



REGULAR MEETING MINUTES

Date: 10/19/2020
Time: 7:00 p.m.
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A. Call To Order

Chair Henry Riggs called the meeting to order at 7:01 p.m.

B. Roll Call

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

Absent: Camille Kennedy

Staff: Thomas Rogers, Principal Planner; Corinna Sandmeier, Senior Planner; Chris Turner, Assistant Planner

C. Reports and Announcements

Senior Planner Corinna Sandmeier said the 201 El Camino Real mixed-use project was tentatively scheduled for the City Council October 27, 2020 agenda for final action.

D. Public Comment

There was none.

E. Consent Calendar

- E1. Approval of minutes from the September 28, 2020, Planning Commission meeting. ([Attachment](#))

ACTION: Motion and second (Chris DeCardy/Michael Doran) to approve the consent calendar consisting of minutes from the September 28, 2020 Planning Commission meeting; passes 6-0-1 with Commissioner Camille Kennedy absent.

F. Public Hearing

- F1. Use Permit/Chelsea Bright/328 Central Avenue:
Request for a use permit to demolish an existing one-story single-family residence and detached garage and construct a new two-story residence with an attached garage on a substandard lot with regard to minimum lot width and area in the R-1-U (Single Family Urban Residential) district. ([Staff Report #20-044-PC](#))

Staff Comment: Assistant Planner Chris Turner said no additional correspondence was received but he received a phone call today from the left side neighbor who expressed concern with the view

from the stairwell window into his backyard and bedroom windows.

Chair Riggs said he had a five minute meeting with that neighbor this afternoon about his concerns with the stairwell window.

Questions of Staff: Commissioner Doran said they had an email from the neighbor expressing a desire to be consulted when any changes were proposed to the property line fence. He asked what the default situation was with changes to property line fences. Planner Turner said for example that when there was no discretionary review on a project that fences, standard wooden fences of seven-foot or less height, did not require a building permit. He said adjoining property owners' actions to agree upon a fence and payment for it was a good neighbor fence. He said if the neighbors had and issue about a fence that was a civil matter and typically the City would not get involved.

Commissioner Doran inquired if the developer wanted to make changes to the fence whether that would be part of use permit application. Planner Turner said typically a fence when part of a use permit application was mentioned in the plan section and staff report as it often addressed privacy concerns. He said typically an applicant was bound to whatever the approved plan set said about a fence.

Replying to Commissioner Doran, Planner Turner said the plans indicated an existing fence would be removed and a new six-foot fence would be built on the left side property line, and he believed the existing fence was six-feet in height.

Chair Riggs said since this was a use permit and the fence was indicated on the plans that on past such projects the Commission directed an applicant to work with neighbors on fence issues. He asked if that was something staff could monitor in the course of the project process. Planner Turner said they had had instances on previous projects where a condition of approval was placed on a project to get a signed letter from the neighbor or the applicant was required to work with a neighbor before the building permit was issued. He said there was a possibility to condition the project to coordinate with the neighbor on the left and as part of that the Commission could require a signed letter from the neighbor to staff and staff could review for compliance. Chair Riggs said besides a signed letter, which he thought could lead to unexpected leverage, could the Commission direct as a condition that a fence proposal be presented to staff that purported to have the neighbor's approval. Planner Turner said if the condition was to work with the neighbor and get their approval on a fence then the challenge would be how to ensure the neighbor's approval was actually given. He said an easier condition from staff's perspective to administer would a condition to leave the existing fence as it was..

Commissioner Andrew Barnes asked where the existing fence was located in terms of the subject property line. Planner Turner said the existing fence appeared to be right on the property line in some places and seemed to jut into the property at 330 Central Avenue a little bit as it went around an existing tree and then returned to the property line toward the rear of the property.

Applicant Presentation: Anna Felver, Thomas James Homes, said she was presenting for Chelsea Bright, who applied for this project. She said also available were Jill Williams, architect, and Deanne Green, Director of Planning and Cynthia Thiebaut, Director of Development. She said the proposed project was a four-bedroom, three bath, two-car attached garage home to replace a one-story, one-car detached garage. She said the style was traditional and the neighborhood context was a number of two-story elements, traditional style homes and some Spanish style homes. She said similar to

other homes in the neighborhood they were putting a one-story element porch in the front. She said the second story in the front would be stepped back as well. She said another one-story element was the garage and it stepped back on the side with the second story to create a smaller massing. She said they were below the floor area limit maximum and the lot coverage maximum. She said the lot was 6,860 square feet. She said the project height was 27 feet, which was one foot than the allowable maximum height. She said the project was in a flood zone. She said an elder tree in the rear would be preserved as well as two street trees in the front. She said the arborist report found three protected trees to be in poor health and they had applied and gotten a permit to remove them. She said a 24-inch coast live oak would be planted in the front yard and poppy trees would be planted along the sides and rear of the property to provide privacy. She said besides the two-car garage there was space for two uncovered parking spaces.

Ms. Felver said concern about materials was expressed early on in the process. She said they removed the board and bat and added lap siding and were using one roof material throughout. She said they received a comment from the neighbor about the stairwell window. She said the elevation said three feet from the subfloor but the landing was actually lower than the subfloor. She said they had increased the setback on the left side to provide more privacy. She said the required rear setback was 20 feet and theirs was 41 feet. She said they kept bedroom second story windows on the setback left side and hallway windows on the right side to address privacy.

Ms. Felver said they did neighborhood outreach and communicated with adjacent neighbors at 330 and 324 Central Avenue. She said they both brought up fencing. She said typically for their plans they showed brand new fencing on the property line and typically six feet in height. She said they would contact the neighbors when the fence(s) were installed. She said typically when a neighbor wanted to keep their fence then the project fence was built next to it and on the project property. She said also if the existing fence was in poor condition they could replace it with the new fence on the property line. She said they worked with the right side neighbor and would provide a side gate for them to match the new fence as they were in favor of having the new fence installed.

Chair Riggs opened the public hearing. Planning Technician Leo Tapia said a question mark had been texted under the Chat function by Steve Schmidt. Mr. Schmidt was invited to speak but could not be reached due to technical difficulties. Chair Riggs closed the public hearing.

Commission Comment: Commissioner Larry Kahle noted the side elevation windows and referenced sill height was three feet. He noted the proximity to the right side neighbor and asked if the sill heights on the second floor might be raised by six inches as that would still meet the egress requirements. Ms. Felver said they had a hallway window on the right with a three foot sill and the bedroom window sill height was four feet. Commissioner Kahle said he was asking about the hallway windows and the windows on the opposite side, the north elevation, that also had three foot sills.

Jill Williams, project architect, KTG Architects, said on the left side they were considerably further away from the neighbor because of the pushed back driveway condition. She said they thought the added distance between homes there and the three foot sills worked. She said at the stairwell they were another 20 inches below the floor line so the sills off that landing were higher than three feet. Replying to Commissioner Kahle, Ms. Williams said they would prefer to keep those sill heights at three feet.

Commissioner Kahle referred to the front elevation and a bay on the second floor and asked if it had

a flat roof. Ms. Williams said it would be a slightly, sloped roof to the boxed bay. Commissioner Kahle noted shutters on the window to the right of that and were the only shutters on the project. Ms. Williams said in simplifying the design she thought those were left. Commissioner Kahle suggested removing the shutters but he would not propose it as a condition.

Commissioner DeCardy said they would pay for a new fence and gate for the neighbor on the right side. He asked where it stood with the proposed new fence on the left and if they potentially were paying for it. Ms. Felver said if the neighbor on the left wanted to keep the existing fence then they would not touch it and would construct the fence for this project next to it and they would want it on the property line. She said if the neighbor wanted them to remove that fence and build a new one to share that they would coordinate with them on how and when the fence would be installed.

Commissioner DeCardy asked about a gate with two brick columns in front of the garage and if that was at the property line. Ms. Felver said it was set back quite a ways and set back further than the porch, and about 10 feet back from the wall. Replying further to Commissioner DeCardy, Ms. Williams said the front of the home was a bit skinny and they did the gate to extend a little bit of architecture and give a nice finish to the side yard fencing. She said it would also give the property owner a bit of enclosure to their driveway area.

Commissioner DeCardy asked if they had considered accessing the garage from the alley as that could save on paving and allow for nicer landscaping. Ms. Felver said the access was existing and they were utilizing that curb and driveway and making it nicer as well as creating a bit of private courtyard area or parking area.

Commissioner DeCardy referred to the stairwell window and said he understood a desire for natural light. He said the neighbor had suggested a skylight and asked if that had been considered. He asked how they would feel about some type of glazing to allow light in but screen direct view. Ms. Felver said the stairwell window had a four-foot, six-inch sill. She said it that was not high enough to address the privacy concern, they were willing to raise it six more inches. She said they would not like to add skylights.

Commissioner Kahle said the project was nicely designed and supportable. He said regarding the stairwell windows that he received a drawing from the left side neighbor, Steve Schmidt, and he thought other Commissioners might have received that as well. He said he saw the neighbor's concern but looking at Section C on A3.3 the upper landing was at least 10 feet back from the window. He said he did not see that the privacy impact was really there. He said the only other solution he saw was making that a frosted window but in looking at the floor plan a person would have to stand at the top of the staircase to get any view there, which he did not see as a major concern.

Chair Riggs said Section C on A3.3 provided more clarification that a standing eye would not be at the window but six or eight feet back since there were several treads coming down to the landing. He said it was important that the sill height was measured from floor line and not from landing point. Ms. Williams said it was three feet measured from the landing. He said that made a big difference. He said problems with privacy impacts from stairwell windows tended to be on projects on smaller lots when the sill was at three foot or three foot, six-inches measured from the landing. He said he was inclined to agree that this stairwell and sill height would work and not create the impact the neighbor was concerned about.

Chair Riggs asked if Ms. Williams had considered a taller chimney for the sake of balance. Ms. Williams said they were happy to look at that with staff. Chair Riggs said he would suggest that and some kind of memorialization that the project team would coordinate as best they could with the neighbor on the fence. He said he found the project to be very approvable and moved to approve.

Mr. Tapia said he had reached Mr. Schmidt. Chair Riggs said public comment had closed and he thought that Mr. Schmidt's concerns had been addressed. Commissioner DeCardy asked if they allow the speaker to comment as he might have had technical issues preventing him from speaking when called. Chair Riggs said he appreciated the sensitivity of Commissioner DeCardy's comments. He noted that the speaker had had the ability to type in a comment noting the question mark he had typed in the Chat window. He said the elevation Commissioner Kahle referred to confirmed for him that the view from the stairwell window was not a privacy impact.

Chair Riggs said his motion was to approve as recommended in the staff report and to ask the applicant to work with staff on a possible increase on the chimney height for the sake of scale. He said he wanted also a formal acknowledgement that the development team would coordinate with the adjacent property owners on fence replacement or repair.

Commissioner Andrew Barnes seconded the motion and referred to Sheet A2.2. He asked if the chimney height were increased whether that might block the window behind it in the inset on the right elevation. Chair Riggs said that was a good question. He said the setback or a gap of approximately three feet would prevent that from being a significant impact and noted the chimney metal cap was already higher than the window sill of the referenced window. He said he thought the height might be increased 12 to 18 inches. He said he was suggesting the architect work with staff rather than specifying what the increase should be. Commissioner Barnes asked if the architect preferred not to adjust the chimney height whether that would be the sole prerogative of the applicant. Chair Riggs said yes given that staff had not so directed the increase in chimney height. Commissioner Barnes said his second remained. He said the project was well situated and he liked the attention to detail. He said he liked how the garage was set back and the project presented well to the street.

Commissioner Kahle said he appreciated how the front setback was an extra five feet, which helped align it with the neighbors. He said also it seemed staff had put a lot of work into making materials work and the overall project.

Commissioner DeCardy said he was friends with both neighbors on each side but that would not prevent him from voting objectively.

Commissioner Barnes said Mr. Schmidt dropped off plans at his home that day and they had a brief discussion as to his preferences for the project.

Planner Turner asked if the fence coordination with the neighbor and chimney height were conditions. Chair Riggs said the fence coordination with the neighbor was not and the chimney height was a condition for review and approval by staff.

ACTION: Motion and second (Riggs/Barnes) to approve the item with the following modification; passes 6-0-1 with Commissioner Kennedy 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. The applicant shall be required to apply for a building permit within one year from the date of approval (October 19, 2021) for the use permit to remain in effect.
 - b. Development of the project shall be substantially in conformance with the plans prepared by KTG Architecture, consisting of 17 plan sheets, dated received July 2, 2020 and approved by the Planning Commission on October 19, 2020, except as modified by the conditions contained herein, subject to review and approval of the Planning Division.
 - c. 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.
 - d. 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.
 - e. 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.
 - f. 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.
 - g. 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.
 - h. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance and the arborist report prepared by Sierra Nevada Arborists, dated July 7, 2020.

4. Approve the use permit subject to the following **project-specific** condition:
 - a. Simultaneous with the submittal of a complete building permit application, the applicant shall submit an updated arborist report indicating the size, species, and health of the 10-inch tree located in the front of the property and proposed for removal, subject to review and approval by the Planning Division and the City Arborist.
 - b. Simultaneous with the submittal of a complete building permit application, the applicant shall submit updated elevations showing an increase in chimney height of either 12 to 18 inches, or an otherwise reasonable increase in chimney height, subject to review and approval by the Planning Division.**

- F2. Development Agreement Annual Review/Cyrus Sanandaji, Presidio Bay Ventures/1300 El Camino Real and 550 Oak Grove Avenue:
Annual review of good faith compliance with the terms of the Development Agreement for the 1300 El Camino Real project. ([Staff Report #20-045-PC](#))

Staff Comment: Principal Planner Thomas Rogers said the project at 1300 El Camino Area and 550 Oak Grove Avenue was previously branded as Station 1300. He said recently it was renamed Springline. He said the last annual review of the Development Agreement (DA) for this project occurred July 2019 after the project had commenced construction. He said at that meeting the Planning Commission made a determination that the applicant had demonstrated good faith compliance with the terms of the DA. He said the staff report provided additional details on each of the five DA terms. He said the key point was that the project had not yet hit any new milestones. He said staff was recommending the Planning Commission make a similar determination of good faith compliance now. He said no correspondence had been submitted regarding the item.

Applicant Presentation: Cyrus Sanandaji said he was grateful to be able to continue to work with the City in furtherance of the original commitment that was made as part of the DA originally entered into several years ago prior to start of construction. He said they had taken over the project in June 2020 and had worked with the City through that transition. He said the project remained on track despite the 60-day delay associated with the shutdown following shelter-in-place. He said they expected the two commercial buildings' TCO by the end of this year or beginning of next year and the residential TCO following in about 10 months after.

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

Commission Comment: Commissioner Barnes asked about the ownership structure currently. Mr. Sanandaji said as part of the transition the beneficial ownership of the project did not change. He said Presidio Bay was taking over the restructure of the project as the developer manager and taking on responsibilities for completion of construction and overseeing the lease and operation of the project as a whole. He said the financing had remained stable.

Commissioner Barnes referred to the provision in the DA for preferential leasing to incubators, accelerators, and co-working uses and asked if that was good or bad in a pandemic world. Mr. Sanandaji said with the new norm of working from home and socially distanced they had seen a resurging demand for access to office space and particularly decentralized office space. He said they had had very positive conversations and felt very optimistic that they would actually be able to secure an incubator and co-working operator to take a significant portion of the ground floor in the

south building to fulfill the obligations they have under the original DA. He said it was becoming obvious that working from home was not optimal for everybody. He said the balance they needed to strike from a design and operational standpoint was determining how to avoid a knee jerk reaction to today's pandemic environment and at the same time try to predict what people's operational and behavioral needs would be coming out of it. He said they certainly anticipated far more small, private meeting rooms and office space.

Chair Barnes referred to the retail sales tax guarantee and asked how that and prospective retail looked for them. Mr. Sanandaji said their obligations under the DA were very clear and they fully intended on meeting them whether or not the market allowed them to. He said even prior to the current pandemic the shift to e-commerce and away from brick and mortar retail had made retail as a sector very difficult. He said when they came into the project they looked at whether the structure of the building led to efficient operations for F&B retailers and other users. He said to counteract some of the current challenges affecting El Camino Real and other areas of downtown with vacant storefronts that the importance of place making was front and center to their minds. He said it would have a tangible and intangible effect on the ability to lease the office space and also the residential units. He said F&B and other retail operators had been moving more toward structured management agreements to cover significant capital expenses upfront. He said they were trying to mitigate physical impediments of the project itself to leasing retail and creative finance structures to have vibrant tenancy on every side of the building.

Replying to Chair Riggs, Mr. Sanandaji said place making was at the front and center of their strategy. He said their goal for Springline as a whole was to create a destination both for downtown and within the downtown and for their neighbors and also beyond Menlo Park. He said that required curating to have complementary tenancies that would really serve the overall goal of the project which was to provide activation seven days a week. He said they had the benefit of having a variety of uses in one project that was rare in a project of this scale. He said they were being very prescriptive and purposeful with their place making strategy in identifying and defining the exact types of retailers to target with a holistic retail mix in mind.

ACTION: Motion and second (Riggs/Barnes) to make a finding that Presidio Bay Ventures is in compliance with the provisions of the approved Development Agreement for the period of July 2019 through October 2020; passes 6-0-1 with Commissioner Kennedy absent.

G. Informational Items

G1. Future Planning Commission Meeting Schedule

- Regular Meeting: November 2, 2020

Planner Sandmeier said the November 2 meeting agenda would have a single-family development project.

- Regular Meeting: November 16, 2020
- Regular Meeting: December 7, 2020

Commissioner Barnes said a few months prior they had discussed establishing expectations for neighbor outreach. Planner Sandmeier said they had not done anything formal but had been encouraging applicants to do more outreach and to document that. She said they would pursue a

more formal structure.

Chair Riggs confirmed with Commissioner Doran that the ADU subcommittee would have a report to present on November 2.

H. Adjournment

Chair Riggs adjourned the meeting at 8:19 p.m.

Staff Liaison: Corinna Sandmeier, Senior Planner

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on November 16, 2020