



REGULAR MEETING MINUTES

Date: 5/1/2023
Time: 7:00 p.m.
Location: Zoom.us/join – ID# 862 5880 9056 and
City Council Chambers
751 Laurel St., Menlo Park, CA 94025

A. Call To Order

Acting Chair Harris called the meeting to order at 7:02 p.m.

B. Roll Call

Present: Andrew Barnes, Linh Dan Do, Andrew Ehrick, Katie Ferrick, Cynthia Harris (Acting Chair), Henry Riggs (arrived after staff presentation on F1), Jennifer Schindler

Staff: Nira Doherty, City Attorney, Fahteen Khan; Associate Planner; Hugh Loach, Assistant Public Works Director; Matt Pruter, Associate Planner; Corinna Sandmeier, Principal Planner; Mariam Sleiman, City Attorney's Office; Chris Turner, Associate Planner; Tanisha Werner, Assistant Public Works Director

C. Reports and Announcements

Principal Planner Corinna Sandmeier said at the last Planning Commission meeting questions were raised about the Menlo Uptown project community amenity. She said the Ravenswood Health Clinic had notified the applicant and city staff that they would not pursue the Uptown Menlo location. She reported that the project applicant was pursuing other community amenity options.

D. Public Comment

None

E. Consent Calendar

Replying to Acting Chair Harris, Commissioner Do asked that the February 6 minutes be pulled from the Consent Calendar as she had emailed a suggested revision to staff on the Parkline item.

In response to Commissioner Barnes' comment that he would abstain from voting on two of the sets of minutes on the Consent Calendar, Acting Chair Harris said each item on the Consent Calendar would be voted on separately.

- E1. Approval of minutes from the January 12, 2023, Planning Commission meeting. (Attachment)
Continued from the meeting of April 24, 2023

ACTION: Motion and second (Do/Schindler) to approve the minutes from the January 12, 2023 Planning Commission meeting; passes 6-0 with Commissioner Riggs absent.



- E2. Approval of minutes from the February 6, 2023, Planning Commission meeting. (Attachment)
Continued from the meeting of April 24, 2023

No vote was taken on this item.

- E3. Approval of minutes from the February 27, 2023, Planning Commission meeting. (Attachment)

ACTION: Motion and second (Schindler/Do) to approve the minutes from the February 27, 2023 Planning Commission meeting; passes 4-0 with Commissioners Barnes and Harris abstaining and Commissioner Riggs absent.

- E4. Approval of minutes from the March 13, 2023, Planning Commission meeting. (Attachment)

ACTION: Motion and second (Do/Schindler) to approve the minutes from the March 13, 2023 Planning Commission meeting; passes 5-0 with Commissioner Barnes abstaining and Commissioner Riggs absent.

F. Public Hearing

- F1. Use Permit/Kelvin Chua/1143 Woodland Drive:
Application for a use permit to construct a one-story, detached accessory dwelling unit (ADU) within the front setback of a standard lot in the R-1-U (Single-Family Urban Residential) zoning district. The ADU would be constructed with a four-foot front setback where 20 feet is required. (Staff Report #23-028-PC) *Continued from the meeting of April 24, 2023*

Associate Planner Chris Turner said that the subject property address was 1143 Woodland Avenue, not Drive. He said staff asked the Commission to continue the item previously to seek further guidance from the California Department of Housing and Community Development (HCD) about the ability of the city to impose front setback standards on those ADUs subject to limited State standards under Government Code section 65852.2 subd. (e). He said HCD informed the city that a city cannot *require* an alternate location for a subd. (e) ADU and a city *must* approve a subd. (e) ADU within a front setback even if the ADU could be moved elsewhere on the lot, outside of the front setback. He said the proposed 1143 Woodland Avenue ADU would be processed through a ministerial process. He said there would be no planning commission discussion or action on the item.

City Attorney Nira Doherty summarized HCD's advice to the city.

Acting Chair Harris opened public comment.

Public Comment:

- William Ellsworth, 1215 Woodland Avenue, expressed opposition to the proposed ADU project as it would intrude the length of a shared property line, result in tree removal, create privacy impacts for him and neighbors, the subject lot was already overbuilt and the square footage of the primary house should be reviewed as it appeared inaccurate.
- Laura Hanley expressed opposition to the proposed project due to privacy impacts and traffic hazard impacts.

- John Hanley expressed opposition to the project noting health and safety concerns and that the project should be subject to discretionary review to deny or approve.
- Kelly Fergusson, 168 Oak Court, expressed opposition to the project due to privacy impacts and negative impacts to property value, and was concerned that an ADU in the front setback was not subject to discretionary review.
- Harry Price said the Commission should deny the application request and send a message to the city council to direct staff to enforce front yard setbacks.
- Ellen Haffner, property owner of 1115 and 1117 Woodland, said she opposed the project proposal as the subject property would look very crowded and concerns with increased delivery traffic.
- Catherine Haffner Zocatelli opposed the project due to increased traffic hazards and noise as well as parking limitations.
- Ana Pedros, 101 Oak Court, opposed the project due to concerns with lack of drainage to prevent flooding, the intrusion into the front setback, impacts to neighbors, and the applicant's unwillingness to work with neighbors.
- Aaron Eckhouse said he supported the city's decision to not violate state law.

Acting Chair Harris closed public comment.

Commissioner Riggs said he arrived at the dais after staff's presentation on this item. He asked the City Attorney about her level of certainty about HCD's informal interpretation of state law.

Ms. Doherty said they did not have formal advice or a formal reading from HCD on the specific matter. She said state ADU laws very clearly provided that no objective or subjective standards might be applied by cities on subdivision e ADUs. She said it did not make practical sense that the state reserved to local jurisdictions the ability to impose side and rear setbacks but did not reserve to local jurisdictions the ability to impose front setbacks but that was how the state ADU laws were drafted. She said her office had supplied the best advice they could based on the plain language of the state ADU laws, and the informal advice received from HCD. Replying further to Commissioner Riggs, Ms. Doherty said for ADUs that fell outside of subdivision e that cities could impose objective standards within categories reserved for local jurisdictions such as setbacks, FAR, and coverage. She said subdivision e ADUs were in a separate category and the plain language suggested that no objective standards could be applied to those ADUs except for the very limited standards the state imposed of four-foot side and rear setbacks and 800 or less square feet in size.

Replying to Commissioner Barnes, Ms. Doherty said HCD was not required to provide formal advice on ADU law. She said HCD was required to review every city in the state's ADU ordinance and make findings if that ADU ordinance did not comply with state law. She said her advice to the Planning Commission and the City Council eventually was that when the ADU ordinance was set to be rewritten to consider whether the city wanted to impose a front yard setback standard on subdivision e and non-subdivision e ADUs and include that standard in a revised ADU ordinance. She said that was how the city would obtain "formal" HCD advice on the matter. Replying further to

Commissioner Barnes, Ms. Doherty said the timeline for revising the ADU ordinance was within the next year as it was one of the policies and programs of the city's housing element.

- F2. Planned Development Permit Revision/City of Menlo Park/700-800 El Camino Real:
Consider and adopt a resolution for a revision to an existing Planned Development Permit to reduce the lot size, reduce the number of required onsite parking spaces from 360 to 315 spaces, and modify percentage based development standards (e.g. building coverage and floor area ratio) based on the reduced lot size to allow for the future purchase of a portion of the existing site, currently used for parking, by the City of Menlo Park for the Middle Avenue Caltrain crossing project. The revision to the planned development permit would not result in any increase in gross floor area, building coverage, or any modifications to the existing buildings on the project site. The Planning Commission is recommending to the City Council on the requested revision to the Planned Development Permit. The site is located in the ECR/D-SP (El Camino Real/Downtown Specific Plan) zoning district. (Staff Report #23-031-PC)

Associate Planner Fahteen Khan said a typographical error resulted in the removal of a development standard 4g in the revised plan development permit that was reflected in the original planned development permit. She read into the record development standard 4g: *Provide covered secure bicycle parking for employees and the general public.*

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

ACTION: Motion and second (Barnes/Schindler) to recommend the City Council adopt a resolution for a revision to an existing Planned Development Permit to reduce the lot size, reduce the number of required onsite parking spaces from 360 to 315 spaces, and modify percentage based development standards (e.g. building coverage and floor area ratio) based on the reduced lot size to allow for the future purchase of a portion of the existing site, currently used for parking, by the City of Menlo Park for the Middle Avenue Caltrain crossing project; passes 7-0.

- F3. Use Permit/City of Menlo Park/450-490 Willow Road:
Consider and adopt a resolution for a use permit to construct a new accessory building containing two bathrooms and a utility closet in Willow Oaks Park, generally between the parking lot and the tennis courts, in the OSC (Open Space Conservation) zoning district. Determine this action is categorically exempt under CEQA Guidelines Section 15303's Class 3 exemption for new construction or conversion of small structures. (Staff Report #23-032-PC)

Planner Pruter said a comment had been received after publication of the staff report expressing safety concerns with the project.

Tanisha Werner, Assistant Public Works Director for Engineering, presented the project and answered commissioners' clarifying questions.

Acting Chair Harris opened the public hearing.

Public Comment:

- Kathleen Daly, owner of a small business close to the park, expressed support for the project.

Acting Chair Harris closed the public hearing.

Individual commissioners expressed support for a restroom at the park. Commissioner Ferrick moved to approve, and Commissioner Barnes seconded the motion.

Acting Chair Harris asked about inclusion of a urinal noting a gender-neutral facility. Brian Fletcher, CALA, the consultant providing the facility design, said gender neutral facilities were done both with and without urinals, and explained that space and grading constraints were why a urinal was not included. Neither the maker of the motion nor the maker of the second wanted to condition inclusion of a urinal in the design.

ACTION: Motion and second (Ferrick/Barnes) to adopt a resolution for a use permit to construct a new accessory building containing two bathrooms and a utility closet in Willow Oaks Park, generally between the parking lot and the tennis courts, in the OSC (Open Space Conservation) zoning district 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 7-0.

G. Regular Business

- G1. Selection of Planning Commission Chair and Vice Chair for May 2023 through April 2024 (Staff Report #23-033-PC)

Acting Chair Harris opened public comment and closed it as no persons requested to speak.

ACTION: Motion and second (Schindler/Do) to select Commissioner Harris as Planning Commission Chair for May 2023 through April 2024; passes 7-0.

ACTION: Motion and second (Riggs/Barnes) to select Commissioner Do as Planning Commission Vice Chair for May through April 2024; passes 7-0.

H. Informational Items

- H1. Future Planning Commission Meeting Schedule

- Regular Meeting: May 15, 2023

Planner Sandmeier said the May 15 agenda would have a sign review for the citizenM hotel and a study session for 795 Willow Road.

- Regular Meeting: June 5, 2023

I. Adjournment

Chair Harris adjourned the meeting at 8:41 p.m.

Staff Liaison: Corinna Sandmeier, Principal Planner

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on June 5, 2023

Willow Oaks Park Restroom Building

Planning Commission Meeting

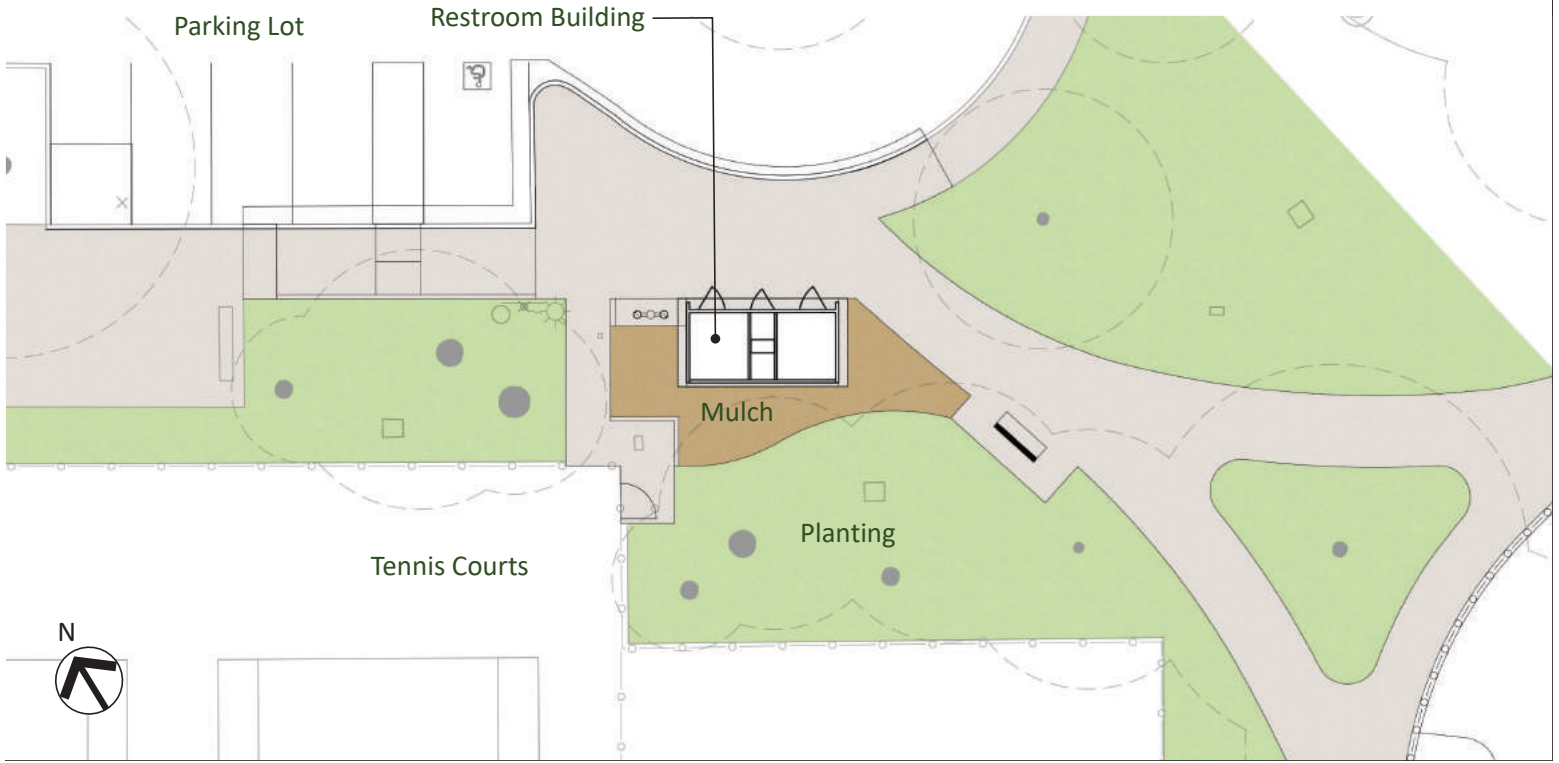
May 1, 2023



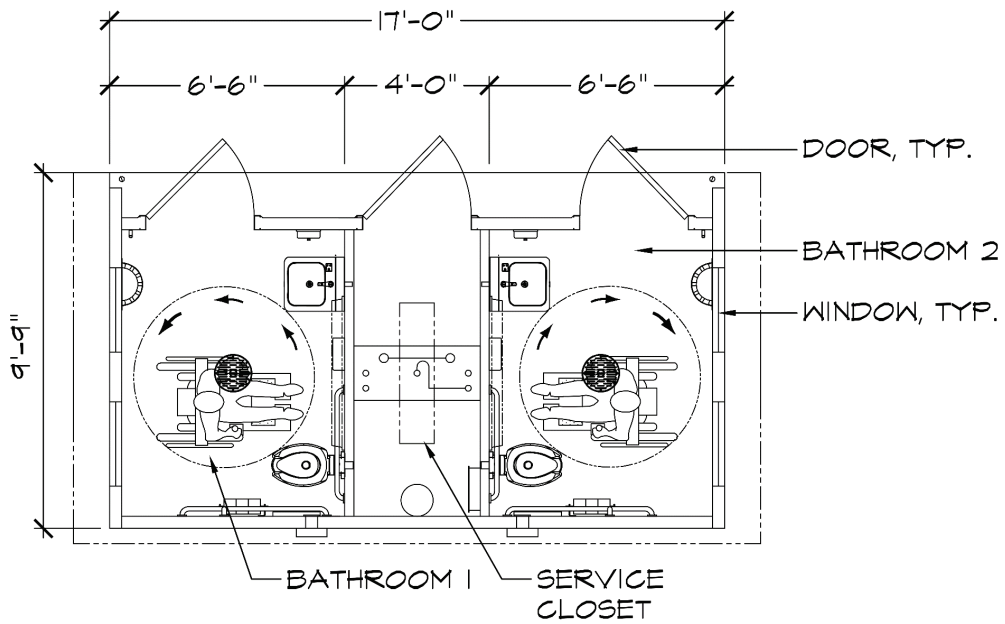
Building Location



Site Plan



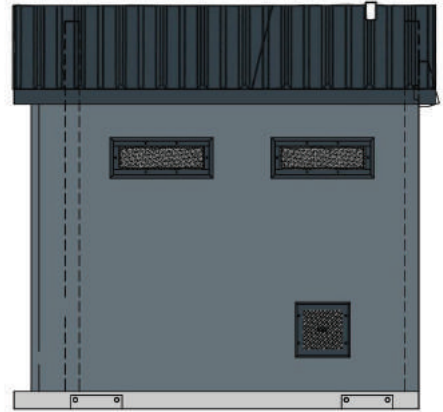
Restroom Floor Plan



Restroom Elevations



Front Elevation



Side Elevation

Restroom Character



Ribbed Roof Texture



Wall Color



Roof Color