in the staff report, and he would relay Commissioner Riggs' question to the project planner.

D. Public Comment

None

E. Consent Calendar

Commissioner Kahle said he had a correction on the June 5 meeting minutes , noting page 6, near the top of the page, in the first full paragraph, two-thirds of the way down: "...a pair of windows on the right side of the dorm.." that "dorm" should be "dormer." He moved to approve the consent calendar with the correction to the June 5 meeting minutes. Commissioner Goodhue seconded the motion.

E1. Approval of minutes from the May 22, 2017, Planning Commission meeting. ([Attachment](#))

ACTION: Motion and second (Kahle/Goodhue) to approve the item as submitted; passes 5-0 with Commissioners Onken and Strehl absent.

E2. Approval of minutes from the June 5, 2017, Planning Commission meeting. ([Attachment](#))

Motion and second (Kahle/Goodhue) to approve the minutes with the following modification; passes 5-0-2 with Commissioners Onken and Strehl absent.

- Page 6, 1st full paragraph, 8th line: Replace "dorm" with "dormer"

F. Public Hearing

F1. Use Permit/Surinder Kang/202 Gilbert Avenue:

Request for a use permit to demolish an existing two-story multi-family residence with four units, and construct a new two-story, single-family residence. The subject property is on a substandard lot with respect to lot width and lot area in the R-1-U (Single-Family Urban) zoning district. ([Staff Report #17-042-PC](#))

Staff Comment: Associate Planner Yesenia Jimenez said there were no additions to the staff report.

Questions of Staff: Commissioner Kahle asked about the vision triangle noting the site plan showed that a corner of the house was within it. He asked what was allowed or not allowed in the vision triangle. Associate Planner Jimenez said no fences or hedges over three feet were allowed within the sight triangle and confirmed that the structure could be within the area.

Applicant Presentation: Joe Gardella, project architect, said the property owners, Surinder and

Habinder Kang, wanted to construct this project as their retirement home. He said the Kangs currently live in a 4,000 square foot home in the Willows and wanted to downsize some.

Commissioner Kahle asked about the painted wood siding. Mr. Gardella said it likely would be tongue and groove siding with a slight reveal and painted in the darker tones. He said it would also have vertical lines. Commissioner Kahle asked about the stucco parapet and if it would be stucco wrapped cap or metal. Mr. Gardella said it most likely would be metal. Commissioner Kahle asked about the space above the entry where the staircase was and if it was the daylight plane that led to the lower floor level and lower roof pitch. Mr. Gardella said that was accurate.

Commissioner Goodhue asked about the roof materials. Mr. Gardella said it was a TPO / PVC roofing, which was a membrane roof system. Commissioner Goodhue confirmed with him that was because the roof was flat, wouldn't be seen, and ended in a wall with a lip. Commissioner Kahle asked about the roof material in the sloped area over the entry. Mr. Gardella said they were trying to figure that out and at the moment they were thinking TPO as it was a fairly shallow slope. Commissioner Kahle said they could do a standing seam metal roof there. Mr. Gardella said manufacturers did not have a standing seam metal roof at that slope. Commissioner Kahle suggested it was possible.

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

Commission Comment: Chair Combs said that the existing homes were nonconforming and had been built prior to current zoning regulations. He said replacing the existing multi-family residences with a single-family residence would fit the zoning for the lot. He said that staff had talked to the property owner about constructing a secondary dwelling unit. He asked if the City placed greater importance on maintaining (or increasing) the number of residential units or was it of greater importance for structures to fit the zoning for a parcel.

Associate Planner Jimenez said after the initial 30-day review of the project application, she had contacted the property owners to let them know that the lot was eligible to have a secondary dwelling unit. She said the property owner expressed no interest in doing that.

Commissioner Goodhue said with the housing situation it was sad to lose residential units particularly as these were studio units which should make them more affordable. She said she had often wondered what this property was. She said the project proposal was a very nice design and would make a good addition to the neighborhood. She agreed with suggesting a secondary dwelling unit and recognized that it was a property owner's decision whether to build that or not. She said she supported the project.

Commissioner Andrew Barnes said he liked the efforts to maintain the privacy on the project noting there was only one window on first story left elevation and sill heights of six-feet and greater on the left and rear elevations facing adjacent structures. He said he liked the setbacks of the second story on all four sides. He said the project was maxing out the Floor Area Limit (FAL) but the height at 24.2 feet served the project well. He said also the landscaping was done well and he supported the project.

Commissioner Riggs moved approval of the use permit as recommended in the staff report.

Commissioner Kahle said he would encourage a secondary dwelling unit as well. He said he

agreed with Commissioner Barnes that keeping the height down was a benefit to the project especially given that the project was in a flood zone and the floor level was higher. He said it was a very strong modern house and in using simple materials of stucco, siding and metal windows had to be executed really well for it to work. He recommended going with a stucco parapet cap with stucco over rather than having the extra metal edge at the top. He said if they could make it work he would recommend a metal roof over the entryway as that would really help the project. He seconded the motion.

ACTION: Motion and second (Riggs/Kahle) to approve the use permit as recommended in the staff report; passes 5-0-2 with Commissioners Onken and Strehl 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 Ana Williamson Architect, consisting of 18 plan sheets, dated received June 30, 2017, and approved by the Planning Commission on July 17, 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 Kiely Arborist Services, LLC dated October 21, 2017 and revised June 6, 2017.

F2. Use Permit/Eric Zhao/882 College Avenue:

Request for a use permit to demolish a one-story single-family residence and detached garage and construct a two-story single-family residence on a substandard lot with respect to lot width in the R-1-U (Single Family Urban Residential) zoning district. As part of the project, one heritage magnolia tree in the front yard is proposed for removal. ([Staff Report #17-043-PC](#))

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

Applicant Presentation: Robin McCarthy, project architect, introduced the property owner Eric Zhao. Ms. McCarthy said the proposed two-story home was a mix of contemporary Mediterranean design. She said the home would have smooth finish stucco and a tile roof in earth tone colors. She said their neighborhood outreach included taking plans to the surrounding neighbors. She said one neighbor asked about the rear fence, which presently did not sit on the property line. She said with the proposal a new fence would be built on the property line.

Commissioner Kahle said the sills of the side windows in the master bedroom were low; he asked if she would consider raising those. Ms. McCarthy said the sills were at three feet and they could easily be raised another foot. Commissioner Kahle confirmed with Ms. McCarthy that the studs would be two by six and the windows would be recessed. Commissioner Kahle asked if the stucco would wrap into the head and the jambs. Ms. McCarthy said they were showing integral stucco trims. She said they had not detailed it yet but they could wrap the integral stucco into the windows and doors. Commissioner Kahle said for the style of the house the two-piece clay tile was great and the stucco worked. He said there was a lot of stucco and what was missing in the style for him were the shutters and trims around the windows. He said having the stucco wrap into the head and the jambs would complete the style. Ms. McCarthy said she thought that was a nice suggestion and she agreed.

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

Commission Comment: Commissioner Barnes said this proposal was maxed out to 2,999 square feet out of a possible 3,000 square feet. He said the second floor was stepped back and it seemed to work well on the lot with its pop outs and insets. He said the landscaping was thought out and the heritage tree removal was approved by the arborist. He said he would support the project.

Commissioner Riggs commented on the design type and suggested in the Allied Arts neighborhood that more traditional Spanish detailing would have been desirable. He said he would support Commissioner Kahle's suggestion that the windows be recessed and the shutters be put on proper hinge brackets so they looked functional. He said the two trees proposed for the front were what he considered patio trees. He suggested using heritage sized trees that would have canopy for shade, at least for one of the two trees proposed. He said the arborist recommended

that one of the Norway spruce trees at the street be removed. He asked if that was within Public Works' purview to remove that tree. Assistant Planner Chao said the applicant had proposed to remove the non-heritage spruce tree from the right of way and the City arborist had asked the applicant to propose the arbutus marina as a replacement tree in the right of way.

Commissioner Riggs moved to approve with added conditions that the windows be recessed (typically two inches) and shutters be installed on traditional active hardware.

Commissioner Kahle asked if Commissioner Riggs would include raising the sills of the side master bedroom windows one foot. Commissioner Riggs said he would include that in his motion.

Commissioner Kahle said the height was below the maximum and the massing generally was laid out very well. He said it would make the house work even better if they could get the hips of the lower roof to hit the second floor at appropriate places. He noted the hip coming up over the porch just missed the corner of the second floor and also on the other side of the house. He seconded the motion to approve with modifications.

ACTION: Motion and second (Riggs/Kahle) to approve the use permit with the following modifications; passes 5-0-2 with Commissioners Onken and Strehl 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 Inc. consisting of 20 plan sheets, dated received July 5, 2017, and approved by the Planning Commission on July 17, 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 dated March 27, 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 that show and note all the proposed windows on the proposed house to be recessed a minimum of two inches, 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 revised plans that show and note all the proposed shutters for the proposed windows with shutters on the proposed house to be installed on traditional active hardware, subject to the review and approval of the Planning Division.**
- c. Simultaneous with the submittal of a complete building permit application, the applicant shall submit revised plans that raise the proposed sill heights for the two proposed master bedroom windows on the south elevation of the proposed house to four feet, subject to the review and approval of the Planning Division.**

F3. Use Permit/Dan Siegel/1370 Delfino Way:

Request for a use permit to construct first-floor additions and perform interior and exterior modifications to an existing nonconforming, single-story, single-family residence in the R-1-U (Single Family Urban) zoning district. The project previously received a building permit for a more limited scope of work; however, the proposed revisions would exceed 75 percent of the replacement value of the existing nonconforming structure in a 12-month period and therefore, require a use permit. ([Staff Report #17-044-PC](#))

Chair Combs noted that Commissioner Kahle was recused for this item.

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

Questions of Staff: Commissioner Barnes asked the reason for Commissioner Kahle's recusal. Chair Combs said at some point Commissioner Kahle had been considered as the architect for this project, and had not been selected. Planning Technician Paz confirmed that information.

Commissioner Barnes said a stop work order was issued on June 20, 2017 and the project was now agendized for the July 17, 2017 Commission meeting. He asked whether this was fast tracked for the stop work order or if this was representative of staff's workload. Principal Planner Rogers said he thought it was reflective of the stop work order aspect and also the scope and scale of the project as well. He said as it was a one-story project it was able to be reviewed and processed on a bit more timely basis than other projects that have more complexity and scale.

Applicant Presentation: Andrew Young, project architect, introduced Dan and Lisa Siegel, the property owners. He said the project was currently under construction. He said the original intention was to leave the existing siding on the house. He said it was T1-11 plywood siding and was about 50 years old. He said the plans by the structural engineer had removal of some of that material for the installation of exterior sheer plywood on the side. He said it slipped by him and the contractor that the plywood could have been installed in the interior of the house. He said now they needed to replace the siding altogether. He said they would prefer to use stucco, which would be superior to the T1-11. He said neighbors supported using stucco for the siding.

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

Commission Comment: Commissioner Riggs said he should disclose he understood the applicant's predicament as his project had received a stop work order approximately four weeks ago due to a contractor's excessive demolition of the home's interior. He said also any opportunity to replace T1-11 would be a benefit to a project and its neighborhood. He said he did not see any downside to the plan revision and that he could support the project.

Commissioner Barnes said replacing wood siding with stucco was preferable. He moved to approve the item as recommended in the staff report. Commissioner Goodhue said she would second the motion.

ACTION: Motion and second (Barnes/Goodhue) to approve the use permit as recommended in the staff report; passes 4-0-1-2 with Commissioner Kahle recused and Commissioners Onken and Strehl 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 Young & Borlik Architects, Inc. consisting of 12 plan sheets, dated received July 13, 2017,

and approved by the Planning Commission on July 17, 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.

F4. Use Permit/Thomas Jackson/501 Laurel Avenue:

Request for a use permit to demolish an existing two-story duplex and construct a new two-story, single-family residence with a detached garage on a substandard lot with regard to lot width and lot area in the R-1-U (Single-Family Urban) zoning district. ([Staff Report #17-045-PC](#))

Staff Comment: Associate Planner Kaitie Meador said staff had no additions to the written report.

Questions of Staff: Commissioner Goodhue said similar to another project on tonight's agenda, this project would replace two single-family residences with one and asked if a secondary dwelling unit had been offered as a possibility. Associate Planner Meador said she had presented the option to the applicant. She said there was no interest expressed in doing a secondary dwelling unit.

Applicant Presentation: Thomas Jackson, project applicant, said that the property had been red tagged by City Code Enforcement as uninhabitable about a year and a half earlier. He said the property owner had found it was unfixable and decided to rebuild. He said the proposed design was a Napa Valley farmhouse, which was a more traditional look. He said the house would have black framed windows and white Hardie board siding. He said he talked to the neighbors and got their input.

Commissioner Kahle asked about the heritage tree that was removed without approval. Mr. Jackson said his workers went in and removed the tree in error. He said after that he submitted a tree removal permit application with an arborist report that has since been approved.

Commissioner Kahle noted the black and white color scheme and asked if the corner boards would be painted. Mr. Jackson said those would be white. Commissioner Kahle said his concern was the bathroom that popped out on the second floor and noted a similar design house on the same street, which did not look as good as it could. He asked if Mr. Jackson would consider pushing the bathroom pop out in so it worked better with the roof and tied in better with the house. He said there seemed to be space with the second floor laundry that would accommodate that. Mr. Jackson said that would require a redesign of the second floor. He said this proposal was the same design that the City had approved twice before for other homes. He said the house that Commissioner Kahle had mentioned was purchased by Stanford University and had appeared in the New York Times. Commissioner Kahle said his desired redesign would only mean that the laundry would not be a walk in laundry but a reach in laundry.

Commissioner Barnes asked about the heritage tree that had been removed without approval and what the subsequent removal permission was based upon. Mr. Jackson said the arborist report noted the black acacia had been topped and was not in a healthy condition. He said when his workers cleaned up the property they trimmed a palm tree that was grossly overgrown as well as an oak tree and in that process whacked the black acacia.

Commissioner Barnes asked about a retroactive approval of a heritage tree removal and if the arborist report that came with the property was the reference for review. Associate Planner Meador said the City had received an arborist report that listed the size and condition of the tree in question, and that was what the City Arborist used in the retroactive approval of the tree removal. Commissioner Barnes asked what the arborist report said about the condition of that tree. Associate Planner Meador said it was described as having good vigor and poor form with a condition of 40%. Commissioner Barnes asked if it was customary to approve removal of trees in that condition. Principal Planner Rogers said in general the black acacia were not known as a particularly ideal species for the area. He said for such a tree that had been topped and had a poor condition rating that in most cases the inclination would be to approve such removals. He said the City did not endorse retroactive permits as a general rule.

Chair Combs noted that new persons had come into the chambers and announced that the study session for the 1075 O'Brien had been continued to a future agenda due to a lack of a quorum for the item.

Commissioner Riggs said the right gable appeared to be lower than the left gable on the front elevation. Mr. Jackson said that was correct.

Chair Combs opened the public hearing.

Public Comment:

- Karl Mattia said his home was at 507 Laurel Avenue, adjacent to the project property. He said he was supportive of Mr. Jackson's plan, noting he had done good work on other projects in the neighborhood. He said Mr. Jackson worked with them to resolve privacy concerns including

making the side setback six rather than five feet, and using opaque windows on the first and second floors.

Chair Combs closed the public hearing.

Commission Comment: Chair Combs asked about plans that had been approved for other project sites and if the Commission should look at those fresh. Principal Planner Rogers said that the plans should get a fresh look. He said if there were lessons to be learned from any other execution of the similar plans that was good evidence for the Commission to consider. He said certainly submission of a plan similar to one previously approved did not bind the Commission to approve; similarly a plan denied might be approvable if on a different lot. He said case by case review was important.

Commissioner Kahle thanked Commissioner Barnes for addressing the post-permitted removal of a heritage tree. He said he appreciated that the project's height was not at the maximum. He said also he was glad the corner boards would be painted out to match the siding since they would not be mitered. He said the three roof pitches could work. He said there were two roof materials. He said the standing metal seam roof turned the corner and it could work but it would be complicated. He said his biggest issues were the bathroom pop out and different heights on gables that should be symmetrical. He said he would like to see bathroom pushed in three feet or so.

Commissioner Barnes said the plans did not show any plumbing in the garage and shed. Mr. Jackson said those building would only have electrical.

Commissioner Barnes said he was in support of the project. He said if Commissioner Kahle had something compelling to add he was willing to listen to it. Commissioner Riggs said he would be happy to second the motion. He said he was swayed by Commissioner Kahle's comments regarding the bathroom pop out. He said because the façade was so rigidly symmetrical that the two gable ends should be made the same height as he did not see any conflict there with the daylight plane. Chair Combs noted that no motion had been made.

Commissioner Kahle moved to approve with two additional conditions that the second floor bathroom pop out on the east elevation be pushed back at least three feet and the two gables on the east elevation were made symmetrical. Commissioner Riggs seconded the motion.

ACTION: Motion and second (Kahle/Riggs) to approve the use permit with the following modifications; passes 5-0-2 with Commissioners Onken and Strehl 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 Volkmann Architecture, consisting of nine plan sheets, dated received on July 10, 2017, and approved by the Planning Commission on July 17, 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.
4. Approve the use permit subject to the following ***project-specific*** conditions:
- a. Prior to building permit issuance, the heritage replacement tree's size shall be updated to a 24-inch box tree subject to the review and approval by the City Arborist.
 - b. Simultaneous with the submittal of a complete building permit application, the applicant shall note on the site plan that any future fencing within the front setback and/or corner triangle shall comply with the fence height limitations in the Zoning Ordinance.
 - c. ***Simultaneous with the submittal of a complete building permit application, the applicant shall revise the plans so that the second floor pop-out on the front elevation is pushed back at least three feet.***

- d. Simultaneous with the submittal of a complete building permit application, the applicant shall revise the plans so that the two gables on the front elevation are the same height.***

F5. Use Permit Revision/Rob and Lisa Chaplinsky/2355 Tioga Drive:
Request for a use permit to make exterior changes to an existing residence on a lot that is substandard with regard to lot width in the R-E-S (Residential Estate Suburban) zoning district. In addition, a request for excavation within required setbacks for the installation of new and modified retaining walls. The project previously received a use permit on December 14, 2015 to demolish an existing single-story residence and construct a new two-story residence. (Staff Report #17-046-PC)

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

Questions of Staff: Commissioner Kahle said condition 4.a was addressing trees but he thought the trees had been addressed in the previous use permit approval. Associate Planner Smith said the condition was there as a reminder that as the project continued those trees needed to get planted.

Applicant Presentation: Yoanna Dakovska, Moderna Homes, project architects, said the house was currently under construction through the previous use permit approval. She said they would like to add some retaining walls around the house to create outdoor spaces. She said originally they had proposed white board and batten siding. She said they would like to replace that with cedar siding and stone similar to what was proposed before. She said they had some samples of the stone to show the Commissioners. She said they were proposing metal canopies noting initially they had wood fascia and roof with a metal canopy at the front entry, and they would like to match that to have more cohesive design across the front. She said through the construction process it became apparent that the sun at the rear of the home was quite intense so they would like to add a trellis in the back for that and screening purposes.

Commissioner Kahle asked how many of the proposed changes had already been made. Ms. Dakovska said only the cedar siding.

Commissioner Riggs asked about the stone. Samples were provided for the Commissioners to look at. Commissioner Kahle confirmed that the stone had not been applied and had just arrived.

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

Commission Comment: Commissioner Kahle said the proposed revisions seemed straight forward. He moved to approve the use permit. Commissioner Goodhue seconded the motion.

ACTION: Motion and second (Kahle/Goodhue) to approve the use permit as recommended in the staff report; passes 5-0-2 with Commissioners Onken and Strehl 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 Moderna Homes, consisting of 11 plan sheets, dated received on June 21, 2017, and approved by the Planning Commission on July 17, 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.
4. Approve the use permit subject to the following project-specific conditions:
 - a. The applicant shall plant heritage tree replacements for the 22-inch Canary Island pine, 24-inch redwood, and 17-inch coast live oak to be removed, prior to final inspection of the building permit, subject to review and approval of the Planning Division

- F6. Use Permit/Araceli Ciprez/989 El Camino Real:
Request for a use permit for a full/limited service restaurant on a lot that is substandard with regard to parking in the El Camino Real/Downtown Specific Plan (SP/ECR-D) zoning district. The tenant space is vacant but was previously used for a take-out only restaurant. ([Staff Report #17-047-PC](#))

Staff Comment: Associate Planner Meador said there were no changes to the written report.

Applicant Presentation: Mr. Alan Coon, project architect, introduced the business owner, Araceli Ciprez. He said he could answer any questions about the site plan or architecture and Ms. Ciprez could answer any questions about the business.

Commissioner Kahle asked if Ms. Ciprez had operated a taqueria previously. Ms. Ciprez said she has worked in a taqueria and this was her first business venture.

Chair Combs opened the public hearing.

Public Comment:

- Pamela Jones, Menlo Park, said she was excited about the taqueria and having more diversity in restaurants in downtown Menlo Park. She said regarding the parking that she didn't feel it was the business owner's issue rather it was how the downtown was configured. She said it was time to seriously look at and implement a parking structure. She said in the meantime to

accommodate the people using the laundromat at the project site it would be advisable to assign parking spaces to the laundromat. She requested approval of the project.

Chair Combs closed the public hearing.

Commission Comment: Commissioner Riggs said he agreed having an alternative place to eat in Menlo Park that was not a \$20 lunch entrée was a great idea. He said he was concerned about parking as he did not think that the prior takeout restaurant and a taqueria with 18 seats had the same parking demand. He said he had never seen the parking lot full. He said he hoped that some of the walk in traffic would reduce the parking demand. He said he supported the project.

Commissioner Barnes said the Transportation Division looked at such projects as to whether a nonconforming parking demand would work, and in this case found that it would. He noted there were public parking lots nearby. He said he supported the project.

Commissioner Goodhue said she supported the City's approach to parking considerations. She said that she frequents the Barre studio next door to the project site and had often seen the parking lot full during barre class. She said it was a horrible parking lot with bad ingress and egress. She said people attending the Barre Studio find plenty of places to park in other areas such as behind Left Bank and then brave the crosswalk on Menlo Avenue. She said if people were flexible about it there were other places to park. She said parking was her only hesitation in supporting the project.

Chair Combs asked if the change from takeout to seated dining triggered the use permit. Associate Planner Meador said that the change in use triggered the use permit.

Commissioner Kahle asked about employee parking. Ms. Ciprez said she would ask her employees to park far away on the streets and not close to the business. Commissioner Kahle confirmed with Ms. Ciprez that employees would not park in the parking lot associated with the business.

Commissioner Kahle said he supported the project and moved to approve as proposed. Commissioner Barnes seconded the motion.

ACTION: Motion and second (Kahle/Barnes) to approve the use permit as recommended in the staff report; passes 5-0-2 with Commissioners Onken and Strehl absent.

1. 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 Alan William Coon Architect, consisting of five sheets, dated received June 21, 2017, and the project description letter, dated received June 15, 2017, and approved by the Planning Commission on July 17, 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 requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
4. Approve the use permit subject to the following **project-specific** conditions:
- a. Prior to building permit issuance, the applicant shall provide compliant accessible parking subject to review and approval by the Building Division.

G. Study Session

- G1. Study Session/Jason Chang/1075 O'Brien Drive:
Request for a study session for the demolition of an existing single-story warehouse and manufacturing building and construction of a new eight-story mixed-use building with three levels of structured parking above grade, four floors of offices, a restaurant, café with outdoor seating, and rooftop garden in the LS-B (Life Sciences, Bonus) zoning district. The proposal also includes a request for a new chemical storage bunker on the east side of the existing building at 20 Kelly Court. The parcels at 20 Kelly Court and 1075 O'Brien Drive would also be merged. ([Staff Report #17-048-PC](#))

Principal Planner Rogers said the Item was continued tentatively to August 14, 2017. He said staff would send a notice to that effect.

H. Informational Items

- H1. Future Planning Commission Meeting Schedule

Commissioner Goodhue asked about expected items on the July 31 agenda. Principal Planner Rogers said Vice Chair Kahle would chair that meeting as Chair Combs would be absent. He said there were three residential use permits. He said the Transportation Division was starting its master plan process, an output of the ConnectMenlo implementation. He said they were seeking appointment of one Planning Commissioner for approval by the City Council to serve on the steering committee for the Transportation Master Plan.

Commissioner Barnes asked when the Facebook Willow Campus would come forward to the Planning Commission. Principal Planner Rogers said in about a year for action as that would most likely require an Environmental Impact Report (EIR) of some level. He said Facebook was considering revisions to a recent action relating to Buildings 21 and 22 and that most likely would be a Commission study session in September.

Chair Combs asked if it was one neighbor or multiple neighbors who had appealed the 445 Oak Court project to the City Council. Principal Planner Rogers said the technical appeal came from the adjacent left side neighbor. He said there was a follow up letter submitted by an attorney indicating

they were representing the appealing property owners as well as a few other property owners in the vicinity.

Commissioner Barnes asked about the Stanford Middle Plaza project. Principal Planner Rogers said the Planning Commission would next have a comprehensive review of the project for recommendation to the City Council possibly at the end of August.

- Regular Meeting: July 31, 2017
- Regular Meeting: August 14, 2017
- Regular Meeting: August 28, 2017
- Regular Meeting: September 11, 2017

H. Adjournment

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

Staff Liaison: Thomas Rogers, Principal Planner

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on August 14, 2017