



**REGULAR MEETING MINUTES**

**Date:** 02/27/2023  
**Time:** 7:00 p.m.  
**Location:** Zoom.us/join – ID# 862 5880 9056 and Council Chambers  
751 Laurel St., Menlo Park, CA 94025

**A. Call To Order**

Acting Chair Linh Dan Do called the meeting to order at 7:00 p.m.

**B. Roll Call**

Present: Linh Dan Do (Acting Chair), Henry Riggs, Jennifer Schindler, Michele Tate

Absent: Andrew Barnes, Cynthia Harris

Staff: Theresa Avidian, Senior Civil Engineer; Christine Begin; Planning Technician; Calvin Chan, Senior Planner; Nira Doherty, City Attorney; Connor Hochleutner, Assistant Planner; Matt Pruter, Associate Planner; Corinna Sandmeier, Acting Principal Planner; Tom Smith, Principal Planner; Chris Turner, Associate Planner

**C. Reports and Announcements**

None

**D. Public Comment**

- Pamela Jones, Menlo Park, asked how people at Belle Haven Library would be able to participate in public comment.

Sean Reinhart, Library and Community Services Director, said attendees at the library would provide comment cards to speak and he asked Acting Chair Do to check with the site when public comment was opened.

**E. Consent Calendar**

E1. None

**F. Public Hearing**

- F1. Consider and adopt a resolution to approve a variance to increase the height of the daylight plane from 19 feet, six inches to approximately 23 feet, seven inches, and to approve a use permit to demolish an existing one-story, single-family residence and construct a new two-story residence with a basement on a substandard lot with regard to minimum lot area and width in the R-1-U (Single Family Urban Residential) zoning district, at 103 Dunsmuir Way; determine this action is categorically exempt under CEQA Guidelines Section 15303's Class 3 exemption for new construction of small structures. Continued from the January 23, 2023 regular meeting. (Staff Report #23-013-PC)



Senior Planner Calvin Chan said staff had no additions to the written staff report.

Commissioner Riggs suggested for the first variance finding to clarify that the hardship peculiar to the property would not generally be applicable to other properties that were not corner lot parcels with a street side property line and setback oriented towards the south.

Acting Chair Do opened the public hearing and closed it as no persons requested to speak.

**ACTION:** Motion and second (Riggs/Schindler) adopt a resolution to approve a variance to increase the height of the daylight plane from 19 feet, six inches to approximately 23 feet, seven inches, and to approve a use permit to demolish an existing one-story, single-family residence and construct a new two-story residence with a basement on a substandard lot with regard to minimum lot area and width in the R-1-U (Single Family Urban Residential) zoning district, at 103 Dunsmuir Way; determine this action is categorically exempt under CEQA Guidelines Section 15303's Class 3 exemption for new construction of small structures and with modification to the response to the first variance finding to clarify language that the hardship peculiar to the property would not generally be applicable to other property that are not corner lot parcels with a street-side property line and setback oriented towards the south; passes 4-0-2 with Commissioners Barnes and Harris absent.

- F2. Consider and adopt a resolution to approve a use permit to exceed the maximum nighttime noise limit of 50 dBA, measured at residential property lines, to accommodate electric pool heating equipment for the Menlo Park Community Campus located at 100 Terminal Avenue; determine that this action is categorically exempt under CEQA Guidelines Section 15303's Class 3 exemption for new construction of small structures. (Staff Report #23-014-PC) Continued from the October 3, 2022 regular meeting.

Associate Planner Chris Turner said an additional email was received expressing concern with the impact of noise from the project on neighbors.

Menlo Park Senior Civil Engineer Theresa Avidian introduced Cheryl Jarrett and Sean O'Neill from Meta, Ethan Salter and Skyler Carrico, the acoustical consultants, Jeff Till from Hart Howerton, and Binh Li from Pace the pool designer. Ms. Avidian and Sean Reinhart, Library and Community Services Director, spoke on behalf of the project.

Acting Chair Do opened the public hearing.

Public Comment:

- Donald Mendoza expressed opposition to the proposed project and would offer suggestions in writing to the City.
- Siobhan Flynn expressed dissatisfaction with the proposed solution and process.
- Alberto expressed opposition to the proposed project.
- Arlene expressed opposition to the proposed project.
- Eduardo expressed opposition to the proposed project.
- Rosita expressed opposition to the proposed project.
- Ruby expressed opposition to the proposed project.
- Maya Perkins expressed opposition to the proposed project

- Peter expressed concern with unanswered details and expressed opposition.
- Pam Jones expressed opposition to the proposed project and suggested mitigation for residents.
- Karen Grove expressed opposition to the proposed project and made suggestions to process.

Acting Chair Do closed the public hearing.

The Commission discussed cumulative noise impacts, location and relocation of heat pumps, number of heat pumps and frequency of use, comparable external noise, and treatment to reduce noise impact with Ethan Salter, Binh Le, Sean Reinhart, Ms. Avidian, and Jeff Till.

Commissioner Riggs moved to continue the application for the acoustics to be successfully addressed. Commissioner Tate seconded and added a requirement that outreach be done with all of Belle Haven and not just Del Norte residents. Commissioner Riggs clarified for staff that the project should meet the noise ordinance levels. Commissioner Tate expressed concern that 50 decibels was loud and suggested the city consider as had been done for Sharon Road residents to provide reparation to neighbors to upgrade windows. Commissioner Riggs agreed that 50 decibels was loud for sleeping. Planner Turner said that exceeding 50 decibels was why the item was before the Commission.

Commissioner Riggs withdrew his motion and moved to deny the project. Commissioner Tate seconded. Planner Turner said if the Commission wanted to deny that staff requested the Commission continue the project with direction to staff to prepare findings and resolution for denial. Planner Sandmeier suggested it could be to a date certain and not need to be re-noticed.

Commissioner Riggs said that was amenable to him and moved to continue the application to a date certain with direction to staff to prepare a resolution and findings for denial and recommend that nighttime use be at a lower than 50 decibel level. Commissioner Tate said she would like the meeting to be re-noticed and more outreach done.

City Attorney Nira Doherty said she was not sure the Commission had the purview to direct staff to do more outreach beyond the noticing of residents within 300-foot radius and indicated that would come through the city manager. Commissioner Tate indicated that she wanted the item re-noticed and if possible, through the city manager for greater outreach to Belle Haven residents to occur. Commissioner Riggs amended his motion to remove the phrase “to a date certain.” Commissioner Tate seconded the motion.

**ACTION:** Motion and second (Riggs/Tate) to continue the application with direction to staff to prepare a resolution and findings for denial, to re-notice the project upon return, with a request for additional community canvassing, and to request lower noise emissions be targeted below the maximums allowed by the Municipal Code; passes 4-0-2 with Commissioners Barnes and Harris absent.

Acting Chair Do recessed the meeting for a short break.

- F3. Consider and adopt a resolution to approve a use permit for the partial demolition of an existing nonconforming two-story, single-family residence, and construction of first and second-story additions and remodeling which would exceed 50 percent of the existing value in a 12-month period on a standard lot in the R-1-U (Single Family Urban Residential) zoning district, at 312 Oakwood Place; determine this action is categorically exempt under CEQA Guidelines Section 15301's

exemption for existing facilities. (Staff Report #23-015-PC)

Associate Planner Chris Turner said staff had no additions to the written report.

Commissioner Riggs asked about outreach. Ching-Pei Hu, property owner, described their neighbor outreach.

Una Kinsella from UKM Architecture spoke on behalf of the project.

Acting Chair Do opened the public hearing and closed it as no persons requested to speak.

**ACTION:** Motion and second (Schindler/Riggs) to adopt a resolution to approve a use permit for the partial demolition of an existing nonconforming two-story, single-family residence, and construction of first and second-story additions and remodeling which would exceed 50 percent of the existing value in a 12-month period on a standard lot in the R-1-U (Single Family Urban Residential) zoning district, at 312 Oakwood Place and determine this action is categorically exempt under CEQA Guidelines Section 15301's exemption for existing facilities; passes 4-0-2 with Commissioners Barnes and Harris absent.

- F4. Consider and adopt a resolution to approve a use permit to demolish an existing single-story, single-family residence and construct a new two-story, single-family residence on a substandard lot with regard to minimum lot width in the R-1-S (Single-Family Suburban) zoning district, at 1340 Hillview Drive; determine that this action is categorically exempt under CEQA Guidelines Section 15303's Class 3 exemption for new construction of small structures. The proposal includes an attached accessory dwelling unit (ADU), which is not subject to discretionary review. (Staff Report #23-016-PC)

Assistant Planner Connor Hochleitner said staff had no additions to the written report.

Anna Felver, Thomas James Homes, and Alberto Puggelli, property owner, spoke on behalf of the project.

Acting Chair Do opened the public hearing.

Public Comment:

- Jim Brelsford expressed support for the property owners but concern with increased building of two-story homes with basements that changed the character of Menlo Park.

Acting Chair Do closed the public hearing.

**ACTION:** Motion and second (Riggs/Tate) to adopt a resolution to approve a use permit to demolish an existing single-story, single-family residence and construct a new two-story, single-family residence on a substandard lot with regard to minimum lot width in the R-1-S (Single-Family Suburban) zoning district at 1340 Hillview Drive and determine that this action is categorically exempt under CEQA Guidelines Section 15303's Class 3 exemption for new construction of small structures; passes 4-0-2 with Commissioners Barnes and Harris absent.

- F5. Consider and adopt a resolution to approve a use permit to remodel and construct first- and second-story additions to an existing nonconforming, one-story, single-family residence on a substandard lot with regard to minimum lot width and area in the R-1-U (Single Family Urban Residential) zoning district, at 211 Oakhurst Place. The proposed work would exceed 50 percent of the replacement value of the existing nonconforming structure in a 12-month period. The proposal would also exceed 50 percent of the existing floor area and is considered equivalent to a new structure; determine this action is categorically exempt under CEQA Guidelines Section 15303's Class 3 exemption for new construction or conversion of small structures. The proposal includes an attached accessory dwelling unit (ADU), which is not subject to discretionary review. (Staff Report #23-017-PC)

Associate Planner Matt Pruter said staff had no additions to the written report.

Jen and Peter Tanner, property owners, and Larry Kahle, project architect, spoke on behalf of the project.

Acting Chair Do opened the public hearing and closed it was no one requested to speak.

ACTION: Motion and second (Riggs/Schindler) to adopt a resolution to approve a use permit to remodel and construct first- and second- story additions to an existing nonconforming, one-story, single-family residence on a substandard lot with regard to minimum lot width and area in the R-1-U (Single Family Urban Residential) zoning district, at 211 Oakhurst Place and determine this action is categorically exempt under CEQA Guidelines Section 15303's Class 3 exemption for new construction or conversion of small structures; passes 4-0-2 with Commissioners Barnes and Harris absent.

- F6. Consider and adopt a resolution recommending the City Council accept the 2022 Housing Element Annual Progress Report; the Housing Element Annual Progress Report is not considered a project under CEQA. (Staff Report #23-018-PC)

Principal Planner Tom Smith presented the item.

Acting Chair Do opened the public hearing and closed it as no other persons requested to speak.

ACTION: Motion and second (Riggs/Tate) to adopt a resolution recommending the City Council accept the 2022 Housing Element Annual Progress Report; passes 4-0-2 with Commissioners Barnes and Harris absent.

## H. Informational Items

- H1. Future Planning Commission Meeting Schedule

- Regular Meeting: March 13, 2023

Planner Sandmeier said the March 13 agenda would have one single-family residential project, a use permit and architectural control request for the Sharon Heights golf course and country club, and a study session for a project at 1030 O'Brien.

Regular Meeting: March 27, 2023

**I. Adjournment**

Acting Chair Do adjourned the meeting at 9:54 p.m.

Staff Liaison: Corinna Sandmeier, Principal Planner

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on May 1, 2023