



REGULAR MEETING MINUTES

Date: 11/6/2017
Time: 7:00 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 7:00 p.m.

B. Roll Call

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

Staff: Deanna Chow, Principal Planner, Sunny Chao, Assistant Planner

C. Reports and Announcements

Principal Planner Deanna Chow said the Facebook Conditional Development Permit Amendment and Development Agreement Amendment project and a Reconsideration of the Rezoning and Annexation of 2131 Sand Hill Road by the request of Council Member Carlton were on the City Council's November 7, 2017 meeting agenda. She said the Planning Commission meeting of November 13, 2017 was canceled and the next regular meeting was December 4, 2017.

Chair Combs said that item F1 for 107 Hedge Road was postponed and item F3 for 1221 Chrysler Road was deferred to a future meeting. He said that the Commission would consider item F2 for 689 University Drive under the Public Hearing agenda.

D. Public Comment

There was none.

E. Consent Calendar

- E1. Approval of minutes from the September 25, 2017, Planning Commission meeting. ([Attachment](#))

Chair Combs said Commissioner Henry Riggs had submitted one clarification to the minutes.

Commissioner Katherine Strehl said she would abstain from the vote as she was not present at the September 25, 2017 meeting.

ACTION: Motion and second (Susan Goodhue/John Onken) to approve the minutes of September 25, 2017 with the following modification; passes 6-0-1 with Commissioner Strehl abstaining.

- Page 12, last paragraph, 1st line: replace “Commissioner and...” with Commissioner Kahle and...”

F. Public Hearing

- F1. Use Permit/Roman Klinkovich/107 Hedge Road:
Request for a use permit to perform interior modifications and construct first and second story additions to an existing single-story single-family residence on a substandard lot with respect to width in the R-1-U (Single-Family Urban Residential) zoning district. The proposal would exceed 50 percent of the existing floor area and is considered equivalent to a new structure. ([Staff Report #17-065-PC](#))

Item was postponed to a future meeting.

- F2. Use Permit and Variance/Theodore J. Catino/689 University Drive:
Request for a use permit to demolish a single-story, single-family residence and detached garage, and construct a new two-story, single-family residence with an attached garage on a substandard lot with regards to lot width and area in the R-3 (Apartment) zoning district. The proposal includes a request for a variance for the new residence to encroach into the required 20-foot separation between the main building on the subject site and the main building located on the adjacent left lot. As part of the project, one heritage plum tree in the left side yard is proposed for removal. ([Staff Report #17-066-PC](#))

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

Applicant Presentation: Adam Rockwood, Rockwood Design, Los Gatos, said he was representing the property owners. He said his clients purchased the property earlier in the year and his firm has worked with them towards creating a home for their growing family. He said the existing home was a two-bedroom, one bath, non-historic house of approximately 1100 square feet with a detached garage on a substandard lot, the lot being 48-feet wide at University Drive, where 70-foot width was required by code. He said they were proposing to demolish the existing residence and build a new contemporary, two-story, single-family residence. He said the design incorporated a dark colored standing seam metal roof and a mixture of wood, stucco, and composite interest panels as well as a high quality aluminum exterior windows and door package. He said they have requested the removal of several trees with three of those listed in poor condition, one small nine-inch plum in fair condition, and a tulip poplar in good condition but unfortunately located in the interior property line, more or less in the middle of the usable portion of the lot. He said of those trees the one heritage tree was a purple-leaved plum in poor condition with multiple structural defects, declining health, and not a good candidate for retention in accordance with the arborist's report. He said they reached out to neighbors twice during the process. He said they heard from one neighbor who requested a set of drawings, which they provided.

Mr. Rockwood said they designed the project to meet the required 10-foot side yard setback. He said a 20-foot separation between main buildings on the project site and the main buildings located on an adjacent lot was also required. He said the neighboring property's main building was within the required 10-foot setback and defined as nonconforming. He said with a substandard lot width of 48 feet, an exterior side yard setback of 15 feet due to the lot being a corner lot, and an interior

side yard setback of 10 feet meant that 25% of the lot width was dedicated to setbacks. He said they were requesting a variance from the required separation of 20 feet between main buildings. He said code section 16.80.060 referred to the amortization of nonconforming uses and structures to bring those into compliance. He said while they understood that a strict interpretation of the zoning ordinance required a 20-foot separation between structures, they felt the strict application of the zoning ordinance should have also resulted in the removal of the nonconforming conditions of the adjacent property in accordance with the amortization section of the zoning ordinance. He said research indicated the adjacent residence was built in 1951 and per city code should have been brought into compliance by 1991 at the latest. He said if the next door neighbor's home conformed with the code as it should, they would not have needed to request a variance, which required a \$3,000 deposit be paid along with the application. He said they would argue that it devalued the property in its existing state. He said they requested that the Planning Commission consider whether or not a variance was required for their application and if the Commission did require a variance request, they would defer to their variance request letter that evaluated the findings required for the variance application.

Chair Combs asked staff whether the Commission had the ability to determine whether a variance request was needed or not when it was agendaized as such. Principal Planner Chow said the variance was integral to the proposed project. She said if the Commission was to move forward with the project it would have to consider the variance for the separation between the subject and adjacent buildings. She said that amortization was in the City's code but was something that needed to be enacted by the City Council. She said there were many nonconforming structures in the City and to require the demolition of those structures was not something the City had implemented and was not likely to do. She said that process included going to the City Council and returning back to the Planning Commission so the variance request process was recommended.

Chair Combs confirmed with the applicant that the property owners bought the property with full knowledge of its conditions and limitations. Mr. Rockwood restated his concerns with this project having to meet a strict interpretation of code but the neighboring property was not required to do so and its nonconforming condition was what made a variance necessary for the subject property.

Commissioner Andrew Barnes asked about night illumination into the adjacent apartment building from the left side hallway windows on the subject property. Mr. Rockwood said it was the side elevation of the adjacent property. He said they proposed in the elevations that those windows in the hall and stair on the second floor would be frosted glass, sheet A2.2. He noted that the frosted glass should be called out on that sheet and was not. He said they also raised the sill heights from what they had originally proposed.

Commissioner Larry Kahle asked if all the windows on the left side elevation were frosted or just the second story windows. Mr. Rockwood said just the windows at the stair core and the stair hall were frosted. He said the sill heights in the bedrooms and the bathrooms were at six-feet so the windows were only two feet tall.

Commissioner Kahle said there was a request for an additional one foot of height for mechanical equipment. He asked if that meant the whole roof would be taller or whether they were proposing mechanical equipment just on the three by twelve. Mr. Rockwood said it was something his firm typically requested in the event the structural engineer chose a raised floor system as it allowed them another foot in height to play with. Commissioner Kahle asked if the second floor plate was being raised or just the pitch of the roof. Mr. Rockwood said the overall relation was in the ultimate

height of the pitch but depending on the floor levels that the plate heights might change as well. Responding to another question from Commissioner Kahle, Mr. Rockwood said he did not know if the additional height would be taken up in the roof pitch or the plate height.

Commissioner Kahle asked about the materials. Mr. Rockwood said they had a standing seam metal roof that would probably be a dark gray or dark bronze color. He said they would use natural red western cedar siding that would be stained for protection, typically with a transparent stain. He said the composite panels were a cementitious panel system made by Swiss Pearl. He said they would use acrylic stucco with trowel finish. He said typically they wanted either a nice smooth stucco or a light sand finish to the actual stucco. He said they used aluminum control joints to make sure no cracking occurred with the stucco. He said the aluminum windows and doors most likely would be in a dark bronze color to match the rest of the trim color.

Commissioner Kahle asked about the bands for the fascia. Mr. Rockwood said the bands were sheet metal with flashing typical of roof fascia. He said typically that was a metal applied trim fascia that came in the same color as the roof. He said typically they match the roof color and trim. Commissioner Kahle confirmed with the applicant that was the same for the awnings. Commissioner Kahle asked how thick the fascia and rake boards were. Mr. Rockwood said they were probably eight inches or so.

Commissioner Kahle asked if the applicant was open to some suggestions about materials and where they were located. Mr. Rockwood said as long it was a suggestion. Commissioner Kahle said there was wood siding on the street elevation on the side where the front garage wrapped around into the second garage putting the transition from stucco to wood at that outside corner. He said the transition would tend to work better if it was on the inside corners the stucco wrapped around. Mr. Rockwood said they typically picked up that transition with a custom made piece of aluminum. Commissioner Kahle said three materials were used along the entry wall including wood siding, stucco, and composition panels. He asked if the intention was to use three materials. Mr. Rockwood said it was to break up the elevation as it was fairly long and to create a proportionate massing.

Commissioner Riggs confirmed with the applicant that the frosted glass would be used for the three windows specified at the stair core elevation and the one window that was basically at the stair hall on the second story. Commissioner Riggs said for those windows the Commission might be able to allow the sills to be lower. He said in referring to frosted glass the applicant might want to leave open other obscure glass options and suggested in the approval to refer to obscure glass. Mr. Rockwood said that would be great.

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

Commission Comment: Commissioner Barnes said correspondence on this project noted that the property was in an R-3 zoning district and could accommodate a multi-family structure. He said it was not ideal to lose housing opportunity in the City but this choice was the prerogative of the property owner and not the purview of the Planning Commission. He said the overall aesthetics of the project were good and he supported it. He said he was fine with the variance as it was a hardship unique to this property. He said if the applicant wanted to lower the sill heights that was fine as those windows had frosted glass.

Commissioner Onken confirmed with staff that the 20-foot separation requirement between main

structures on adjacent properties was specific to the R-3 zoning district. He said that requirement probably had to do with the expectation that multi-family buildings could be built on such parcels. He said regarding the variance there was a unique situation and he could support the variance. He said regarding the comment as to why the property was not being used for multi-family housing that the lot was not big enough to accommodate parking onsite for more than one unit. He said he supported the project.

Commissioner Goodhue said she liked the adaption of the house to the lot and agreed with Commissioner Barnes that it would be a good improvement to the corner. She said the granting of the variance was warranted given the unique situation, preservation of trees and the narrowness of the lot. She said that she hoped the nonconforming use on the adjacent parcel was fixed eventually to improve the building separation. She said the project was nicely designed and she supported it.

Commissioner Kahle said he appreciated the redwood tree on the corner and the garage offsets. He said he had no issue with the variance request as it was the condition on a neighbor's property that made it necessary. He said he was concerned with an addition of one foot height. He said if that was limited to the roof pitch that was one thing but it could raise the whole structure one foot, which would make the home a lot taller. He said he was concerned about the materials and the roof forms, especially over the master suite area. He said as a contemporary design it needed to be more refined and have more thought given to the style design. He said the home would be on a prominent corner and very visible.

Commissioner Riggs said he agreed with approving the variance. He noted the comments he had made about allowing lower sill heights for the windows with obscure glass. He said it was new that they would approve a project with the potential to raise the roof up a foot. He said if it was not the pitch that changed then the elevations would be a somewhat different proportion than what was presented. He said he hesitated to support the additional plate height. He asked if the Chair would have the applicant address what he would need to do in terms of the HVAC if the approval held the plate height where it was and just allowed flexibility for the overall roof height.

Recognized by the Chair, Mr. Rockwood said it was a tradeoff between plate heights and the overall roof heights. He said even if the mechanical system went into the attic it would not affect the roof height. He said overall he thought the additional space would go to the plate height and towards the plate height equally. He said if they were concerned with the additional height requested to allow the plate height to eventually grow they would remove the request but they would prefer the leeway of 12 inches to allow the location of the mechanical equipments.

Commissioner Riggs moved to make the findings for the variance request and the use permit with two conditions: the three stair windows and adjacent hall window on the second floor would be obscure glass and their sill heights might be adjusted to two feet; and a variation in the roof peak could be allowed but based on the elevations presented the plate heights should be held and predominately the elevations presented. Commissioner Strehl seconded the motion.

Commissioner Onken said that this was the first time an applicant had ever put a request forward to give themselves protection from making errors and increase the height of a house to accommodate noting that there were 10-foot ceilings on the ground floor. He said the use permit should be for the ridge height of 24-feet 11-inches as submitted on the plans. He asked if the maker of the motion wanted to withdraw the motion as the height was already clear on the

drawings. Chair Combs said that the applicant had made a request and even if outside the norm he thought the Commission should respond. Commissioner Onken said other jurisdictions had restrictions on the height of mechanical equipment, vent heights, and chimney heights for example where the City does not but the City specifies the maximum height of the building.

Commissioner Barnes asked staff about adding the condition for the flexibility to increase the height if need by one foot. Chair Combs noted there was a motion and second on the table and asked staff to answer the question. Assistant Planner Chao said the request had come in with the last plan revision to allow for additional height; she said that was a very uncommon request. Commissioner Barnes asked for clarification as to why it was included in the approval conditions. Principal Planner Chow said the request was something staff typically did not see but they wanted to work with the applicant to potentially avoid coming back to the Commissioner after the building permit stage if there was something that needed to be adjusted for mechanical equipment. She said they also looked at the overall height which was allowed to 35-feet in the R-3 zoning district and that with another foot added it would still be lower than the allowable height. Commissioner Barnes asked if it would set a precedent for future submittals. Principal Planner Chow said it could open that door but noted staff reviews every application on a case by case basis to understand the circumstances with which an applicant was trying to work. Commissioner Barnes confirmed with the Chair that only the obscured windows would be allowed to decrease the sill height.

Commissioner Riggs said he understood Commissioner Onken's concern but he was more concerned with the plate height, which was why he suggested that be held. He said he did not think a rise in the ridge height would hurt the building and in fact might help the design as a 3 by 12 roof was not typically a modern roof. He said also the height was far below the 35 foot maximum height limit. He said for future reference that applicants be requested to submit two options in a similar scenario as this for the Commission's review.

Commissioner Strehl said the maximum allowable height in this zoning district was 35 feet. She said if the use permit request submitted had an additional foot in height than what was submitted that she did not think the Commission would request decreasing the roof line one foot.

Commissioner Barnes said he would not have a problem with a plate height proposed at 25-feet 11-inches. He said he did not agree with the ability to call for a change with a project pursuant to submitting plans and could not support the flexibility of one foot for this project.

Chair Combs confirmed that Commissioner Barnes would not allow the additional foot even though the project was well below the allowable maximum height. Commissioner Barnes said there was a maximum allowable height of 28-feet in the R-1-U zoning district. He said what an applicant chose to submit was their prerogative and the Commission could review and act upon that. He said giving flexibility to a very unusual request was not a precedent he wanted to support setting.

Chair Barnes said the applicant had said this was a common practice for his firm and asked if he had encountered problems with other jurisdictions. Mr. Rockwood said he had not ever had a project needing Planning Commission approval. He said some jurisdictions allowed some variation. He said if the Commission did not want to grant the additional height he would retract the request.

Commissioner Strehl said each use permit request was unique. She said she did not think they would be setting a precedent. She said the height proposed was so far below the allowable height that she thought it was not a significant issue.

Commissioner Riggs said this presentation did not include any color palettes. He said there was a comfort level when a design team presented a color scheme.

Commissioner Kahle said he had a problem with an option for a different height. He said a good design process would think through the design ahead of time and know if another foot of height was needed or not. He said his objection to the project was the roof form needed more thought and to some extent the materials presentation. He said he could not support the project.

Chair Combs asked staff to repeat the motion/second on the table. Principal Planner Chow said the motion by Commissioner Riggs and the second by Commissioner Strehl was to approve the use permit and make the findings for the variance with two conditions: require that the three windows in the stair case and adjacent hallway window, second story, left side elevation have obscured glass with the flexibility to lower the sill height to two feet and to allow for adjustments in the roof peak up to one foot but hold the plate height and general aesthetics to accommodate potential mechanical equipment.

ACTION: Motion and second (Riggs/Strehl) to make the findings for the variance and approve the project as recommended with the following modifications: passes 4-3 with Commissioners Combs, Goodhue, Strehl and Riggs supporting and Commissioners Barnes, Kahle and Onken opposing.

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. Make the following findings as per Section 16.82.340 of the Zoning Ordinance pertaining to the granting of variances:
 - a. The main building on the left side of the subject parcel has a setback of approximately four feet, 11 inches and does not conform to the required interior 10-foot side setback required in the R-3 zone. As a result of this nonconforming setback, the subject property would be required to provide a setback of 15 feet, one inch. When combined with this nonconforming building, the narrow width of the parcel creates a uniquely small area for the permitted building footprint. Additionally, the heritage-size redwood tree in the front right corner of the lot limits the permitted building footprint to ensure the new construction would not impact the existing heritage tree. This hardship is unique to the property, and has not been created by an act of the owner.
 - b. If the proposed residence were built 20 feet from the main building on the neighboring lot to the left, the residence would only be 13 feet wide, resulting in a long narrow structure. If the structure on the left side was in conformance with its required side setback, the variance would not be necessary for the proposed 23-foot wide residence. The variance would thus be necessary for the preservation and enjoyment of substantial property rights

possessed by other conforming property. Due to the placement of the adjacent structure and the narrowness of the lot, the requested variance would not represent a special privilege.

- c. The distance to the building on the left side of the subject property would be 14.9 feet. If the left adjacent parcel is redeveloped in the future, it would be required to adhere to the 10 foot side yard setback and the proposed variance would no longer be needed. The proposed project would be below the maximum allowed building coverage and all other Zoning Ordinance standards would be met. In particular, the structure would be well below the 35-foot maximum height limit, with a maximum ridge height of 25 feet and 11 inches. As such, granting of the variance would not be materially detrimental to the public health, safety, or welfare, and will not impair an adequate supply of light and air to adjacent property.
 - d. Although there are a few other narrow parcels in the area that may be adjacent to properties that are not in conformance with the required 10 foot interior side yard setbacks on either side, these are exceptions. Each project would be reviewed individually. The unique conditions of the short substandard lot width, the adjacent nonconforming structure in regards to side setback, and close proximity of the large heritage tree make the variance specific to this lot's conditions. As such, the conditions on which the variance is based would not be generally applicable to other property in the same zoning classification.
 - e. The property is not within any Specific Plan area, and thus a finding regarding an unusual factor does not apply.
4. Approve the use permit and variance subject to the following **standard** conditions:
- a. Development of the project shall be substantially in conformance with the plans prepared by Rockwood Design consisting of nine plan sheets, dated received October 24, 2017, and approved by the Planning Commission on November 6, 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 Monarch Consulting Arborists, LLC dated April 7, 2017 (dated received May 11, 2017).

5. 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 have the flexibility to propose a maximum height of 25 feet, 11 inches for the new two-story, single-family residence to accommodate any potential mechanical or structural coordination so long as the overall architectural design is retained **only with adjustments in the roof peak up to one foot and no change to the plate height**. This is subject to the review and approval of the Planning Division.
- b. **Obscure glass will be used in the three windows in the stair well and the one adjacent hall window on the second story and those window sills might be lowered to two feet in height.**

F3. Use Permit and Architectural Control/City of Menlo Park/1221 Chrysler Drive: Request for architectural control to construct a new stormwater pump station to replace the existing pump station and a request for a use permit for hazardous materials to install a new diesel emergency generator associated with the stormwater pump station, which is located in the P-F (Public Facilities) zoning district. *Item deferred to a future meeting.*

Item was deferred to a future meeting.

G. Informational Items

G1. Future Planning Commission Meeting Schedule

- Regular Meeting: November 13, 2017 (Canceled)
- Regular Meeting: December 4, 2017

Principal Planner Chow said that the two items continued from this meeting, the Chrysler Pump Station and the 107 Hedge Road project, would potentially be on the December 4, 2017 meeting agenda. She said also in December an annual review of the Facebook development agreement would occur as well as a potential ordinance amendment for EV charging stations. She said the City Council asked staff to look at expanding the EV charging station requirement citywide and also increase the requirement. She said staff has been working with the Council's subcommittee on this and received community input at a recent meeting. She said they would bring a draft ordinance amendment to the Planning Commission for review before taking it to City Council.

Commissioner Onken said the Council would hear the Facebook Expansion Project amendment the following evening. He said he received proposed changes to the garage from Facebook. He

asked if the Commission would do a substantial conformance review process or whether these changes went directly to the Council and then came back to the Commission. Principal Planner Chow said the staff report to the City Council included the proposed garage modifications presented by the applicants. She said the Council had the opportunity to support the project as the Planning Commission recommended with the conformance memo bringing the garage back for the Planning Commission's review or Council could choose to support the garage as proposed without modifications and not have a substantial conformance review by the Planning Commission.

Commissioner Barnes asked if conformance review assumed a conformance review by the Planning Commission prior to going to City Council. Principal Planner Chow said she understood that the Commission's recommendation for the City Council was to bring it forward to the City Council for their final action if it included the condition of approval for the substantial conformance memo process through the Planning Commission.

- Regular Meeting: December 11, 2017

Commissioner Strehl said last Monday there was a meeting of the Transportation Master Plan work group that she attended as the member representing the Planning Commission. She noted Commissioners Barnes and Riggs were there as members-at-large. Commissioner Barnes and she agreed the meeting was very interesting and the work very important to the City.

H. Adjournment

Chair Combs adjourned the meeting at 8:11 p.m.

Staff Liaison: Deanna Chow

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on December 4, 2017