



REGULAR MEETING MINUTES

Date: 12/4/2017
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 (Chair), Susan Goodhue, Larry Kahle (Vice Chair), John Onken, Henry Riggs

Absent: Katherine Strehl

Staff: Deanna Chow, Principal Planner, Michele T. Morris, Assistant Planner, Tom Smith, Associate Planner

C. Reports and Announcements

Principal Planner Deanna Chow said the City Council at its December 5, 2017 meeting would consider a settlement agreement with the City of East Palo Alto from litigation related to CEQA for the General Plan update. She said the primary conditions of the settlement agreement related to reciprocal environmental review for future development projects pertaining to new projects in the O (Office), LS (Life Science), and RMU (Residential Mixed Use) zoning districts. She said in those zoning districts, projects that exceeded 250,000 square feet would require preparation of an environmental impact report (EIR). She said there would be reciprocal traffic studies so that traffic impacts on the other jurisdiction would be analyzed and mitigated. She said the agreement included a reciprocal fair share mitigations impact fee. She said reciprocally for trip cap projects that monitoring and compliance information would be shared as well as a percentage of penalties paid based on traffic analysis, and finally a reciprocal study of multiplier acts so when an EIR was to be prepared a housing needs assessment would be conducted.

Principal Planner Chow said the Council at the December 5th meeting would also hear an informational item related to the El Camino Real Downtown Specific Plan (Plan) regarding the maximum allowable development cap. She said currently with approved projects within the Plan area the improvement entitlements for residential units was at 67% of that cap and net new non-residential square footage was at 74% of that cap. She said at 80% of either development cap that staff was required to go to Council about whether to keep the Plan as it was set or to look at modifying the caps with subsequent environmental review. She said early next year staff would bring that discussion before the Council.

Commissioner Susan Goodhue asked about an email received from a person who was concerned the caps would be exceeded. Principal Planner Chow said approved projects equated to 67% of

the cap for residential development and 74% of the cap for non-residential. She said there were a number of pending projects in the Plan area to come before the Commission. She said if those were approved 72% of the residential cap would be reached and 92% of the on-residential cap.

Commissioner Goodhue asked when the 40 Middlefield Road project would come before the Commission. Principal Planner Chow said staff was working with the applicant for a new commercial building at 40 Middlefield Road and were waiting for revised drawings. She said the emails being sent to the Commission about that project were being forwarded to the applicant as well. She said the project would come to the Planning Commission early next year.

Chair Combs asked about the impact of reaching 100% of the Plan development caps. Principal Planner Chow said the Council could look at an option to increase the caps but new environmental review would be needed to allow for an increased level of development.

Replying to Commissioner Andrew Barnes, Principal Planner Chow said that potentially a discussion of development caps under the Plan might lead to discussion relative to potential design and development standards changes for the Plan. She said if such changes were undertaken that would most likely include Planning Commission review and recommendation to the City Council as the deciding body.

D. Public Comment

There was none.

E. Consent Calendar

Commissioners Goodhue, Larry Kahle and Henry Riggs suggested clarifications and corrections for the minutes.

ACTION: Motion and second (Goodhue/John Onken) to approve the minutes of October 16 and November 6, 2017 with the following clarifications and modifications; passes 6-0-1 with Commissioner Katherine Strehl absent.

E1. Approval of minutes from the October 16, 2017, Planning Commission meeting. (Attachment)

- Page 10, 1st full paragraph, nine lines from its end: "He said he thought they were at the right amount to enhance the tree canopy but was open to discussion about the **pro0osed** number of planters." Replace "**pro0osed**" with "**proposed**."

E2. Approval of minutes from the November 6, 2017, Planning Commission meeting. (Attachment)

- Page 5, 3rd paragraph, 3rd line, staff to confirm applicant's statement: "He said overall he thought the additional space would go to the plate height and towards the plate height equally."
- Page 6, 2nd paragraph from bottom, for the line: "**Chair** Barnes said the applicant had said this..." replace "**Chair**" with "**Commissioner**."

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 and lot area 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 #17-067-PC](#))

Commissioner Kahle was recused for item F1, 107 Hedge Road, as his residence was within 500-feet of the subject property.

Staff Comment: Assistant Planner Michele Morris said staff had no additions to the staff report.

Applicant Presentation: Roman Klinkovich said he and his family had lived at the property since 2009, and had outgrown the home. He said that they kept the design simple and tried to optimize use of space.

Commissioner Barnes asked about the neighbor outreach. Mr. Klinkovich said they have very good relations with their adjacent next door neighbors and shared the plans with them as well as with their two neighbors across the street. Commissioner Barnes confirmed with the applicant that the neighbors did not have any issues with the proposed project.

Commissioner Riggs asked if the windows would be recessed and how much. Noble Hernandez, the project designer, said the windows would be recessed at least one inch.

Commissioner Onken asked about the style of the proposal. Mr. Hernandez said the owner had shown him photos of older style French country homes that he liked. He said they based their plan on those stylistic images.

Commissioner Barnes said the house across the street had trees screening the front façade. He asked whether the subject property would have any green screening. Mr. Klinkovich said they would like to plant a tree in front of the house on each side.

Chair Combs noted there was a one-car garage on both sides of the house, and asked about the thinking for that. Mr. Klinkovich said he and his sons loved to work on cars. He said the current two-car garage included the laundry area and storage. He said one of the garages would be dedicated to cars and the other would be used as the current one was.

Commissioner Barnes asked about the window sill heights shown on A6 for the bedrooms. Mr. Klinkovich said they had replaced windows when they moved in and wanted to reuse those. He said there were vinyl Milgard sliding windows.

Commissioner Onken said the large side windows for the two bedrooms allowed for escape. He asked if the one window for the middle bedroom, which was three-foot four-inches to the sill, provided egress. Mr. Hernandez said it would.

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

Commission Comment: Commissioner Onken said privacy was a concern in this area of Hedge Road particularly for views into side yards. He said normally on the rear a balcony would be a problem. He said he thought it was set well enough in from the property line and the side was a solid parapet wall that provided screening so it would not impact privacy. He said however the two large side windows on the second story were larger than the front windows and would present a nuisance to neighbors either from the light through them or the views created by them. He said he would like those replaced with smaller, more modest windows.

Commissioner Riggs said the massing was nice and thought the home could be an attractive addition on Hedge Road. He said he was concerned with window detailing and privacy. He said that sliding windows did not support the traditional style design. He said he had asked staff to get more information on the windows from the applicants prior to the meeting. He said the drawing left a number of questions unresolved about the window such as how was the belly band resolved at the windows and whether the stucco rounded into the windows. He said he supported the reuse of materials but an improvement in the type of windows for the project was preferable. He said the windows would need to be recessed at least two-and-a-half inches to approach a French chateau style and slider windows with no trim did not support the style at all. He said the rear second story bedroom window was the only window that did not look down on a garage or a yard but would look down on the bedroom window and the backyard of the neighbor's property. He said it was not a matter of sill height in this instance but rather a matter of window placement. He said they indicated a guardrail around the rather expansive rear deck noting that along the left side elevation it appeared to become part of the second floor wall. He asked if everything was stucco. Mr. Klinkovich said it was all smooth stucco. Commissioner Riggs said he would need more information on the windows.

Chair Combs said he could be supportive of the project but begrudgingly. He said he understood Commissioner Onken and Riggs' concerns. He said the largest issue for him was the garage. He said it gave the structure symmetry but the front façade looked like a nice garage.

Commissioner Barnes said overall he thought the proposal could be a beautiful house. He said the architectural style brought the home straight forward and noted the Commission generally liked to see second stories set back. He said the two-story home across the street had the benefit of trees to screen whereas this project did not. He said he thought the architectural style chosen was abrupt for the neighborhood and he would like to see it softened from the street. He said the sill height was important for him as he expected that the neighboring home would redevelop to a two-story sometime in the future. He said the window size could be reduced in a number of ways. He said he was sensitive to the economics of recycling materials but he did not like the side sliding windows and the size of the second story bedroom windows. He said he would also like the front softened or screened.

Commissioner Onken said the rear balcony had two parapet walls that acted as guardrails and extended to meet the rear wall of the master bedroom and bathroom. He said however that the bathroom window height was lower than the height of the parapet wall and might be impossible to build. He said if the project was continued to improve the design that the bathroom window would need to be smaller so the guardrail did not hit the window. He said the window sill was at three-foot one-inch and the guardrail was at three-foot six-inch. Mr. Hernandez acknowledged Commissioner Onken's concern.

Mr. Klinkovich said that their garage proposal was uncommon. He said they drove around the area and Atherton for months looking at homes. He said within the Suburban Park area a number of

newly constructed homes had the same symmetrical look as their proposal. He said in the neighborhood new homes build out the two-car garages on one side and then bring out the living room to the other side creating same look as their proposal of having the entry door in the middle. He said most of the two car garages have split one-car garage doors. He said regarding windows they were open to changes including type and recessing them further.

Chair Combs thanked the applicant noting he was the only Commissioner who had brought up the garages and it seemed to be a non-issue for his fellow Commissioners.

Commissioner Onken said he was happy with two separate garages. He said there were a number of idiosyncratic elements of the proposed house within the applicant's rights to do. He said the window concerns related to the size in some places and their detailing and design. He said perhaps a motion could be made to approve the use permit but to request that the applicant return through a substantial conformance review process for window redesign or perhaps it was better to continue the project and for the Commission to see the redesigned window plan.

Chair Combs said he could see the substantial conformance review process as supportive of moving the project along but if there were a number of details changed the Commissioners might end up pushing back against the changes being proposed. He asked for staff's input as to whether the issues raised by the Commission might be handled through substantial conformance review or if it would be most appropriate to continue the item for redesign. Principal Planner Chow suggested it would be good to have a motion and then a conversation as to the next best steps. She said it could be beneficial as mentioned by Chair Combs to have the project returned through continuation to allow for conversation among the Commissioners versus approving with a redesign for substantial conformance review as in the latter the applicant might still need to return to the Commission. She said she was not sure which process would be most time efficient for the applicant.

Commissioner Barnes said he was comfortable with the substantial conformance review process as the applicant was willing and desirable of making the design work. He suggested providing more detail to the applicant regarding the windows and what the Commission wanted modified. He said if the Commission could reach consensus on that it would make the applicant's task easier. He said he liked the two car driveway approach and thought it was very baroque. He said he had not heard any conversation or support for landscaping in the front yard and suggested that would help relieve the starkness of the front façade.

Chair Combs said he supported landscape screening to soften the front façade. He asked whether Commissioner Onken was willing to make a motion so the project was not continued but would go through approval of the use permit with modifications for approval through the substantial conformance review.

Commissioner Onken moved to approve the findings of the use permit with conditions that the applicant bring proposed revisions for the windows at the side of the property and any other corrections that needed to be made to the windows regarding the trim and mullions and a more detailed landscape plan specific to what type trees would be planted. He said this would be for the review and approval of the Planning Division and the Planning Commission through the substantial conformance review process. Commissioner Barnes said there were no mullions shown in the renderings and asked if Commissioner Onken had a preference for mullions. Commissioner Onken said the first story windows had mullions. He said having more details to the windows such as trim around them or adding mullions would help soften the façade.

Commissioner Riggs seconded the motion and asked Commissioner Onken as the maker of the motion to consider some other requirements. He said a landscape plan should be required with specific details. He suggested the applicant look at sycamore, ash and oak trees as good tree types. He said the City arborist has a list of preferred tree species. He said the house would be very obvious as two-story with no trees in front and single-story homes on either side. He said he thought the first two-story home in a cluster of one-story homes had added responsibility. He said if they researched French chateau architecture they would find the windows for that style tended to be narrow. He said if they were not narrow they would have what appeared to be a masonry mutton and mullion dividing the window. He said he did not think the privacy issue could be solved for the bedroom window as it had to have a decent size and a five foot sill but strategic planting at the property line for the neighbor's sake on the right side was a normal solution. He suggested looking at an architectural reference regarding the cornices whether above the garage, at the entry, or up at the edge of roof for the parapet as currently those were more developer Mediterranean style than French history style. He said he liked that they would use a metal roof. He said the garage door on the separate sheet they received was charming but it had an arched top and that did not match the rendering. He said he wanted to make sure they had seen that within the context of the front elevation and wanted them to be sure they were comfortable with that being the only arch. He said the drawings both in the plans and elevations showed the shed on the side of the rear first floor still present but the approval recommendation included removing the shed. He said the additions to the motion he would like were to name the planting species on the landscape plan, provision of a window elevation or a section to tell the Commission how much the window would be recessed, noting that two-and-a-half-inches was a minimum, and for screen plantings for privacy on the right side of the home. Commissioner Onken said he thought everything Commissioner Riggs said was contained in the conditions and that a landscape plan would have the names of the species. He said the suggestions were good about the windows and they would see those changes. Commissioner Riggs said in that case he would like to have the screen plantings required on the right side and a window jamb or head detail provided. Commissioner Onken agreed.

Chair Combs asked staff to relay their understanding of what the additional items to the motion were. Assistant Planner Morris said she understood that Commissioner Onken moved to approve with the following modifications: proposed revisions to the windows at the side and further trim and mullions to the windows, a more detailed landscape plan with specifications as made by Commissioner Riggs as the maker of the second for screen plantings on the right side of the house, more detailed information about the window jambs and a deeper recess of most of the windows on the house.

Principal Planner Chow confirmed with the Chair that the changes would be reviewed by staff and presented to the Commission through the substantial conformance review.

ACTION: Motion and second (Onken/Riggs) to approve the use permit with the following modifications; passes 5-0-1-1 with Commissioner Kahle recused and Commissioner Strehl absent.

1. Make a finding that the project is categorically exempt under Class 1 (Section 15301, "Existing Facilities") of the current 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 Noble Benjamin Associates, consisting of 12 plan sheets, dated received November 20, 2017 and approved by the Planning Commission on December 4, 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 and the recommendations in the arborist report by Davey Resource Group, dated March 13, 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 which includes the demolition of the existing shed, and demonstrates that the proposed project does not exceed the floor area limit of 2,800 square feet, subject to review and approval of the Planning Division.
 - b. ***Simultaneous with the submission of a complete building permit, the applicant shall provide revised plans for windows at the side elevations to include additional trim including mullions, and a window jamb example which shows at least a 2.5-inch recess for the windows, subject to review and approval of the Planning Division and the Planning Commission through the substantial conformance review process.***

- c. ***Simultaneous with the submission of a complete building permit, the applicant shall provide landscape plans to include tree species for screening at the right side of the property to protect neighbor privacy, subject to review and approval of the Planning Division and the Planning Commission through the substantial conformance review process.***

F2. Architectural Control/Elke MacGregor/1605 Adams Drive: Request for architectural control to remodel the interior, expand an existing mezzanine, and make exterior modifications including new window and door openings and glazing to an existing office building greater than 20,000 square feet of gross floor area located in the LS (Life Sciences) zoning district. ([Staff Report #17-068-PC](#))

Staff Comment: Tom Smith, Associate Planner, said staff had no additions to the staff report.

Questions of Staff: Commissioner Barnes said the LS zoning district had a 10,000 square foot trigger for building standards. He said a lower bar was 10,000 square feet and expenditure of over \$500,000 over the course of five years that applied to street frontage. He asked if there were any other lower bar improvements that needed to be made under the same metric of 10,000 square feet or the \$500,000 over the course of five years. Associate Planner Smith said the \$500,000 over five years was particular to street frontage improvements. He said there was an area of the LS zoning district that had no specification related to new construction or 10,000 square feet and that was the green building standards. He said certain items under the green building standards section did apply to any project regardless of size and the applicant would be required to address those.

Chair Combs noted that Commissioner Onken was recused due to a potential conflict of interest regarding a nearby project he had done some work on in the past and that Commissioner Kahle, recused for the previous item, had rejoined the Commission at the dais.

Applicant Presentation: John Tarlton, Tarlton Properties, Inc., said they would add some modest square footage to Building 18 at 1605 Adams Drive for one of their star tenants, Grail. He said square footage was being added to the interior and the vast majority of work would be inside the building. He said there would be some additional windows or openings on the west side of the building, which would only be seen by Building 17.

Michael Myers, Finance Facilities Director, Grail, said the company was two years old and had spun out of Illumina, and their research was to detect cancer very early when it was most curable. He said in 2016 they had 40 employees. He said they now had 250 employees and were still growing. He said they raised over a billion dollars of financing over the past year.

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

Commission Comment: Commissioner Barnes asked about the below market rate housing requirement and if an applicant chose to do an offsite unit whether a fractional unit would be rounded up to a whole number of units. Associate Planner Smith said if an applicant purchased residential property in the community and chose to deliver a unit they would have to provide that whole unit. He said similarly if the requirement was some decimal above a whole number it would be rounded up to the next whole number of units. Commissioner Barnes asked about partnering with another applicant. Associate Planner Smith said typically an applicant would partner with someone who owned land zoned for residential and provide approximately half of the cost to build one unit. Principal Planner Chow said if for example 1.2 BMR units were required that applicants have chosen to build one unit and pay the in-lieu fee for .2 units rather than have the requirement

rounded to the next whole number.

Commissioner Kahle said the project was approvable and was assuming that the new windows would match the existing ones. He noted that the applicants had indicated that was correct. He moved to approve the project as recommended in the staff report. Commissioner Riggs seconded the motion.

ACTION: Motion and second (Kahle/Riggs) to approve the use permit as recommended in the staff report; passes 5-0-1-1 with Commissioner Onken recused and Commissioner 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. Approve the Below Market Rate Housing Agreement.
3. Adopt the following findings, as per Section 16.68.020 of the Zoning Ordinance, pertaining to architectural control approval:
 - a. The general appearance of the structure is in keeping with the character of the neighborhood.
 - b. The development will not be detrimental to the harmonious and orderly growth of the City.
 - c. The development will not impair the desirability of investment or occupation in the neighborhood.
 - d. The development provides adequate parking as required in all applicable City Ordinances and has made adequate provisions for access to such parking.
 - e. The property is not within any Specific Plan area, and as such no finding regarding consistency is required to be made.
4. Approve the architectural control subject to the following **standard** conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by DES Architects + Engineers consisting of twelve plan sheets, dated received October 24, 2017, as well as the Project Description Letter, dated received August 28, 2017, approved by the Planning Commission on December 4, 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 provide street improvements on public street edges of the property that comply with adopted City of Menlo Park street construction requirements for the adjacent street type, including curb, gutter, sidewalk, street trees, street lights, and undergrounding of overhead electric distribution and communication lines along the property frontage. 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 comply with all applicable requirements of the ConnectMenlo General Plan Update Mitigation Monitoring or Reporting Program (MMRP).

G. Regular Business

G1. Review of Draft 2018 Planning Commission Meeting Dates. ([Staff Report #17-069-PC](#))

Chair Combs noted that Commission Onken had returned to the dais.

Principal Planner Chow said that annually staff prepared a meeting calendar for the next calendar year to share with Commissioners for input related to school breaks or other things that might impact the community and the schedule.

Commissioners had no suggestions for changes to the proposed calendar.

H. Informational Items

H1. Future Planning Commission Meeting Schedule

- Regular Meeting: December 11, 2017

Principal Planner Chow said the December 11 agenda would have two single-family development projects and a mixed use project at 706 Santa Cruz Avenue.

Commissioner Riggs referred back to the October 16, 2017 minutes for the 350 Sharon Park Drive item and that Commissioner Strehl had asked what the timing would be if the Commission had continued the item for redesign. He said staff had indicated a couple of months or in the next year. He suggested that in the future staff respond that dependent upon submittals and light upcoming agendas that an item might return in six to 10 weeks. He said he was looking at whether delay prejudiced decision to continue an item or not.

Principal Planner Chow said staff could provide rough estimates for when a project might be reheard. She said for that particular project the Commission's meeting calendars had been

planned a month or two out but changes happened. She said staff could certainly provide a best guess at a meeting for when a continued item might become back to the Commission.

- Regular Meeting: January 8, 2018 (Tentative)
- Regular Meeting: January 22, 2018 (Tentative)

I. Adjournment

Chair Combs adjourned the meeting at 8:34 p.m.

Staff Liaison: Deanna Chow

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on December 11, 2017