



REGULAR MEETING MINUTES

Date: 10/21/2019
Time: 7:00 p.m.
City Council Chambers
701 Laurel St., Menlo Park, CA 94025

A. Call To Order

Chair Andrew Barnes called the meeting to order at 7:00 p.m.

B. Roll Call

Present: Andrew Barnes (Chair), Chris DeCardy, Michael Doran, Larry Kahle, Henry Riggs (Vice Chair)

Absent: Camille Kennedy, Michele Tate

Staff: Kyle Perata, Principal Planner; Corinna Sandmeier, Senior Planner; Tom Smith, Senior Planner; Chris Turner, Assistant Planner

C. Reports and Announcements

Principal Planner Kyle Perata said the City Council at its October 15, 2019 meeting reconsidered the process for notifying the City Council and public of final Planning Commission actions to facilitate City Council review of large or impactful development projects and added two items of criteria for that process. He said for projects requiring a Statement of Overriding Considerations as part of its environmental impact report the process would have that project going to the City Council for final review and action . He said the other was when the City released a Notice of Preparation (NOP) that NOP would be provided to the Council through the email log so members of the public would have that information as well.

D. Public Comment

None

E. Consent Calendar

- E1. Approval of minutes from the October 7, 2019, Planning Commission meeting. ([Attachment](#))

ACTION: Motion and second (Michael Doran/Barnes) to approve the minutes as presented; passes 3-0-2-2 with Commissioners Chris DeCardy and Larry Kahle abstaining and Commissioners Camille Kennedy and Michele Tate absent.

F. Study Session

F1. Study Session/Chase Rapp/1162 El Camino Real:

Request for a study session to review a proposed three story, nine unit residential development with an at grade parking garage with nine parking spaces in the SP-ECR/D (El Camino Real/Downtown Specific Plan) zoning district. Three of the units would be designated as Below Market Rate (BMR) units, with one unit providing a BMR unit for this project and two units providing BMR units for the combined projects at 506 Santa Cruz Avenue, 556 Santa Cruz Avenue, and 1125 Merrill Street. The Planning Commission held a previous study session on this proposal on March 11, 2019 and the project has been refined to address comments from the March 11, 2019 study session. No actions will take place at this meeting, but the study session will provide an opportunity for the Planning Commission and the public to become more familiar with the proposal and to provide feedback. ([Staff Report #19-073-PC](#)) **Continued by the Planning Commission from the meeting of October 7, 2019**

Staff Comment: Senior Planner Corinna Sandmeier provided an update regarding questions posed at the October 7, 2019 study session on this item. She said this project was covered by the Housing Accountability Act, the site was zoned for residential use, and the project was proposing residential use. She said discretion was limited and the Commission should focus on the architecture and design. She said several emails were received since the last meeting and were printed out for the Commission and public. She said the majority favored keeping Feldman's Bookstore. She said one supported developing the site at the bonus level to get more residential units and one was from the applicant's attorney on the Housing Accountability Act. She said the applicant had made a presentation and public comment had been received and public comment closed at the October 7th meeting. She said it was the Chair's discretion whether to reopen public comment prior to the Commission's deliberations.

Replying to Chair Barnes, Planner Sandmeier said she did not believe the Commission had any discretion to deny the proposed project. She said the Commission might make suggestions for the architecture or design and get those on the record when the applicant was present. She said discussion was limited due to the Housing Accountability Act.

Replying to Commissioner DeCardy, Planner Sandmeier said she thought an important part of the Housing Accountability Act was not reducing the number or size of the residential units. She said if the existing structure were converted that those units would be much smaller than those proposed and most likely the nine units as proposed would not be able to be accommodated.

Chair Barnes said he would provide the applicant an opportunity to speak if desired and would also reopen public comment. Chair Barnes noted the applicant declined and opened public comment.

Public Comment:

- Charlotte Layton, District IV, said she thought there was a way to find a place for Feldman's Bookstore. She noted the impact of high real estate cost for small business owners and expressed concern that only large corporate retail would exist in the community and the City

would lose its heart. She said she thought they should try to keep the building that housed Feldman's and at least keep Feldman's in Menlo Park.

- Larry Dahl, Menlo Park, said he was a 46-year resident and felt that the City had been impacted negatively mainly by development. He expressed concern that one of the best bookstores on the peninsula would be destroyed so a developer might make money and the City get a few extra housing units when the City could have gotten many more housing units from approved large landowner projects. He said that Feldman's was a unique used bookstore with good inventory turnover and urged that a space in the City be found for Feldman's.
- Aidan Stone, unincorporated Menlo Park, thanked the applicant for meeting with the owner of Feldman's Bookstore and allowing a guaranteed time before the premise would need to be vacated. He said he hoped there was an alternative, a third way, for the proposed project. He said the revised project plans did not meet direction from the Commission at the March study session that the design must be beautiful and useful enough to replace an "old friend." He said the proposed plans were very ordered and lacked life, noting how Feldman's back garden had birds, animals, and a heritage size avocado tree that was not being protected. He showed some of the book inventory to be found in Feldman's Bookstore and expressed concern at the cultural loss if the store was not kept in the City.
- Stephen Sanders said he was not a Menlo Park resident but a regular customer of Feldman's. He said it had rare and very mixed scientific volumes that professors and students leaving Stanford University routed to it. He said he had lived in four countries and throughout the U.S. and that Feldman's was literally one of the best bookstores he had ever been to. He noted he was originally from a small town in South Carolina and had seen how small town America was being crushed by Silicon Valley, and though it devalued that Menlo Park would do it to themselves in their own backyard.
- Paul Destefano, unincorporated Menlo Park, Palmer Lane, said he wanted to reiterate what others had said regarding Feldman's with one other perspective. He said his daughter, a junior in college, called him yesterday from Lewisburg, West Virginia, to tell him she had found a small bookstore that reminded her of Feldman's and how happy that made her. He said Feldman's was not just a place where people like Mr. Dahl go regularly to buy books but a place where their children go and can afford to buy schoolbooks and others when they see something that interests them rather than pay market rate at Keppler's. He said Feldman's was iconic, funky and a dusty old building but was one of the things that distinguished Menlo Park from other places around it and suggested they should all be proud of it.

Chair Barnes closed the public comment period.

Commission Comment: Commissioner DeCardy asked for clarification of the statement at the end of the paragraph on Existing Development on page 2 of the staff report, and if that meant that had the survey been done more recently it was possible the building might have had a different outcome as to whether it was a historic resource. Planner Sandmeier said the City's contract attorney had reviewed the question of historic resource and she believed the survey would have been more significant if done in the last five years. Commissioner DeCardy said it would be helpful to know what more significant would mean in terms of historic preservation and how that would

stack up against the housing direction they had to operate under before project approval. Planner Sandmeier said she would get clarification on that before the final project hearing.

Chair Barnes asked about the retail space in 506, 556 and 1125 Merrill Street. Chase Rapp said a 2500 square foot space at the corner of Santa Cruz Avenue and Merrill Street was leased to Philz Coffee with a vacant 1400 square foot space next to it and another 1000 square foot space next to that. Mr. Rapp, replying further to Chair Barnes, said that Feldman's currently occupied 2200 square foot of space. Chair Barnes asked what would be needed for Feldman's to occupy some of that retail space. Mr. Rapp said they would need to look at it first from an economic feasibility standpoint and also to see some initiative from the owner of Feldman's to look at available market opportunities. He said he and his partner met with Mr. Feldman today. He said that he had researched the market and found that there were nine spaces within three blocks of Feldman's that had ground floor retail that was available between 1000 and 2500 square feet.

Commissioner Henry Riggs said that the architecture had to be impressive with what it would replace. He said that the architect had moved the project design along, but it was hard to get the correspondence about the loss of Feldman's and not consider that a larger issue. He said it was a community issue, but they could not tell the developer he owed Feldman's a rent-free space. He said it was hard for him as a commissioner to support a project that would have such an impact on the community.

Replying to Commissioner DeCardy, Planner Sandmeier said the applicant had the right to ask for bonus level development but a public benefit would have to be provided. Replying further to Commissioner DeCardy, Ms. Sandmeier said potentially there were a variety of public benefits that might be offered related to the idea broached by Chair Barnes to locate Feldman's in a space in the same developer's Merrill Street / Santa Cruz Avenue project. She said usually the process for bonus level development had the applicant proposing the public benefit. Commissioner DeCardy suggested the project might be reconsidered with an element of additional benefit to the developer with some type of public benefit arrangement.

Commissioner Doran said they had heard from the community and its support for Feldman's and noted that he and his family were also fans of Feldman's. He said the community had to understand that the Commission had limited power on this project and what it procedurally could do and not do. He said the community wanted something that the Commission was being told by City staff and its attorney it could not do. He suggested the Feldman's supporters needed to consider that and look at another approach, possibly with the City Council. He said regarding the project architecture there had been objection that it was too modular and too obviously prefabricated. He said the revised plan was an improvement on that. He said he had not had an objection to the previous plan except for the balconies on El Camino Real. He said this plan was more contextual and in keeping with existing architecture in Menlo Park but was somewhat insipid and he would like the plan to have more architectural interest. He said it looked like the parking on the ground floor went back nearly to the lot line and the outdoor space would be one-story up. Mr. Long, project architect, said the planted roof of the parking area did not go back to the property line. Commissioner Doran confirmed the planted roof area was one-story above grade. He said they had had some objections from the apartment building behind this site that the outdoor space would be communal space and would be very close to their units. Replying to Commissioner Doran, Mr. Long said that space was not occupiable or for recreational use.

Chair Barnes asked for the record why this project stayed at baseline density and did not go into bonus development. Mr. Long said he was not sure they had a good answer to that in that they only discussed baseline development and providing the residential units required under the development of the other project. Brady Furst, Mr. Rapp's business partner, said parking was the challenge for the parcel to increase density and they chose to build to the right allowed under the zoning. Chair Barnes asked if they had thought about building to bonus or under state density law as they would get some concessions related to parking. Mr. Furst said they had not looked into bonus level development. Chair Barnes indicated that they might possibly increase height and obtain more density and provide more housing. Mr. Furst said the property owners behind them at 1155 Merrill Street had expressed concerns about height and density. Replying to Chair Barnes, Mr. Furst said Philz Coffee was leasing at \$5.45 per foot, and the two remaining spaces were being marketed at \$5.00 per foot.

Commissioner DeCardy said for the record that in trying to find a solution that worked for density, equity, and historical preservation, at least potentially as a use if not for the building, to have parking constraints be the limiting factor in this project was ridiculous. He said the future of transportation suggested that no way should parking levels be maintained to accommodate single-owner vehicles. He said he would support limited parking if they could get additional density from this project and others in the downtown area.

Chair Barnes said the applicants had parking stackers for the Merrill Street project. Mr. Furst said they had to use mechanical parking systems for all three of the sites to meet the parking requirement of four spaces per 1,000 square feet per zoning. He said they got a reduction for rental units by one due to the proximity to the train station. He said he agreed with Commissioner DeCardy's comments on parking. Chair Barnes asked about the applicability of the mechanical parking systems for this project. Mr. Furst said they could look into it. He said they conceived the project as nine units and nine parking spaces. He said if they went to bonus level, they would probably look into that parking system. He said they had to be cognizant of the condo owners behind the site however as the parking was located next to them.

Chair Barnes asked what the applicants' interest level was to pursue bonus development. Mr. Rapp expressed concerns with the length of time to get a project through noting the seven months after the first study session to get to tonight's session. He said while open to exploring bonus development he was concerned with time delay and expense.

Discussion ensued about the potentiality of the applicant proposing bonus level development and their concern with the associated time and expense involved, and the need for an additional study session to define public benefit if bonus level was pursued. The applicant indicated a willingness to meet with staff about the possibility of bonus development.

Commissioner Riggs said that Commissioner Doran and he had made some comments on the architecture and wondered if other Commissioners had any.

Commissioner DeCardy said he did not have specific comments. He said in general for that part of El Camino Real it would be great if it were a project that blended with the surrounding community.

Chair Barnes said he was fine with the proposed architecture and that it stepped back nicely. He said the proposed materials were fine and durable. He thought it would complement El Camino Real nicely. He said he would prefer to not see dead vegetation in the proposed window boxes.

Staff Summary of Commission Comments

Commissioners were generally positive on the revised architecture of the proposal. Commissioners also expressed an interest in:

- keeping Feldman’s bookstore, if not at this location, at least in Menlo Park, possibly at the developer’s Santa Cruz Avenue/Merrill Street project
- developing this project at the bonus level
- the use of parking stackers at this location to meet parking requirements or reducing the required parking

G. Public Hearing

G1. Use Permit Revision/Gary Ahern/1012 Cotton Street:

Request for a use permit revision for additions and other modifications to an existing two-story, single-family residence on a substandard lot with respect to lot width in the R-E (Residential Estate) zoning district. The applicant is also requesting to maintain a fence greater than four feet in height within the front yard setback. The previous use permit was granted in 1983. ***Continued to meeting of November 4, 2019.***

G2. Use Permit/Chris Kummerer/333 Pope Street:

Request for a use permit to demolish an existing two-story single-family residence and detached garage and construct a new two-story residence with an attached garage and attached secondary dwelling unit on a substandard lot with regard to minimum lot width in the R-1-U (Single Family Urban Residential) zoning district. One heritage-sized magnolia street tree is proposed to be removed as part of the project. ([Staff Report #19-074-PC](#))

Staff Comment: Assistant Planner Chris Turner said staff had no additions to the written report.

Questions of Staff: Commissioner DeCardy referred to the daylight plane on sheet A3-1 that seemed to show an encroachment into it. Planner Turner said in the R-1 zoning district provisions allowed for intrusions into the daylight plane on one side of a building.

Applicant Presentation: Chris Kummerer, CKA Architects, introduced the property owner, Jill Andre. He said the lot was substandard in width and was located in the flood zone. He said the project was located on a block of mostly two-story homes. He said the City Arborist had approved removal of the street tree due to poor health. He said the tree was removed this past week by the City. He said they would plant a replacement tree on the property as there was not sufficient room in the frontage. He said the proposed home was Spanish Colonial or Mission-style. He said to deal with massing and the style features within the increased height due to the flood zone requirements that they set the home back and created an entry courtyard in the front.

Commissioner Kahle referred to the second-story south side and asked if it showed shutters over

the master bedroom windows. Mr. Kummerer said that those were interior shutters for privacy. Commissioner Kahle asked if those were awning-type windows as they appeared hinged at the top. Mr. Kummerer confirmed he was asking about the curved window and said that was a fixed window. Commissioner Kahle said a home was under construction on the opposite side and asked regarding privacy impacts if the applicant knew what was happening with that home's windows. Mr. Kummerer said he did not know. Commissioner Kahle said his only concern would be the stairwell window. He asked what type of tile for the roof would be used. Mr. Kummerer said it would be clay tile and not cement but they had not gotten further on that detail. He said he preferred the two-piece tile but some of the S-tiles were better looking now. Commissioner Kahle said he thought the two-piece tile would fit the architecture better. He asked why the house was flipped noting the driveway was on the left side. Mr. Kummerer said part of that was solar access for the house to get the sun and not the garage. Commissioner Kahle said the structure appeared split level. Mr. Kummerer said the secondary dwelling unit was split-level to give it some privacy and as an opportunity to drop the floor over the garage and break up the massing.

Commissioner Riggs said a box on the southside of the master bedroom was shown on sheet 2.1 and suggested it might have been a chimney in a previous design version. Mr. Kummerer confirmed that was correct. He said the design was as shown on the elevation and not that second floor plan called out by Commissioner Riggs.

Commissioner Riggs asked about the location of the replacement tree. Mr. Kummerer said it was shown on A1.0 and basically was front and center. Commissioner Riggs said he thought more than one street tree had been lost over the past year and asked whether there was anywhere to replace it on either side of the driveway. Mr. Kummerer said a street tree was lost about two years ago and a replacement tree was planted. He said because of where it was planted there was not room for another tree in that location.

Commissioner DeCardy said the rendering of the tower showed a railing on a second story window but on A3.0 it looked like it completely covered the window. Mr. Kummerer said it was accurate on the drawing.

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

Commission Comment: Commissioner Kahle said the garage was prominent as mentioned in the staff report but he thought it was handled fairly well. He said he fully understood the FEMA impacts but noticed in the sections that there was height inside such as the 11-foot garage and almost 12-feet in the kitchen. He said the tower was great, but he would like to see it separated a bit more vertically by dropping the other two masses. He said the front elevation was fantastic, but he thought the other three sides suffered a bit in comparison. He said the detailing on the front was great with the iron grill and thick walls of the living room and the secondary dwelling unit (SDU) was incorporated well. He said he could support the project.

Commissioner Doran said he thought the building was very handsome and that the design was far superior to most of those the Commission saw. He said he was prepared to support it.

Commissioner Riggs said the design was well executed and had been fun to review.

Chair Barnes said Pope was an interesting street and had a lot of architecture along it. He said he

liked the way this project stacked and was close to the street as Pope Street was a wide street. He said he loved the architecture and that it was different. He moved to approve, and Commissioner Riggs seconded the motion.

ACTION: Motion and second (Barnes/Riggs) to approve the item as recommended in the staff report; passes 5-0-2 with Commissioners Kennedy and Tate 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 CKA Architects, consisting of 14 plan sheets, dated received October 15, 2019, and approved by the Planning Commission on October 21, 2019, 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 existing driveway and replace with a new curb, gutter, sidewalk and landscape. Additionally, the applicant shall 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 a revised arborist report to be submitted pursuant to condition 4b.

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

- a. The Transportation Impact Fee (TIF) for the secondary dwelling unit is estimated to be \$772.43. Please note this fee is updated annually on July 1st. Fees are due before a building permit is issued.
- b. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a revised arborist report including a complete tree inventory and recommendation of tree protection measures for all heritage trees, subject to review and approval of the City Arborist and the Planning Division. The applicant shall also revise the proposed site plan to include all trees described in the revised arborist report.

G3. Use Permit/Melissa and Robert Francis/1725 Oakdell Drive:
Request for a use permit to demolish an existing one-story single family residence and construct a new two-story residence on a substandard lot with regard to minimum lot area in the R-1-S (Single Family Suburban Residential) district. One heritage-sized liquidambar street tree is proposed to be removed as part of the project. ([Staff Report #19-075-PC](#))

Staff Comment: Assistant Planner Turner said he had no additions to the written report.

Questions of Staff: Commissioner DeCardy confirmed with staff that because this lot was 28-square feet less than a standard lot in the R-1-S zone it needed a use permit.

Chair Barnes said for the record that this lot was about double the size of his lot.

Applicant Presentation: Steve Simpson, project architect, said the 28 square feet related to the curb at the corner and its radius. He said if it were rectangular the lot would have been standard. He said the Oakdell Drive frontage seemed mixed with one- and two-story homes. He said on the St. Francis side it was all one-story. He said they tried to relate to that by putting a significant one-story section on the St. Francis side and orienting most of the two-story to Oakdell Drive. He said they tried to keep the design simple and the materials honest and straight forward. He said they proposed to replace the heritage tree that was not in good health with a black oak.

Commissioner Kahle said the proposal was just under the 28-foot maximum height with nine and 10-foot ceilings and noted the over 30-foot long roof ridge. He asked if they had considered dropping the ceiling heights or the roof pitch. Mr. Simpson said they had not as the roof pitch was relatively low. He said they thought by keeping it simple and one ridge line that mitigated some of the bulk. He said they worked hard to break up the materials and the massing.

Commissioner Kahle asked about the purpose of a notch on the second floor at the back as that was one way the ridge could come down on the end. Mr. Simpson said it could come down on the

end, but they were going more for simplicity. He said it also gave some shadow lines and made it a little unique. He said also it was possibly a reaction to the house on the left that seemed to have a chopped up and busy roof. He said a big two-story home was being built on that side of this home.

Commissioner Kahle referred to the gable end on the left side first floor. He said it appeared the idea was to drain the water away, but the ridge continued over and became a gable end over the bay window. Mr. Simpson said they wanted that ridge to go through as the gable facing Oakdell Drive carried all the way through to the back. He said it did create kind of a hog valley in there, so the roof was to pick up the other gables. He said ultimately it was about drainage and the roof, but they thought they would address it in a way that embraced the problem and not just put a cricket there. Commissioner Kahle said he was onboard with the architect's simplicity argument but thought this was something that could easily go away and just have the ridge line continue.

Commissioner Kahle said he thought the main entry on Oakdell Drive was downplayed and people would be confused and go to the mudroom entry noted on the floor plan as the front porch. He said the bridge idea through the light well was great but thought that downplayed the main entry even more. Mr. Simpson said with a corner lot he tried to give the home two fronts as it was viewed from two streets. He said technically from the zoning standard the mudroom entry was the front, which was why they called it the front porch. He said he could look at trying to downplay that entry.

Commissioner Kahle noted light wells for the basement on three sides. He said the one on the outside corner was jarring in its prominence. Mr. Simpson said it serviced the room down there and was three feet, so he did not know an easy way to scale it down.

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

Commission Comment: Commissioner Kahle said his previous questions notwithstanding he thought it was a really nice design that would work well in the neighborhood. He said the staff report mentioned some privacy concerns but given the separation from the rear to the one-story he did not quite share that concern. He said on the north side or the rear that the house under construction really only had one window, so he did not have privacy concerns about that side. He said he was concerned with pushing the maximum height and that it was really a seven-bedroom home. He said overall it was a great design and he supported.

Commissioner Doran said he would like to give the applicant a break on the 28 square feet causing the substandard finding and he was prepared to support the plan.

Commissioner Riggs said it was nice to see a well-worked out form and that it had one of the best roof plans he had seen as a Commissioner as it was not cluttered with gables. He said it was pleasant to look at and would work very well in that neighborhood. He said he fully supported the project.

ACTION: Motion and second (Barnes/DeCardy) to approve the item as recommended in the staff report; passes 5-0-2 with Commissioners Kennedy and Tate 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 SDG Architecture, consisting of 18 plan sheets, dated received October 10, 2019, and approved by the Planning Commission on October 21, 2019, 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 arborist report prepared by Kielty Arborist Services LLC, dated received August 5, 2019.
- G4. Use Permit/Verle and Carol Aebi/973 Roble Avenue:
Request for a use permit to demolish an existing one-story, single-family residence and detached garage, and construct a new two-story, single-family residence with a basement and detached two-car garage on a substandard lot with regard to minimum lot width in the R-3 (Apartment) district. The use permit request includes excavation within the required right side setback for a basement lightwell. One heritage Indian bean tree and one heritage California pepper tree are proposed to be

removed as part of the project. ([Staff Report #19-076-PC](#))

Staff Comment: Senior Planner Tom Smith said he had no additions to the written report.

Applicant Presentation: Carl Hesse, Square Three Design Studios, said the property was substandard in width at 52 feet. He said they had thought at first that the lot being in the R-3 district would be an advantage in designing a new home. He said it proved more challenging in terms of setbacks and that the SDU they were planning was not allowed in the R-3 zone. He said basement area in an R-3 zone unlike an R-1 zone counted as floor area and their allowable floor area was 3299 square feet. He said the property owners liked the simplicity, form and proportions of Northern European rowhouses. He said the garage was located to the rear of the property and it did not count toward floor area, which was a bonus of R-3 zoning. He said the house was situated equally between two adjacent neighboring homes and most of the surrounding properties were two-story multifamily buildings. He noted they moved the driveway to the left to create space between the project and neighboring building. He said they were considering a fairly simple palette with a metal roof, combination of an integral color acrylic, plaster, and either painted wood or fiber cement siding to break down massing and provide textural change and shadow lines. He said the maximum allowable height was 35 feet and their proposal was around 28-feet in height.

Commissioner Kahle said he was friends with Carl Hesse and Square Three Design Studios, but he had no conflict of interests on the proposed project. He asked which windows in the stair tower were frosted. Mr. Hesse said all the ones facing the side with the ones facing front and rear clear. Commissioner Kahle confirmed that the bottom side windows were also frosted and asked if that was a revision requested. Nicky (with Three Square Design Studios but no last name given) said that the side facing windows immediate at the property line were changed to translucent glass in coordination with the Planner. Replying further to Commissioner Kahle, Nicky said the change was with Planning staff as no neighbors had stepped forward to review the design or provide feedback, so it was done as a good effort to mitigate any potential impacts. Commissioner Kahle asked if they did the fiber cement rather than wood siding whether they would consider the thicker artisan siding. He said that would give the fully mitered corners, which he thought was the clean line they were looking for rather than the vertical bats. Mr. Hesse said they would consider that.

Commissioner Kahle asked about the flat roof garden off the second-story deck. Mr. Hesse said a composed flat roofed deck was proposed at the rear of the house accessed by one of the second story bedrooms and the plantings on the roof would be maintained by the property owners. Commissioner Kahle asked for more detail on the garden. Mr. Hesse said it was a flat roof and they would have a roof deck with a thinner surface. He said they typically used a PVC membrane roof and the idea was to provide a layer of treatment to it to make it more visually appealing from the roof deck. Verle Aebi, 220 Laurel Street, one of the property owners, said what they were thinking of was a green roof with about five to six inches of lightweight soil for plantings about two-three inches high for a pleasant visual. Commissioner Kahle said he was concerned with safety and someone needing to go to the area on a regular basis to maintain.

Commissioner Kahle said the roof deck was fairly large and had some direct views into the windows of the apartment building behind it. Mr. Hesse said it might, but it was about 25 feet away from the neighboring building. Commissioner Kahle said they did a nice job having nine-foot ceilings on both floors, but the roof pitch was 12 by 12, which was fairly steep, and asked what the reason was for the pitch. Mr. Hesse said it was the architectural design as that roof was the kind of

traditional rowhouse Northern European simple, gabled roof. Commissioner Kahle asked if there would be gabled end vents there. Hesse said possibly not as they would use foam insulation and an unvented attic.

Commissioner Doran referred to the right-side elevation, sheet A3.02. He said there were large windows in the middle and screening was not possible on that side because of the light wells. He said the architect had noted the apartment building was about 25 feet away, but the onus of screening was being put on the neighboring properties. He asked if the windows were frosted or clear. Mr. Hesse said they were proposed to be clear glass and were the only windows that served a bedroom on the ground floor and an open living space on the second floor. Commissioner Doran said he was more concerned with the second-story window as he thought there was a potential to look over the neighboring property. He said the light well encroachment coupled with the access sidewalk there took up all the space and did not allow for any plantings on that side. He said he would prefer that window be obscured to provide privacy to the neighbors.

Commissioner DeCardy referred to the heritage Indian bean tree in the front that was proposed for removal. He said a replacement tree would be planted right next to where it was and asked why it was being removed. Mr. Hesse said the tree was not in good condition and the property owners had permit approval to remove it a couple of years before but that had not happened. He said it was being followed up on now and would be replaced with a gingko. He said the pepper tree in the rear had been pronounced dead and would be replaced with the dogwood.

Commissioner DeCardy noted the architect's reference to an SDU not being permitted and asked if that had been a preference to have. Mr. Hesse said when they very first started talking about the design program there was an ideal vision of a new single-family house and a detached structure in the rear, a garage with an SDU above it. He said after exploration of that with planning staff the conclusion was that an SDU was not allowed in the R-3 zoning district. Mr. Aebi said they went as far as the City Attorney who determined it was not allowed. Mr. Hesse said they looked at doing two separate single-family homes but both of those would have needed to comply with the main buildings setbacks plus provide four parking spaces, which would have meant no yard. He said also there was a 20-foot building separation to be met between adjacent properties. He said the building to the left of the subject property was only four-and-a-half-feet from the side property line and that would have meant a 15 ½ foot setback for the rear residence and that would have been too constraining on a design.

Commissioner DeCardy noted the City wanted more people living in it and this property owner wanted to have two living units but the zoning did not allow it. He asked staff whether there was some way that could have been worked through to get more density. Planner Smith said an R-3 lot had the possibility to build two units outright but within the state law was a provision that an SDU might in that case be built within the existing footprint on the lot. He said that meant the existing home would need to be preserved and an SDU incorporated into it. He said for other similar sites in the past projects had requested variances to make two units work on the lot but in this case that did not match the property owners' vision for this property.

Chair Barnes referred to the right side with the light wells, windows and lack of planting height. He said he thought the starkness of the chosen architecture without any vegetation screening despite adjacency to multi-family apartments was tough to accept. Mr. Hesse said the plans did not show landscaping along the sides. He said the side fences would be planted with either tall plants or

vines to provide some screening. Chair Barnes confirmed they were talking about a six to seven-foot tall fence running down the side with vines. Mr. Hesse said the light well there served what he would call a partial basement as it did not extend the full length of the ground floor and contained a bedroom, bathroom, and living space. He said they basically pushed the width of the light well to maximize the amount of natural light into the basement. He said he had not mentioned that the south facing roof plane would have solar panels. Chair Barnes asked whether a six-foot fence with trellis and vegetation would block solar access to the light well. He asked about the distance between the fence and the light well. Mr. Hesse said it was about three-and-a-half-feet. He said part of the six-and-a-half-foot encroachment into the side setback was to provide enough width for a spiral stairway into the basement to allow for windows there.

Commissioner Riggs said the design had nice forms and a nice plan. He said while the aesthetic was somewhat different from its neighbors, he thought it would fit in nicely. He said regarding the stair well windows that if they were only going to put obscure glass facing the property line that they would want to alter a note on A3.01, which said that all windows on the stair well would be obscure. Mr. Hesse indicated assent. Commissioner Riggs said in terms of potential screening if they planted the *grewia occidentalis* vine on the fence on the south side where the light well was that it would climb the fence and build itself up into trunks and continue growing from there. He said it needed trimming almost monthly, but it could provide 10 feet of screening with purple flowers. He moved to approve the item as recommended in the staff report.

Commissioner Kahle said he thought public comment was needed.

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

Commission Comment: Commissioner Riggs moved to approve with the condition that the applicant was willing to use the thicker artesian siding with mitered corners where horizontal siding was being used on a portion of the façade. He clarified for the record that approval included stair well windows obscured only where facing the property line notwithstanding the note at the bottom of A3.01.

Recognized by Chair Barnes, Mr. Hesse said the artesian siding was specific to the Hardie plank siding and he did not know they would use the James Hardie product for sure. Commissioner Riggs said he did not mean to specify a product and it could be a generic equivalent suitable to the architect.

Commissioner Kahle referred to the second-story deck and noted that in an R-1 zone it would need to be twenty feet from the property line, but he did not think that was required with R-3. He asked if staff had concern about privacy to the adjacent neighbors based on the location and size of the second-floor deck. Planner Smith said Commissioner Kahle was correct and that in the R-3 zone a balcony could extend to the rear setback line. He said the applicant indicated they had done neighbor outreach by sending letters and hosting a neighborhood meeting. He said staff had not received any phone calls, emails or concerns from anyone regarding that particular item.

Commissioner Kahle said he visited the site and the balcony as far as he could tell would be in this pocket of apartment buildings with windows facing into the property and the deck facing out with views to the apartments. He said he did not think the apartment residents would necessarily come to the hearing and say something about that, and he thought it was the Commission's task to look

out for the adjacent properties' privacy now and in the future. He asked if there was interest in either an extension or a solid wall that could be in stucco or some related material to provide some privacy on the south side which was on the right of the rendering on the screen. He said on the opposite side it was not feasible, but maybe something could be planted along the driveway side. He said there was a poorly built two-story apartment building next door behind the one-story residence and from what he could see there were a lot of windows facing into the subject property. He said he would propose a second to the motion if they could incorporate some kind of privacy into that. He said he did not know if Commissioner Doran's comment about frosted glass on that second-floor bedroom would be incorporated into the motion, but he would support that. He said with the need for four parking spaces for two residential structures that it made sense to him to build only one residence. He said overall the project design was nice and was an added bonus to the neighborhood.

Replying to Chair Barnes, Commissioner Kahle said he was looking for something to provide more privacy on both the north and south sides of the project and that could be a taller wall or something that grew tall like pittosporum or bamboo on the property line on the far side of the driveway.

Recognized by the Chair, Carol Aebi said she grew up in the house when there were a lot of single-family homes and vacant lots. She said it was their dream to move back into the property in their old age and make use of the site's proximity to the downtown. She said they planned on plantings as they did not want to be exposed on the balcony. She said the big window on the second floor would be shaded. She said on the west side of the deck it lined up pretty much with the balcony of the apartments that belong to the Rajis. She said on the other side there was a somewhat dilapidated building and she thought the back apartment only had one window that would look out onto their balcony.

Replying to the Chair, Commissioner Kahle referred to sheet A1.01 showing multiple second floor windows facing the dilapidated building. He said from what he could see that building had multiple windows as well. He said his concern was with privacy from both directions. He said the deck was rather large and not a small balcony.

Chair Barnes suggested Mr. Hesse discuss with his clients how to address the concerns raised.

Mr. Hesse said planting along both property lines was intended and appealing to the owners. He said that was their preference in providing more privacy.

Chair Barnes confirmed that a conformance review process was supported by Commissioner Kahle for additional conditions.

Replying to Chair Barnes, Commissioner Riggs said that he would add to his motion for a landscaping plan for the rear only be provided to show planting along the south property line to address potential privacy conflicts between the proposed rear deck and the adjacent property's windows. He said for the north property line they needed to leave an option given the location of the driveway between planting against the balcony, which would only work after the plants got above the first floor plate, or introducing a five foot tall screen wall on that side of the deck noting that currently it was a three-foot-six-inch metal railing. He asked Mr. Hesse if either of those alone would provide privacy to the north. Mr. Hesse said part of the vision of the open rail on the right side and the planted roof next to that was to provide greenery to the occupants. He said if the

guard rail were to go to a solid wall that would make the planted roof useless as it would not be visible. He said the idea of planting along the property line although it was a tight space because of the driveway would be the preference. He said that might mean adjusting the driveway at least at the back to provide a little more planting space between the property line and the far-left edge of the driveway.

Commissioner Riggs said his motion then would include a landscape plan for the north property line as well for staff's review and approval.

Chair Barnes asked if Commissioner Kahle as the maker of the second wanted a conformance memo circulated to the Commission of the landscape plan. Commissioner Kahle said that the landscape plan could be reviewed and approved by staff.

Planner Smith said the additional condition was for a landscape plan to be provided showing landscape screening along the south property line and the south facing edge of the second story balcony. He asked if they were still including the mitered corners, larger horizontal siding and obscured stair well windows only facing that property line.

Commissioner Kahle confirmed with Commissioner Riggs that he wanted a landscape plan showing screening for both the north and south property lines, and seconded Commissioner Riggs' motion.

Commissioner Doran asked Commissioner Riggs whether he included landscape screening for the large window on the second story on the south facing elevation. Commissioner Riggs said he had not as there was not space with the light well for plantings and he thought it somewhat persuasive that there was 25 feet between the buildings whereas in his neighborhood for example that setback was five feet. Commissioner Doran said he was still concerned with that window. He said it bothered him because the light well was encroaching into the setback and the setback would normally be available for plantings to provide screening. He said he thought there was still space between the light well and where the pathway was for some plantings. He said he could support the project if that was included in the landscape plan.

Commissioner Riggs confirmed with Mr. Hesse that they could accommodate landscape screening there as well.

Replying to Chair Barnes, Planner Smith said the landscape plan was also to include screening along this side to help with the second-story center window.

ACTION: Motion and second (Riggs/Kahle) to approve the item with the following modifications; passes 5-0-2 with Commissioners Kennedy and Tate 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 Square Three Design Studios, consisting of 15 plan sheets, dated received September 17, 2019 and approved by the Planning Commission on October 21, 2019, subject to review and approval by the Planning Division.
 - b. Prior to building permit issuance, the applicants shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.
 - c. Prior to building permit issuance, the applicants shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
 - d. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval by the Planning, Engineering and Building Divisions. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
 - e. Simultaneous with the submittal of a complete building permit application, the applicant shall submit plans indicating that the applicant shall remove and replace any damaged and significantly worn sections of frontage improvements. The plans shall be submitted for review and approval of the Engineering Division.
 - f. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a Grading and Drainage Plan for review and approval of the Engineering Division. The Grading and Drainage Plan shall be approved prior to the issuance of grading, demolition or building permits.
 - g. Heritage and street trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance and the arborist report by Advanced Tree Care dated October 10, 2019.
4. **Approve the use permit subject to the following project-specific conditions:**
 - a. **Areas shown on the approved elevations as horizontal fiber cement or wood siding shall utilize a product with thicker boards, such as the Artisan Collection by James Hardie or a similar style.**
 - b. **Portions of the building clad in siding shall have mitered corners.**

- c. On the south elevation of the residence, only the stairwell windows facing the side property line shall be obscured with translucent glazing.**
- d. Prior to approval of a building permit, the applicant shall provide a partial landscape plan for the rear portion of the lot indicating landscape screening to enhance privacy along the north and south sides of the proposed balcony, as well as landscape screening in the vicinity of the second-story window with a three-foot sill height on the south elevation of the proposed residence. The partial landscape plan shall be subject to review and approval by Planning staff.**

H. Informational Items

H1. Future Planning Commission Meeting Schedule

- Regular Meeting: November 4, 2019

Planner Perata said the November 4 agenda would have a number of single-family homes and also multifamily use permits. He said there would be a one-year check-in for the Wine Bank use permit revision. He said staff liaison for the Planning Commission meetings would transition to Senior Planner Corinna Sandmeier. He said he and she would be at the next meeting with Ms. Sandmeier leading the meeting and she would take over as the liaison beginning with the November 18 meeting.

- Regular Meeting: November 18, 2019
- Regular Meeting: December 9, 2019

I. Adjournment

Chair Barnes adjourned the meeting at 9:38 p.m.

Staff Liaison: Kyle Perata, Principal Planner

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on November 18, 2019