



REGULAR MEETING MINUTES

Date: 11/01/2021
Time: 7:00 p.m.
Meeting Location: Zoom.us/join – ID# 831 6644 9012

A. Call To Order

Chair Michael Doran called the meeting to order at 7:01 p.m.

Assistant Planner Chris Turner at Chair Doran’s request explained how applicants and the public would be able to participate in the meeting virtually.

B. Roll Call

Present: Andrew Barnes, Chris DeCardy (Vice Chair), Michael Doran (Chair), Cynthia Harris, Michele Tate

Absent: Camille Gonzalez Kennedy, Henry Riggs

Staff: Fahteen Khan, Assistant Planner; Ori Paz, Associate Planner; Corinna Sandmeier, Acting Principal Planner; Tom Smith, Acting Principal Planner; Chris Turner, Assistant Planner

C. Reports and Announcements

Acting Principal Planner Corinna Sandmeier reported that a free webinar on recent ADU legislation would be held November 4 at 6:30 p.m.

D. Public Comment

- Roxanne Rorapaugh, Menlo Park, commented on a four-foot diameter Valley oak tree on her property and a proposed Thomas James Homes project at 905 Sherman Avenue. She said she and her husband had received preliminary plans for that project, which showed the Valley oak tree on a different property than theirs and about 28 feet south of the tree’s actual location. She said about 20 feet of this tree’s canopy covered the project property proposed for an ADU. She said the site plan also omitted the location of her garage. She expressed concern regarding those omissions and the future of their oak tree.
- Pam Jones, Menlo Park, asked how many ADU applications the City had received since January 2019, how many had been approved, in which districts, and the amount of time to receive a permit. She asked about the units that had existed for decades without permits and what had been done to help get those legalized under the new ADU laws.

E. Consent Calendar

- E1. Approval of minutes and court reporter transcript from the September 13, 2021, Planning



Commission meeting. (Attachment)

ACTION: M/S (Doran/Chris DeCardy) to approve the Consent Calendar as submitted; passes 3-0-2-2 with Commissioners Andrew Barnes and Michele Tate abstaining, and Commissioners Camille Gonzalez Kennedy and Henry Riggs absent.

F. Public Hearing

- F1. Use Permit/Thomas James Homes/760 College Avenue:
Request for a use permit to demolish an existing one-story, single-family residence with an attached 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) zoning district. ***Continued from the meeting of September 27, 2021.*** (Staff Report #21-053-PC)

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

Applicant Presentation: Cynthia Thiebaut, Thomas James Homes, said the lot was 5,618 square feet and substandard due to its width and size. She said the proposed livable square footage was 2,383 square feet. She said the proposed home was in the Farmhouse style. She said 14 trees were analyzed including three onsite, five offsite, and six street trees. She said five trees were proposed for removal and included one non-heritage tree onsite due to health, two heritage trees onsite due to health and development, and one Japanese pittosporum due to health. She said two Southern magnolia street trees were proposed for removal for development and that was why the hearing had been continued. She said those trees had health issues, but they proposed to retain them and put the driveway between them. She said the City Arborist had concerns that construction of the driveway would damage the roots. She said in response they did root exploration. She said the exposed roots were not covered over again in time, which caused damage to the two trees. She said moving forward they had improved their process related to tree assessment. She said at the Commission's prior hearing on the project both the Commissioners and neighbors had asked if there was a way to retain the two street Magnolia trees so as to retain the street canopy

Ms. Thiebaut said upon further analysis of the two magnolias the City Arborist and their project arborist recommended removal and replacement with larger sized trees. She said they were proposing four replacement trees including two, 60-inch London plane trees, one, 48-inch box Edith Bogue southern magnolia, and one, 15-gallon London plane tree. She referred to the notes from the arborists that tree #4 to the left of the proposed driveway had critical root damage due to construction activity including root decay as well as the original major structural health problems previously noted. She said also they found the canopy was not full, the limbs were small and had not received sufficient water over its life span and had a six-inch diameter pruning wound 11 feet above grade with moderate decay. She said tree #5, located to the right of the driveway, also a Southern magnolia, had had its critical root zone impacted by construction activity. She said between the time they received the permit to remove the trees and had the project hearing, they installed a construction driveway that included compacting some gravel between the trees, which caused further damage to the roots. She said since the prior Commission hearing on the project they added tree protection around those two trees, but they were already damaged. She said tree #5 was also suppressed as the drip line of the Coast live oak on the neighboring property was preventing both magnolia trees from thriving. She said the tree was out of balance with an east low branch growing over a driveway hindering access for taller vehicles and would need to be cut back if retained. She said it had decaying limbs, was close to the proposed gas line as well as the proposed driveway and

had vines covering its lower trunk. She said their arborist from California Tree and Landscape was on the call and available to answer questions regarding the two Magnolia trees.

Commissioner Cynthia Harris said the applicant had indicated further damage to the trees when they started compacting the driveway. She asked if that was before or after the arborist came to inspect them again. Ms. Thiebaut said that happened before the arborist came back out and before their hearing. She said they obtained their tree removal permit as well as their demolition permit, so they demolished the existing house and established the construction driveway. She said the hearing then occurred and that was when the removal of those trees was questioned. She said subsequent to that they installed tree protection, but the damage had already occurred.

Chair Doran opened the public hearing.

Public Comment:

- Roxanne Rorapaugh, 885 Sherman Avenue, said she thought the problem was that Thomas James Homes was building houses too large for the small lots and demolishing houses without care for existing trees. She said she was afraid this developer would kill the oak on her property that she mentioned earlier. She expressed further concern that homes constructed by this developer were too expensive for younger families to buy.
- Sarah Ordaz, Menlo Park, said she spoke at the previous hearing on the project, and thanked the Commission for taking seriously impacts to these particular trees and more broadly concerning the Heritage Tree Ordinance. She said she and another individual had found through their research that 98.5% of tree removal permits based on development had been approved. She questioned the designation of heritage tree as it seemed just an administrative roadblock. She said she was curious about the processes that had been instituted to prevent such mistakes from endangering trees and the accountability related to such mistakes.

Chair Doran closed the public hearing.

Commission Comment: Chair Doran commented that he missed not having Commissioner Riggs tonight as he thought Mr. Riggs had a better understanding of trees and the interplay of trees and construction than anyone else available.

Commissioner Harris referred to statements made at the previous hearing and tonight's by Thomas James Homes staff regarding exploratory trenching policy changes so similar tree damage instances would not occur again. She asked what that entailed and who would implement those. She said also they heard tonight about a different situation about a tree on another Thomas James Homes project and asked Ms. Thiebaut how that would be addressed.

Ms. Thiebaut said they intended originally to retain the two magnolias although they were not in the best of health. She said they made a mistake on those two street trees. She said they implemented new policies internally within the company to ensure that mistake would not happen again. She said their policy was that roots after any exploratory trenching were to be covered up within 24 hours, noting that was their arborist and the City Arborist's recommendation. She said regarding the 905 Sherman Avenue project commented on under the earlier public comment period that project was in its first round of design review. She said they received comments from neighbors and were working on correcting any inconsistencies in the plan. She said they work closely with the City Arborist and understood that removing trees was an issue best avoided if possible. She said they proposed tree

removal for unhealthy trees when that was recommended by their arborist. She said the other instance to request tree removal was when trees were within the building envelope of a lot and there was no way to build and retain those trees. She said otherwise they tried to design around trees and noted trees added value to a property for the future homeowners.

Commissioner DeCardy asked if staff had input on its processes for a situation like this. Planner Sandmeier said they were looking at how to handle demolition and ensuring that the correct tree protection measures were used during that part of the construction process. She said regarding exploratory trenching they could look at sending reminders and following up to make sure trenches were refilled. She said they did need to rely somewhat on the professionalism of the arborist for the applicant team. She said they would look into this further as they certainly did not want any trees lost unnecessarily.

Commissioner DeCardy confirmed with staff that the Heritage Tree Ordinance and policy currently used was recently approved. He said the two street trees in this case would be removed and four replacement trees were proposed. He asked if any other portion of the policy was applied such as a fee for damaging the existing trees. Planner Turner said the standard heritage tree removal permit fee was applied to the project and in addition the City required larger replacement trees than what would otherwise have been required. He said typically applicants were required to replace to the value of the trees being removed. He said in this case the value of the replacement trees would have required a 24-inch box tree, but the City was requiring two, 60-inch box trees.

Chair Doran said he thought the City had a well thought out heritage tree ordinance. He said the frustration they were hearing from the public was that there were violations of it. He suggested considering an amendment or revision to the ordinance to increase penalties for violations, noting that would need to occur at the City Council level.

Recognized by the Chair and in response to Commissioner Barnes' question, Ms. Thiebaut said they offered homes for sale prior to having official permit approval and disclosed to any potential buyer that the project was not approved, was going through a planning process and was subject to change. Commissioner Barnes said those listings on Redfin or other listing sites did not disclose that to the general public and that might imply to them the projects were already approved before the Commission had considered them. He said their marketing should consider changing that for clarity. Ms. Thiebaut said they had not considered that, and she would take that to the team for consideration.

ACTION: M/S (DeCardy/Barnes) to approve the item as recommended in the staff report; 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. The applicant shall be required to apply for a building permit within one year from the date of approval (September 27, 2022) 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 27 plan sheets, dated received August 18, 2021 and approved by the Planning Commission on September 27, 2021, 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. 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.
 - i. Simultaneous with the submittal of a complete building permit application, the applicant shall submit an Erosion Control Plan and construction detail sheet that documents all erosion control measure implemented during the course of construction including, but not limited to, straw wattles, silt fence, temporary construction entrances, inlet protection, check dams, tree protection fencing, etc.
 - j. Required frontage improvements include but not limited to: Construct a new concrete curb

and gutter along entire project frontage conforming to the adjacent properties.

- k. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance and the arborist report prepared by California Tree and Landscaping Consulting, Inc. (CalTLC), dated August 3, 2021.

- F2. Use Permit/Courtney Brigham and Darren Ewaniuk/933 Millie 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 and a basement on a substandard lot with regard to minimum lot width and area in the R-1-U (Single Family Urban Residential) zoning district. (Staff Report #21-054-PC)

Staff Comment: Associate Planner Ori Paz noted a correction to the data sheet, Attachment C, and that the proposed side setbacks were shown correctly on the project plans, Attachment D. He said the left side setback would be approximately 5.4-foot and the right side setback for the light well would be 5.4-feet and the mass of the structure would be approximately 9.3 feet from the property line. He said those were stated incorrectly in the proposed setback row and column of the data sheet.

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

Applicant Presentation: Darren Ewaniuk and Courtney Brigham introduced themselves as the property owners and their project architect Steve Schwanke. Mr. Ewaniuk commented that they had included a landscape plan with their application. He said they did neighbor outreach that were mostly one on one meetings on their patio to view and discuss the design and answer questions. He said all neighbors expressed support for the project and its design.

Steve Schwanke, Menlo Park, project architect, noted the homeowners had presented the project well and he was available to answer questions.

Chair Doran observed that he had opened the public hearing prior to the applicants' presentation. He opened the public hearing again and closed it as there were no speakers.

Commission Comment: Commissioner Harris said she liked how the new home was positioned providing the maximum distance between the two adjoining neighbors. She said also she appreciated the way the applicants worked with the neighbors. She moved to approve as recommended in the staff report. Commissioner DeCardy seconded the motion.

Commissioner Barnes commented favorably on the design, the positioning of the home, and the neighbor outreach.

Chair Doran said he appreciated the neighbor outreach noting that made the Commission's work easier.

ACTION: M/S (Harris/DeCardy) to approve the item as recommended in the staff report; 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. The applicant shall be required to apply for a building permit within one year from the date of approval (by November, 1, 2022) for the use permit to remain in effect.
 - b. Development of the project shall be substantially in conformance with the plans prepared by Schwanke Architecture, consisting of 19 plan sheets, dated received October 14, 2021, and approved by the Planning Commission on November 1, 2021, except as modified by the conditions contained herein, subject to review and approval by 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. 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.
- 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.

F3. Architectural Control and Use Permit/Paul Turek/2710 Sand Hill Road:
Request for architectural control and use permit to construct a new exterior elevator and staircase attached to an existing two-story commercial building in the C-1-C (Administrative, Professional, and Research, Restrictive) zoning district. (Staff Report #21-055-PC)

Staff Comment: Assistant Planner Fahteen Khan said she had no updates to the staff report.

Applicant Presentation: Ash (no last name given), Studio G Architects, introduced Steve (no last name given) with Divco West, the landlord for the campus. She said none of the buildings on the campus had elevators. She said the proposal was to add an elevator to a two-story building to increase leasing opportunities. She said that would include modifying the existing stair, the only curved stair on the campus, and making it more streamlined and inclusive with the design.

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

Commission Comment: Responding to Commissioner DeCardy, Ash noted another building on the campus that had the brick painted over with white, so the proposed project was not the first one to have that color scheme. She said she believed Divco West's plan was to make all the buildings conducive as and when the budget allowed.

ACTION: M/S (DeCardy/Tate) to approve the item as recommended in the staff report; 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. Adopt the following findings, as per Section 16.68.020 of the Zoning Ordinance, pertaining to architectural control approval:
 - a. The general appearance of the structure is in keeping with the character of the neighborhood.
 - b. The development will not be detrimental to the harmonious and orderly growth of the City.
 - c. The development will not impair the desirability of investment or occupation in the neighborhood.
 - d. The development provides adequate parking as required in all applicable City Ordinances and has made adequate provisions for access to such parking.
 - e. The property is not within any Specific Plan area, and as such no finding regarding consistency is required to be made.
4. Approve the architectural control subject to the following **standard** conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by Studio G Architects, consisting of nine plan sheets, dated received February 8, 2021, and approved by the Planning Commission on February 22, 2021, 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 Tree Management Experts, dated July 29, 2021.
5. Approve the architectural control subject to the following *project-specific* condition:
 - a. Simultaneous with the submittal of a complete building permit application, the applicant shall provide documentation of the current building coverage for the entire site (2700-2770 Sand Hill Road), subject to the review and approval of the Planning Division.

- F4. General Plan Amendment and Rezoning/City of Menlo Park/105-155 Constitution Drive and 1395 Chrysler Drive:
Request for a general plan amendment to change the land use designation of an approximately 3,600 square-foot portion of an existing approximately 8.9-acre parcel from Commercial Business Park to Public/Quasi-Public and to change the land use designation of an approximately 3,600 square-foot portion of an existing approximately 5,000 square-foot parcel from Public/Quasi-Public to Commercial Business Park. In addition, the area with a resulting Public/Quasi-Public land use would be rezoned to the P-F (Public Facilities) district, and the area with a resulting Commercial Business Park land use would be rezoned M-3-X (Commercial Business Park, Conditional Development District). The requested entitlements are associated with a lot line adjustment to construct a new City-owned pump station at 1395 Chrysler Drive. **Continued from the meeting of October 18, 2021** (Staff Report #21-056-PC)

Staff Comment: Acting Principal Planner Tom Smith said he had no additions to the report.

Questions of Staff: Replying to Commissioner Harris, Planner Smith said that about 3600 square feet of land essentially was being swapped between the City and Bohannon Development Corporation, the owners of the Menlo Gateway site, which surrounded the pump station parcel. He said the reason for the land exchange was to set the pump station back further from Chrysler Drive and basically allow for the pump station to be rearranged in how it was constructed. He said the current pump station could handle a 10-year flood event and the City was designing a pump station that could handle a 100-year flood event. He said this land swap was to set the pump station further back from the roadway and help guard the area against a flood event in the future.

Replying to Commissioner DeCardy, Planner Smith said the land being swapped would be added to the existing land use designation and zoning of the parcel it was going to. He said the land the City currently owned that was being swapped to the Bohannon Development Corporation would go to M-3-X zoning and commercial business park, which matched the Menlo Gateway site as current. He said the equal amount of land the City would get from the exchange would be public facilities zoning and also the General Plan land use designation.

Replying to Commissioner Harris, Planner Smith said this was better for the City so the pump station could be set back further from Chrysler Drive. He said the parcel was longer which was better for how the pump station was designed to handle a 100-year flood event versus the existing 10-year flood event capacity. He said from this exchange Bohannon Development Corporation would get a better entry view as the pump station would be hidden more as now it was pretty prominent as an entry feature for people coming into the area.

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

ACTION: M/S (Barnes/Tate) to recommend approval of the item to the City Council as stated in the staff report; passes 5-0-2 with Commissioners Kennedy and Riggs absent.

H. Informational Items*

****H1.Future Planning Commission Meeting Schedule*

- Regular Meeting: November 15, 2021

Planner Sandmeier said the November 15 agenda would have the Menlo Flats EIR scoping session and study session, a use permit and architectural control for Phillips Brook School, and a proposal for two generators at the 500 El Camino Real, Middle Plaza project.

Commissioner Tate asked that the information requested by Ms. Jones regarding ADU permits be given to the Commissioner as well when it was prepared.

- Regular Meeting: December 13, 2021
- Regular Meeting: December 20, 2021

J. Adjournment*

Chair Doran adjourned the meeting at 8:09 p.m.

Staff Liaison: Corinna Sandmeier, Acting Principal Planner

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on January 10, 2022

*The published agenda had listing(s) out of sequence.