



REGULAR MEETING DRAFT MINUTES

Date: 11/16/2020
Time: 7:00 p.m.
GoToWebinar.com – ID #639-246-035

A. Call To Order

Vice Chair Michael Doran called the meeting to order at 7:00 p.m.

B. Roll Call

Present: Andrew Barnes, Chris DeCardy, Michael Doran (Vice Chair), Larry Kahle, Henry Riggs (Chair) (arrived at 8:10 p.m.), Michele Tate

Absent: Camille Kennedy, Henry Riggs (Chair) (Absent from 7 to 8:10 p.m.)

Staff: Fahteen Kahn, Assistant Planner; Kaitie Meador, Senior Planner; Ori Paz, Associate Planner; Matt Pruter, Associate Planner; Corinna Sandmeier, Senior Planner; Chris Turner, Assistant Planner

Associate Planner Matt Pruter provided information on conducting and participating in the meeting virtually.

C. Reports and Announcements

Senior Planner Corinna Sandmeier said the Housing Commission would meet November 18 at 7:00 p.m. and hear a presentation on the methodology for Regional Housing Needs Assessment allocation.

D. Public Comment

There was none.

E. Consent Calendar

Commissioner Chris DeCardy requested that item E3 be pulled from the consent calendar.

E1. Approval of minutes from the October 12, 2020, Planning Commission meeting. ([Attachment](#))

ACTION: Motion and second (DeCardy/Larry Kahle) to approve the December 12, 2020 minutes as presented; passes 5-0-2 with Commissioners Camille Kennedy and Henry Riggs absent.

E2. Approval of minutes from the October 19, 2020, Planning Commission meeting. ([Attachment](#))

ACTION: Motion and second (DeCardy/Kahle) to approve the December 19, 2020 minutes as presented; passes 5-0-2 with Commissioners Kennedy and Riggs absent.

- E3. Architectural Control/Paul Turek/2494 Sand Hill Road:
Request for architectural control to construct a new detached enclosure adjacent to an existing two-story commercial building in the C-1-C (Administrative, Professional, and Research, Restrictive) zoning district. The new detached enclosure is for the installation of a new 60-ton cooling unit, and an open staircase is proposed to access the enclosure from the surface parking lot. ([Staff Report #20-047-PC](#))

Commissioner DeCardy asked about the necessity to do this project and whether the applicants had pursued alternative solutions that would not involve constructing a substantial structure. Planner Pruter said he understood that the expansion was needed due to the modernization required for the building's overhaul and the specific climate control needs. He said because of the size of the upgraded cooling unit it had to be placed outside of the existing building.

Ash Sundar, Studio G Architects, said they explored the option of putting the new cooling unit in the existing building. She said the systems in that building were extremely outdated and located in the basement without head clearance. She said there were a number of noncompliance code issues that would be really hard to address to put the new 60-ton unit into the current building.

Steve Aberle, representing the property owner, said after the tenants' last tenant improvement project they did not have enough cooling for the numerous offices. He noted the building has a lot of windows and the existing system could not keep up with the demands. He said the bigger unit the tenants needed would not fit in the basement. He said they were going with the most efficient cooling tower and the property had two other cooling towers.

Commissioner DeCardy asked if they had upgraded the windows to energy efficient ones when the tenant improvements were done. Mr. Aberle said it was a tenant build and he did not think the windows were touched. Ms. Sundar said the tenant improvements done were not recent. Mr. Aberle said the tenant had been complaining for years that they could not cool the building sufficiently. He said they had ACCO engineers look at it and there was not enough air able to get to the unit in the basement.

Commissioner DeCardy asked if they had considered reducing the heat coming in through the windows as an alternative solution. Ms. Sundar said they had looked at reducing the heat load coming through the windows and worked with a consultant on solar film but even with that the unit in the basement still could not produce what was needed. She noted also that there were code compliance issues in the basement.

Commissioner DeCardy asked if the building would be visible from Sand Hill Road. Ms. Sundar said she did not think so as it was located uphill, and a heavily wooded area was between it and Sand Hill Road. Mr. Aberle said the enclosure was a CMU wall that was sunken down into the hillside about six feet so only six feet of the front part was actually exposed.

Commissioner Kahle asked about the noise level of a 60-ton unit. Ms. Sundar said it would be turned off at night and they would meet code compliance using devices to reduce noise during the day.

Noting Ms. Sundar's comments about noise compliance, Planner Pruter referred to condition 4.a of the recommended actions that would require a noise study and proof of noise compliance.

ACTION: Motion and second (Doran/Andrew Barnes) to approve the architectural control for 2494 Sand Hill Road, passes 4-1-2 with Commissioner DeCardy abstaining and Commissioners Kennedy and Riggs 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. 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.
3. 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 Studio G Architects, consisting of 15 plan sheets, dated received November 3, 2020, and approved by the Planning Commission on November 16, 2020, 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. 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.
 - e. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance and the arborist report prepared by Arborwell, dated received September 28, 2020.

4. Approve the architectural control subject to the following **project-specific** condition:
 - a. Prior to issuance of a building permit, the applicant shall prepare a noise study assessing the potential noise impacts associated with the operation of the cooling unit, and shall incorporate any mitigations necessary to ensure compliance with the Noise Ordinance, subject to review and approval of the Planning Division.

F. Public Hearing

- F1. Use Permit Revision/Chris Kummerer/333 Pope Street:
Request for a use permit revision for exterior modifications to a previously approved new two-story single-family residence with an attached accessory dwelling unit (ADU) on a substandard lot with regard to minimum lot width in the R-1-U (Single Family Urban Residential) zoning district. The proposed modifications include changes to window styles and locations, addition of a second story window, modifications to the roof form, and a slight increase in floor area. ([Staff Report #20-048-PC](#))
Staff Comment: Assistant Planner Chris Turner said staff had no additions to the written report.

Applicant Presentation: Chris Kummerer, CK Architects, Menlo Park, said the approved project was an early California Mission style design. He said since October 2019 as the design evolved that various revisions were made, and staff found on aggregate those needed Commission review based on three types of revisions. He said the roof around the tower element was changed for better roof drainage. He said a second type of change was for improved function noting a larger ADU kitchen and a reorganized ADU bathroom that led to removal of one window on the exterior. He said other things included addition of skylights for natural light and removal of a folding wall at the back of the house. He said a third type of change was for improved aesthetics. He said that included changing some of the ironwork design. He provided a visual of that and noted revisions as well in window dividers for better view from the inside and better consistency from the outside. He said the enhancements were stylistically consistent with the previously approved project.

Commissioner Kahle noted the decorative lintels and asked if some of those had disappeared since the previously approved project. Mr. Kummerer said that was correct noting that one above the window on the second-floor façade had been removed. Commissioner Kahle said he thought it helped to tie the different openings together so he would like to see it added back to the design. He asked why they were removing the window grids noting those were a big component of the design. Mr. Kummerer noted technical issues and complexities with window manufacturing particularly for the front window. He showed a slide of older homes in the chosen style with a window without grids to enhance the view to the courtyard. He said that similar window in their project would also look into a front courtyard. Commissioner Kahle said he would prefer the grids were kept. He said a door was added from the garage and questioned why that did not have grids. Mr. Kummerer said the door was not visible from the front.

Commissioner Kahle said the decorative ironwork added to some of the windows was a nice touch. He said that some of those were awning windows and asked if the awnings would be operable behind the ironwork. Mr. Kummerer said they should be able to crack the awnings slightly and open them. He said very few manufacturers made windows that opened in.

Commissioner Kahle said in the previous approval there were three little, probably clay, vents above the window but that looked different on the proposed revision. Mr. Kummerer said those were the clay tiles and stacked in a small pyramid configuration as opposed to the holes. Commissioner

Kahle said some of those were premanufactured and looked premanufactured. He encouraged the architect to be careful when trying to spec those. Mr. Kummerer said they were Mission tiles that would be cut and set in there. Commissioner Kahle said there seemed to be a lot of foundation vents facing the street and suggested relocating those to the sides as he thought that would help the front elevation. Mr. Kummerer noted those were on all sides because of the flood zone.

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

Commission Comment: Commissioner Andrew Barnes said he was fine with the proposed changes noting they were in keeping with the original aesthetic. He said the additional square footage was within development standards. He moved to approve the use permit revision as recommended in the staff report. Commissioner Kahle said he would second the motion if the decorative lintels be kept. Commissioner Barnes confirmed that the lintel above the garage was the same as the one that had been removed from above the second story window. Replying to Commissioner Barnes, Mr. Kummerer said that lintel could be added. Commissioner Barnes said he would accept Commissioner Kahle's added condition to the motion.

Vice Chair Doran said that he had very much liked the project when it was originally submitted to the Planning Commission. He said a number of the changes he thought were in the wrong direction. He said he agreed with Commissioner Kahle about the grid on the front window.

Vice Chair Doran confirmed that Commissioner Kahle was specifying that the decorative lintel on the second story above the garage be added back above that window.

Commissioner Barnes said for the record that from his aesthetic sense he did not think removal of that window grid from that window was necessarily a positive change. He said in counterweighting that against the applicant's preference he felt compelled to allow preference when it related to someone's architectural style. He said since it was the applicants' personal preference that he could support the change.

Commissioner DeCardy said he found himself aligned with Commissioner Barnes' assessment of the proposed use permit revision.

ACTION: Motion and second (Barnes/Kahle) to approve the use permit revision with the following modification; passes 5-0-2 with Commissioners Kennedy and Riggs 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 16 plan sheets, dated received October 6, 2020, and approved by the Planning Commission on November 16, 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 4a.
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 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.
 - b. Simultaneous with the submittal of a complete building permit application, the applicant shall submit revised elevation drawings that include window lintels on the second-story window above the garage on the front elevation, subject to review and approval of the Planning Division.**

- F2. Use Permit/Yui-Tak Lee/341 Terminal Avenue:
Request for a use permit to demolish an existing one-story single-family residence and construct a new two-story single-family residence and an accessory dwelling unit (ADU) on a substandard lot with respect to width in the R-1-U (Single Family Urban Residential) zoning district. ([Staff Report #20-049-PC](#))

Staff Comment: Associate Planner Ori Paz said staff had no additions to the written report.

Applicant Presentation: Yui-Tak Lee, property owner, introduced his wife Joanne Lin. He said their previously approved project was not completed due to problems with their designer and that they had now contracted with architect Alex Chen for this use permit application.

Alex Chen, project architect, said the new ADU state law that allowed 800 square feet without counting toward floor area limit was one of the reasons for reworking the originally approved proposal. He said the other change was to raise the first-floor ceiling height to 10 feet and second story ceiling height to 9 feet with an overall building height of 27-foot, six-inches. He said a third change was to simplify the roof structure to make it more constructible and less costly. He said they were keeping the notable roof ridge line that added interest to the street view. He said fourth the garage would be 35 feet deep. He said they moved the house back on the lot to reduce massing in the front. He said increased square footage was added to second story mostly for an office and a lounge for home schooling.

Commissioner Kahle said making the garage 35 feet deep made it very prominent and asked the reason why there were doing that. Mr. Chen said the client wanted to have a workshop area in the garage and to have flexibility to park an additional car. Commissioner Kahle suggested changing the large front gable over the garage to a hip as that would match the hips on the sides and might reduce the garage's prominence. He asked if they would be willing to make that change. Mr. Chen said he would like to explain that to his client.

Commissioner Kahle said in the window detail it showed some wood on the exterior but in the staff report and elevations it looked like a foam trim. Mr. Chen said they were changing to foam trim on the exterior and wood trim on the interior. Commissioner Kahle said the windows were vinyl with foam trim and were sliders. He asked them if they would be open to using wood trim around the windows and doors on the exterior. Mr. Lee said they were.

Commissioner Kahle suggested reducing the ceiling heights six inches or more as the overall height was approaching the maximum height limit and the project was in the flood zone. Mr. Lee said they strongly preferred the taller ceiling heights.

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

Commission Comment: Commissioner Kahle said the project In general was approvable. He said he thought the project was still rather massive, part of which unfortunately was due to it being in a flood zone. He said he would love to see it reduced in height, but it was not a deal breaker for him. He said the roof design was vastly improved from what it was before and that helped greatly. He said initially he had not been inclined to support the project, but he could since the applicant was willing to change the garage roof to a hip roof, which would change that rather prominent garage, and to change to wood window trim rather than foam trim.

Vice Chair Doran said the Commission consistently tried to convince applicants to not use vinyl windows and asked if they were willing to do wood windows. Mr. Lee said if they could stay with vinyl windows then they would be willing to do simulated divided light windows. Commissioner Kahle said that would look cheap. He said he would like to see wood windows.

Replying to Commissioner Kahle, Mr. Lee said he thought perhaps they could do wood windows. Mr. Chen asked if they would consider fiberglass windows acceptable noting fiberglass was nice looking and had less required maintenance. Commissioner Kahle said fiberglass windows were almost the same as vinyl windows so for him that was a no. He said if they were concerned about maintenance that the wood windows generally came with a vinyl or aluminum exterior to reduce maintenance.

Commissioner Barnes asked for clarification of what was considered a wood window. Commissioner Kahle said it was a wood frame window. Commissioner Barnes noted another applicant whose projects usually had either fiberglass or vinyl windows and that the Commission approved. Commissioner Kahle said from the outside it was hard to tell what the window construction was. He said he was happy that this applicant was willing to replace the foam trim around windows and doors with wood trim. He said if they used vinyl or fiberglass windows that would be okay but ideally, they would use a higher quality wood window. Commissioner Barnes asked if there were wood windows with vinyl cladding. Commissioner Kahle said there were some proprietary materials like that. Commissioner Barnes asked what the benefits of wood windows was. Commissioner Kahle said that they lasted longer when they were of a higher quality and were more energy efficient.

Replying to Commissioner Kahle, Mr. Lee said he would need to talk to his wife about changing to wood windows noting she was unavailable. Commissioner Barnes said that projects with fiberglass windows tended to get approved by the Commission, so he was predisposed to allow this applicant to use fiberglass windows if that was what was wanted.

Commissioner Barnes said the building height was 27-foot, six-inches, and they were at maximum floor area limit. He asked if Commissioner Kahle wanted a foot reduction in height and why. Commissioner Kahle said that was correct. He said reducing height reduced the apparent massing. He said the height reduction could come equally from both floors. He said ideally it would be all taken from the second floor as there was a considerable second floor wall that was visible from the street.

Vice Chair Doran noted that Chair Henry Riggs had arrived at the meeting noting he would continue as Chair for this one item and then turn the meeting over to Chair Riggs.

Commissioner DeCardy said the reason they were seeing this project was because the lot was substandard for width but otherwise the lot was large enough and the project conformed to every other requirement. He said staff was recommending approval of the project as presented. He said he thought that similar projects on standard lots would be approved as is. He said he thought the Planning Commission was setting a high bar asking applicants to make major adjustments especially if it was unrelated to the reason the Commission was seeing the project which in this case was a substandard lot width. He said equitable treatment of property owners was important. He said he was inclined to support the project as presented and not get into the details about the windows or the hip versus the gable on the garage. He said this was irrespective of his personal preferences noting he agreed with comments that it might be an improved project if those things were done. He said neighbors had indicated that they had seen the plans and were in support.

Vice Chair Doran said he agreed with many of Commissioner DeCardy's observations. He said in respect to plate heights that the application conformed with regulations and daylight plane requirements, and higher ceiling heights was the trend. He said he agreed with Commissioner Kahle about using wood trim rather than foam trim. He said he could support the applicant replacing vinyl windows with fiberglass windows.

Recognized by Vice Chair Doran, Mr. Lee said their neighbors were supportive of the project. He said he thought moving the primary residence back helped to reduce the appearance of massing.

Vice Chair Doran moved to approve the application with the following revisions to include wood trim instead of foam trim around windows, to replace the gable over the garage with a hip and replace the vinyl windows with either wood or fiberglass windows. Commissioner Kahle seconded the motion noting that the wood trim did not have to be stained but could be painted.

Vice Chair Doran called the vote noting that Commissioners Barnes, Doran and Kahle were in favor and Commissioners DeCardy and Tate opposed. Commissioner Riggs said as he was present now that if he was to vote his vote would be to abstain.

Replying to Vice Chair Doran, Planner Sandmeier said she would need to confirm with the City Attorney, but she believed if a Commissioner were absent for part of the hearing for an item that they would be considered absent for it entirely.

Vice Chair Doran said that dependent upon what the City Attorney said they might have to revisit the motion on this project.

Commissioner Barnes said guidance given him previously was that if a Commissioner were not present when an item was opened that Commissioner could not vote on it.

ACTION: Motion and second (Doran/Kahle) to approve the use permit with the following modifications; passes 3-2-2 with Commissioners DeCardy and Tate opposed and Commissioners Kennedy and Riggs 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 (by November 16, 2021) for the use permit revision to remain in effect.

- b. Development of the project shall be substantially in conformance with the plans prepared by Yao Chen Architecture Studio, consisting of 19 plan sheets, received November 2, 2020 and approved by the Planning Commission on November 16, 2020, subject to review and approval by the Planning Division.
- c. Prior to building permit issuance, the applicant 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 applicant 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 the driveway approach, sidewalk, curb and gutter along entire project frontage per the latest City standard details, along with any damaged and significantly worn sections of frontage improvements. The plans shall be submitted for review and approval of the Engineering Division.
- g. All applicable public right-of-way improvements, including frontage improvements and the dedication of easements and public right-of-way, shall be completed to the satisfaction of the Engineering Division prior to building permit final inspection.
- h. 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.
- i. Post-construction runoff into the storm drain shall not exceed pre- construction runoff levels. The applicant's design professional shall evaluate the Project's impact to the City's storm drainage system and shall substantiate their conclusions with drainage calculations to the satisfaction of the City Engineer prior to building permit issuance.
- j. Simultaneous with the submittal of a complete building permit application, the applicant shall provide documentation indicating the amount of irrigated landscaping. If the project proposes more than 500 square feet of irrigated landscaping, it is subject to the City's Water Efficient Landscaping Ordinance (Municipal Code Chapter 12.44). Submittal of a detailed landscape plan would be required concurrently with the submittal of a complete building permit application.

- k. Heritage and street trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance and the arborist report updated by Heartwood Consulting Arborists dated August 7, 2020.
 - l. If construction is not complete by the start of the wet season (October 1 through April 30), the Applicant shall implement a winterization program to minimize the potential for erosion and sedimentation.
 - m. Prior to building permit issuance, Applicant shall pay all applicable City fees. Refer to City of Menlo Park Master Fee Schedule.
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 provide an updated site plan reflecting a proposed street tree meeting the species and placement specifications of the City Arborist, subject to review and approval by the City Arborist and Planning Division.
 - b. Simultaneous with the submittal of a complete building permit application, the applicant shall provide an updated plan set reflecting the following changes, subject to review and approval by the Planning Division:**
 - i. Replace the foam trim around the windows with wood trim;**
 - ii. Replace the vinyl windows with either wood or fiberglass windows; and**
 - iii. Replace the gabled roof structure of the garage with a hipped roof.**

Chair Riggs chaired the remainder of the meeting.

- F3. Use Permit/Fred Dirbas/1285 Middle Avenue:
Request for a use permit to demolish an existing one-story residence and construct a new two-story, single-family residence on a substandard lot with respect to width in the R-1-S (Single Family Residential Suburban) zoning district. ([Staff Report #20-050-PC](#))

Staff Comment: Assistant Planner Fahteen Kahn said staff had no additions to the written report.

Applicant Presentation: Andrew Young said he was the project architect. He noted delays related to the project development. He said removal of a heritage ash tree approval had been the one most difficult part of the project application process. He said over a period of eight months that the property owners had hired three arborists and done root surveys to obtain approval of the tree's removal. He said his firm had to do alternative plans that retained the ash tree. He said that tree had roots that extended 75 to 80 feet towards the rear of the property and was a shallow root system that would prevent any improvements to the rear yard, swimming pool or other structures let alone a basement for the house. He said there were also several dead walnut trees, privets, apricot and plum trees. He said the applicants were being required to plant 11 trees on the property. He said there would be a total of 15 trees on the property. He said many of those would grow to mature heights of 40 to 60 feet. He said with the concerns of no new net energy and no natural gas that solar panels were the way of the future. He said much of the project's roof would be shaded by the trees. He said the property owners were concerned they were being required to plant so many trees on a small property.

Fred Dirbas, property owner, said he and his wife were doctors at Stanford. He said they had spent a great deal of time on the plan details to make it attractive and functional. He said they did extensive neighbor outreach and that was included as an attachment to the staff report. He said they were asked to replace seven heritage trees. He said most of those trees were near end of life. He said the walnut trees were dead and their siblings also dead had been removed from nearby project sites. He said for the seven trees being removed they were asked to plant 11 heritage trees. He said they had two heritage oak trees on the property already. He said they would have 13 heritage trees on a lot less than an acre. He said as mentioned they were concerned about the potential impact of so many trees on solar panels and power as well as available sunlight for the property and backyard use. He said they would appreciate some flexibility on that if possible. He said they would have two offices to address shelter in place. He said to address fire risk they would use stucco rather than wood siding and a metal roof rather than shingles or shake roof.

Kate Horst, property owner, said where they lived on Middle Avenue that they could both bike and walk to work noting congestion traffic into the Stanford Medical Center. She said she appreciated the contribution they could make to reduce traffic by biking and walking to work.

Commissioner Kahle said Mr. Young and he were friends but that would not affect his decision making. He asked if the exterior was all stucco. Mr. Young said it was all smooth stucco, metal trowel finish. Commissioner Kahle said he asked because the typical roof detail called for a different material. He said the detail also called for a closed soffit but from what he could tell the perimeter of the building had an open eave noting A2.3. Mr. Young said it was a closed eave. He said the rafter tails would not be seen and it would be a stucco underside. He said detail A2.3 was a flat underside. Commissioner Kahle asked if it was stucco or one by four decking. Mr. Young said it was one by four decking. Commissioner Kahle said in the exterior elevations he saw something at the eaves every four feet or so that looked like a rafter tail and asked if that was not supposed to be there. Mr. Young noted there were discrepancies. Commissioner Kahle said he thought perhaps the detail was incorrect and that it was the open rafter tails. Mr. Young said that Jackie from his office was indicating it was open eaves.

Commissioner Kahle referred to the stucco on the front elevation and said the columns seemed to be stucco as well as the low wall and asked if that was correct. Mr. Young said yes. Commissioner Kahle asked about the top part of the low bench. Mr. Young said that could be a stone surface as that would be more durable.

Commissioner Kahle referred to a rendering that indicated no trim around the windows but showed them recessed deep into the wall and asked if that was correct. Mr. Young said the windows would be recessed about two and a half inches. He said they were using zip panel on the building exterior to which an inch and a half of foam would be applied. Commissioner Kahle said the rendering showed a four-inch recessed window, which looked nice. Mr. Young said they could probably get four inches by setting the windows two inches into the two by six framing with another two inches on top of that with the zip panel and stucco.

Commissioner Kahle noted the ceiling heights were 10.5 feet on the first floor and nine feet on the second floor and asked about those height decisions. Mr. Young said that the upper floor bedrooms could have vaulted ceilings at that height, and they wanted to have a nice tall ceiling on the first floor. He said the overall height was eight inches below the maximum height limit.

Commissioner Kahle said on the front elevation on either side of the address were boxes with an “x” and those also appeared on the rear façade. He asked if that was part of the building or a drafting item. Mr. Young said it was drafting noting they had done 10 variations and those were from a previous Craftsman style version.

Commissioner DeCardy noted the property owner’s comment about the extended efforts to get removal of an ash tree approved and asked if the new Heritage Tree Ordinance had complicated that process. Planner Kahn said that the original goal of staff and City Arborist was to preserve the ash tree. She said that the property owners sought arborist studies to research the viability of doing that and presented the City with a research packet to support removal. She said the property owners also conferred and confirmed with their neighbors that there was no opposition to the removal of the ash tree.

Chair Riggs asked about the requirement to plant 11 heritage trees which was more than a one-to-one ratio. Planner Kahn said some of the trees were two to one replacement and that had been reviewed by the City Arborist. Chair Riggs asked if the Planning Commission had some leeway as to tree removal under the use permit process. Planner Sandmeier said under the new Heritage Tree Ordinance that replacement was based on the value of a tree and not necessarily one-to-one or two-to-one replacement. She said tree approvals were done prior to the Planning Commission meeting and were done by the City Arborist so there was an appeal period. She said the Planning Commission did not have discretion over those with the new ordinance.

Replying to Commissioner DeCardy, Mr. Dirbas said they had bought the property in 1988 but did not recall the size of the ash tree at that time. Commissioner DeCardy said he had sympathy for Menlo Park property owners who ended up bearing the burden of making Menlo Park the Tree City of USA. He said he appreciated that the applicants had worked through this and it was a benefit to the community and City.

Dr. Dirbas asked for clarification as he thought the Heritage Tree Ordinance stated there was a one-to-one replacement requirement for heritage trees removed for homeowners. He said the trees they would replace were not 40- or 60-foot trees but 15-foot trees.

Planner Sandmeier said the tree removals were reviewed under the new Heritage Tree Ordinance as that went into effect before the applications for heritage tree removals were all submitted, but the use permit application was submitted earlier. She said in the previous ordinance it was one-to-one replacement for a single-family home development and two-to-one replacement for commercial or mixed-use development. She said the new ordinance uses a different system that was based on the value of the tree(s) being removed and the value of the tree(s) replacing it.

Chair Riggs asked why the project fell under the new Heritage Tree Ordinance if the project application started under the previous Heritage Tree Ordinance. Planner Kahn said originally the application to remove the ash tree was submitted under the old ordinance. She said there were a few trees being shown to be removed but which had not been applied for. She said when removal of those trees was applied for then the new ordinance had taken effect, July 2020. She said it was then decided to have the new ordinance apply to all the trees proposed for removal. Chair Riggs confirmed with staff that the heritage tree removal process was a separate track from the overall use permit application

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

Commission Comment: Commissioner Kahle said the project was big but was well done. He said it was elegantly simple. He said he trusted the windows on the front façade would be recessed four inches. He said the house was a little bit tall but compared to the neighboring house to the right it seemed proportional. He said ideally that he would like the first-floor ceiling reduced to 10 feet from 10.5 feet. He referred to the columns in front that were all stucco. He said he thought those would look better in an accent material other than stucco.

Commissioner DeCardy said he thought the project was easily supported and acknowledged the extensive neighbor outreach that was documented and included with the staff report.

Commissioner Kahle moved to approve the project as presented in the staff report. Commissioner DeCardy seconded the motion.

ACTION: Motion and second (Kahle/DeCardy) to approve the use permit as recommended in the staff report; passes 6-0-1 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 (November 16, 2021) for the use permit to remain in effect.
 - b. Development of the project shall be substantially in conformance with the plans prepared by Young and Borlik Architects, Incorporated, consisting of 22 plan sheets, dated received October 6, 2020 and approved by the Planning Commission on November 16, 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 Kielty Arborist Services LLC, dated June 11, 2020.
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 updated plans showing the removal and replacement of the vertical curb and gutter along the entire frontage of property, subject to review and approval of the Engineering Division. The limits of frontage improvements shall be shown on the site plan.
 - b. Simultaneous with the submittal of a complete building permit application, the applicant shall submit updated plans showing installation of a new detached sidewalk with planting strip along the entire frontage of property to match the neighboring property at 1295 Middle Avenue, subject to review and approval of the Engineering Division. There shall be no pavers in the right-of-way.

G. Regular Business

- G1. Determination of Substantial Conformance/445 Oak Court: Review of staff determination that changes to the exterior trim, accessory dwelling unit door, and garage door are in substantial conformance with the previous approvals. Review requested by Commissioner Kahle. (Attachment)

Staff Comment: Senior Planner Kaitie Meador said the second unit based on the new state law was not a discretionary review. She said action to have the referenced changes to go through a use permit revision would apply only to the main house and its garage and not the secondary dwelling unit.

Commissioner Kahle said he had requested this be brought to the Commission for review. He said he drove by the project about a month earlier and was surprised by the changes that had taken place. He said he appreciated that COVID-19 had made things more difficult noting the property owner's letter. He said that the project had had a lot of revisions and each one had made the project

less than what it could be. He said in particular the arched door that was originally approved was sorely missed and going from wood windows to fiberglass windows was another downgrade. He said the added trim around the windows that was in this revision was unnecessary and entirely inappropriate for the style of house.

Chair Riggs opened for public comment and closed the public comment period.

Commission Comment: Planner Meador said the applicant provided a pdf with renderings showing the original design, the design after use permit revision, and the current one.

Commissioner Kahle moved to make a finding of nonconformance with the approved use permit in terms of the added window trim. The motion died for lack of a second.

Chair Riggs moved to make a finding of substantial conformance with the previously approved use permit. He said in his heart he agreed with Commissioner Kahle's comments, but it appeared the changes were a response to a construction need. Commissioner DeCardy seconded the motion. He said he echoed Commissioner Riggs' comments noting that the originally approved project had looked really good.

ACTION: Motion and second (Riggs/DeCardy) to make the finding that the revised changes were in substantial conformance with the previous project approvals; passes 5-1-1 with Commissioner Kahle dissenting and Commissioner Kennedy absent.

H. Informational Items

H1. Future Planning Commission Meeting Schedule

- Regular Meeting: December 7, 2020
- Regular Meeting: December 14, 2020

Planner Sandmeier said there were several projects expected for the December meetings.

I. Adjournment

Chair Riggs adjourned the meeting at 9:26 p.m.

Staff Liaison: Corinna Sandmeier, Senior Planner

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on December 14, 2020