



REGULAR MEETING MINUTES

Date: 1/8/2024
Time: 7:00 p.m.
Location: Zoom.us/join – ID# 858 7073 1001 and
City Council Chambers
751 Laurel St., Menlo Park, CA 94025

A. Call To Order

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

B. Roll Call

Present: Linh Dan Do (Chair), Jennifer Schindler (Vice Chair), Andrew Ehrich, Katie Ferrick, Henry Riggs, (vacancy)

Absent: Andrew Barnes

Staff: Calvin Chan, Senior Planner; Deanna Chow, Community Development Director; Connor Hochleutner, Assistant Planner; Kyle Perata, Assistant Community Development Director; Matt Pruter, Associate Planner; Tom Smith, Principal Planner; Chris Turner, Senior Planner; Mary Wagner, City Attorney’s Office

C. Reports and Announcements

Assistant Community Development Director Perata reported the City Council would hold interviews for the vacant Planning Commission seat on January 9, 2024.

D. Public Comment

None

E. Consent Calendar

No public comment on the Consent Calendar items.

Commissioner Riggs said he was absent from the November 6, 2023 meeting and would vote to abstain from approval of those minutes.

Mr. Perata noted two minor edits brought to staff’s attention by Chair Do: 1) October 23 minutes, page 18, correct spelling of “Barens” to “Barnes;” and 2) November 6 minutes, change adjournment time from “7:32 p.m.” to “8:32 p.m.”

E1. Approval of minutes from the October 23, 2023, Planning Commission meeting. (Attachment)

ACTION: Motion and second (Riggs/Schindler) to approve the minutes from the October 23, 2023 Planning Commission meeting with a correction to change “Barens” to “Barnes” on page 18; passes



5-0 with Commissioner Barnes absent.

- E2. Approval of minutes from the November 6, 2023, Planning Commission meeting. ([Attachment](#))

ACTION: Motion and second (Schindler/Ehrich) to approve the minutes from the November 6, 2023 Planning Commission meeting with correction to page 37 to change adjournment time from 7:32 p.m. to 8:32 p.m.; passes 4-0 with Commissioner Riggs abstaining and Commissioner Barnes absent.

F. Public Hearing

- F1. Use Permit/Cliff Brunk/154 Laurel Avenue:

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 with a detached garage on a substandard lot with regard to minimum lot width in the R-1-U (Single-Family Urban Residential) 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 #24-001-PC)

Planner Hochleutner noted two corrections to the staff report: 1) data table for left side setback; and 2) intruding into the daylight plane on the right hand side rather than the left hand side. He reported two letters of support from neighbors post-publication of the staff report.

Steve Collom, project designer, spoke on behalf of the project.

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

The Commission discussed with staff the neighbor comment about needed landscape which would be addressed with the building permit application and through the neighbors' continued communication with one another. Commission comment included support of project materials, attention to detail and retention of a tree.

ACTION: Motion and second (Schindler/Riggs) to adopt a resolution approving the item as recommended; passes 5-0 with Commissioner Barnes absent.

- F2. Use Permit/Kevin Wang/495 Gilbert Avenue:

Consider and adopt a resolution to approve a use permit to determine the Floor Area Limit (FAL) on a lot less than 5,000 square feet in area, and 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, depth, and area in the R-1-U (Single Family Urban Residential) zoning district. The proposal would exceed 50 percent of the replacement value in a 12-month period for a nonconforming structure and requires use permit approval. 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 15301's Class 1 exemption for existing facilities. (Staff Report #24-002-PC)

Planner Turner said one comment letter was received post-publication of the staff report with general concerns expressed including sill heights in the rear of the proposed structure.

Kevin Wang, property owner, spoke on behalf of the project.
Chair Do opened the public hearing.

Public Comment:

- Craig Hashi expressed concerns about privacy to the rear of the subject property.
- Jordan Macdonald expressed concerns about privacy and asked the Planning Commission to be mindful of second story windows on the rear of the house.

Chair Do closed the public hearing.

The Commission discussed the proposed obscured glass windows and higher window sills with the applicant and location of egress windows with staff.

After motion made and seconded to approve with an added condition, Chair Do and Commissioner Ferrick expressed a request that the obscured glass align with something and not just end halfway. Commissioner Riggs modified his motion that at the least the bottom 50% of the windows in question be obscure glass and to align with a horizontal element. Commissioner Schindler confirmed the modification of the motion and agreed.

ACTION: Motion and second (Riggs/Schindler) to adopt a resolution approving the item as recommended with the following added condition; passes 5-0 with Commissioner Barnes absent.

Add condition 2.a: Simultaneous with submittal of a complete building permit application, the applicant shall revise the elevation drawings to indicate that the second story windows on the rear and right side shall have obscured glass on at least the bottom half of each window and the obscured glass shall terminate at a horizontal mullion, subject to review and approval of the Planning Division.

- F3. Use Permit/Neil and Hester Seth/765 Stanford Avenue:
Consider and adopt a resolution to approve a use permit to demolish an existing one-story, single-family residence and detached garage, and construct a new two-story, single-family residence on a substandard lot with regard to minimum lot area and lot width in the R-1-U (Single Family Urban Residential) zoning district. The proposal includes a request for excavation within the required side and rear setback areas for retaining walls. The proposal also includes a request for fences and walls exceeding height limits. The proposal includes an attached accessory dwelling unit (ADU), which is a permitted use and not subject to discretionary review; 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 #24-003-PC)

Planner Chan presented the staff report noting staff's response to a neighbor's letter regarding location of the HVAC units and construction of retaining walls.

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

The Commission discussed concern about excavation next to a property line.

Michael Tom, architect, answered Commissioner Riggs' question that the windows would be

simulated divided lights interior and exterior with aluminum spacing bars in between.

ACTION: Motion and second (Schindler/Ehrich) to adopt a resolution approving the item as recommended; passes 5-0 with Commissioner Barnes absent.

- F4. General Plan Amendment/City of Menlo Park/Housing Element Update Project:
Consider and make a recommendation to the City Council to amend the 2023-2031 6th Cycle Housing Element (“Housing Element”), adopted January 31, 2023. Since the adoption date, the Housing Element was revised to address comments from the California Department of Housing and Community Development (“HCD”) including changes in the following topic areas: racial/ethnic areas of concentration of affluence (“RCAs”), disproportionate housing needs including displacement, contributing factors to fair housing issues, progress in meeting the regional housing needs allocation (“RHNA”), development of small and large sites, suitability of nonvacant sites, city-owned sites, federally-owned and school sites, environmental constraints, the electronic sites inventory, zoning for a variety of housing types (emergency shelters), land use controls, density bonuses, fees and exactions, local processing and permit procedures, constraints on housing for persons with disabilities, shortfall of adequate sites, actions, programs, metrics, milestones, and specific quantified objectives. The Housing Element was most recently submitted for HCD review on November 3, 2023, following a seven-day public review period, and HCD indicated that the revisions are in substantial compliance with state law pending adoption of the revised Housing Element by City Council and certification by HCD; Determine this action is covered by the subsequent environmental impact report (SEIR) prepared for the Housing Element Update project (State Clearinghouse Number 1990030530) and none of the circumstances requiring a supplemental EIR or subsequent EIR exist (CEQA Guidelines Section 15162). (Staff Report #24-004-PC)

Principal Planner Smith presented the staff report.

Chair Do opened the public hearing.

Public Comment:

- Jenny Michel congratulated staff and the Commissioners on the milestone and suggested the Housing Element SEIR analyze additional tenant protections.

Chair Do closed the public hearing.

ACTION: Motion and second (Schindler/Ehrich) to recommend approval of the updated Housing Element to the City Council as recommended; passes 5-0 with Commissioner Barnes absent.

Chair Do recessed the meeting at 8:46 p.m. for a short break.

Chair Do reconvened the meeting at 8:51 p.m.

- F5. General Plan Land Use Map Amendment and Rezoning/City of Menlo Park/Housing Element Update Project:
The City of Menlo Park is proposing to amend the General Plan Land Use Map and zoning map to create consistent zoning for the parcel at 512 Durham Street and a portion of the parcel at 687 Bay Road and consistency with recently-adopted amendments to implement zoning-related programs in the adopted 2023-2031 6th Cycle Housing Element General Plan. The proposed changes are

intended to assist in providing capacity to meet the City's Regional Housing Needs Allocation ("RHNA") of 2,946 dwelling units, and are generally summarized below.

General Plan land use map

Amendment to change the land use designation for Assessor's Parcel Number ("APN") 062-205-170 (512 Durham Avenue) from Residential Low Density to Retail/Commercial. The parcel is currently utilized for circulation and parking as part of a nonresidential development at 812 Willow Road, zoned C-MU (Neighborhood Mixed Use).

Zoning map

- Amendment to rezone APN 062-205-170 from R-1-U (Single Family Urban Residential) to C-MU (Neighborhood Mixed Use) to locate the development at 812 Willow Road within a single zoning district allowing mixed uses; and
- Amendment to rezone a portion of the split-zoned parcel at 687 Bay Road from R-1-U to C-MU so that the entire parcel is within the C-MU zoning district, which allows mixed uses.

Determine this action is covered by the subsequent environmental impact report (SEIR) prepared for the Housing Element Update project (State Clearinghouse Number 1990030530) and none of the circumstances requiring a supplemental EIR or subsequent EIR exist (CEQA Guidelines Section 15162). (Staff Report #24-005-PC)

Planner Smith presented the staff report noting receipt of two comment letters opposing the proposed zoning amendment at 687 Bay Road.

Chair Do opened the public hearing.

Public Comment:

- Ajay Bhij expressed concerns with potential increased traffic, parking, and construction noise, and potential decreased privacy along Bay Road and Hollyburne Avenue.
- Veera expressed concerns with potential increased traffic, parking, and construction noise, and potential decreased sunlight to neighboring properties.
- Altaf Ghori expressed concerns with potential increase in allowed height and traffic along Hollyburne Avenue, potential decreased privacy, and limited public outreach.
- Susan Gibson expressed concerns with potential increased traffic, parking, and density as well as along Bay Road and Hollyburne Avenue.
- Nik Daruwala expressed concerns with potential increased traffic and parking and potential decreased privacy along Bay Road and Hollyburne Avenue.
- Kushagra Shrivastan expressed concerns with potential increased traffic and the public outreach process.
- Joe Wyffels expressed concerns with the public outreach process.

Chair Do closed the public hearing.

The Commission confirmed with staff the noticing for the proposed zoning amendments, how parking would be required should the one lot with the parking lot develop, the history within the

Housing Element Update regarding these lots and zoning designation, and that the conditional approval of the HCD of the City's Housing Element was not dependent upon the proposed rezonings.

The Commission discussed the impacts of the potential of the parking lot to be developed as C-MU as opposed to R-1-U located near residential lots, the purpose of organizing existing different commercial zones into C-MU districts to make it easier for parcels with commercial uses to become commercial and residential mixed use with increased density, the logic of rezoning the parcel used as a parking lot to commercial, and reasons to postpone the rezoning of the two R-1-U lots until a more specific redevelopment proposal emerged to allow for community engagement and collaborative feedback.

The Commission discussed how to word a motion conveying that the Commission was not comfortable with the proposed amendments at this time, and that if it were to be resubmitted at a later time as the same proposal now that a more extensive community engagement process would need to have occurred.

ACTION: Motion and second (Schindler/Ferrick) to not recommend to the City Council adoption of the proposed General Plan land use map and zoning map amendments at this time out of a desire for a more extensive process and community engagement; passes 5-0 with Commissioner Barnes absent.

- F6. Architectural Control Revision and Use Permit Revision/Nitin Patel/3723 Haven Avenue: Consider and adopt a revision to a previously approved architectural control and use permit to develop a new 163-room hotel at 3723 Haven Avenue, in the O-B (Office - Bonus) zoning district. The proposed revisions would modify the previously approved modifications to the Zoning Ordinance requirements for modulations and stepback design standards. The proposed revisions to the previously approved project also involve elimination of one parking level, which reduces the building from eight to seven floors, an overall height increase of six inches, relocation of a rooftop deck from the fourth to third floor resulting in a height decrease of four feet for the deck, an internal reconfiguration of parking spaces to utilize tandem parking through the use of a valet service, minor building footprint modifications at the southeast building corner, comprehensive landscaping changes, and comprehensive material and color changes. The overall gross floor area would be reduced by 55 square feet; Determine that this action is consistent with the adopted mitigated negative declaration for the previously approved project and none of the circumstances requiring additional environmental analysis exist (CEQA Guidelines Section 15162). (Staff Report #24-006-PC)

Planner Pruter presented the staff report.

Al Patel, applicant, and Nitin Patel, architect, spoke on behalf of the project.

Chair Do opened the public hearing.

Public Comment:

- Bryan Shields brought to the Commission's attention the need for labor standards, prevailing wages, and use of union labor for large construction projects.

Chair Do closed the public hearing.

The Commission commented favorably on the proposed design and parking changes with a suggestion to consider something other than a diesel generator for emergency backup; and were supportive of the use of union labor.

ACTION: Motion and second (Riggs/Ehrich) to adopt a resolution to approve as recommended; passes 5-0 with Commissioner Barnes absent.

H. Informational Items

H1. Future Planning Commission Meeting Schedule

- Regular Meeting: January 22, 2024

Mr. Perata said the January 22nd meeting might possibly be cancelled.

I. Adjournment

Chair Do adjourned the meeting at 10:30 p.m.

Staff Liaison: Kyle Perata, Assistant Community Development Director

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on March 11, 2024