



REGULAR MEETING MINUTES

Date: 4/15/2024
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

Vice Chair Jennifer Schindler called the meeting to order at 7:00 p.m.

B. Roll Call

Present: Jennifer Schindler (Vice Chair), Andrew Barnes, Andrew Ehrich, Katie Ferrick, Henry Riggs, Ross Silverstein

Absent: Linh Dan Do (Chair)

Staff: Connor Hochleutner, Assistant Planner; Kyle Perata, Assistant Community Development Director; Mariam Sleiman, Assistant City Attorney; Chris Turner, Senior Planner

C. Reports and Announcements

Assistant Community Development Director Perata reported on future City Council consideration of applicants for Planning Commission and an agreement with Habitat for Humanity to transfer \$3.5 million for an affordable housing project from a previous MidPen allocation to take over the project at 335 Pierce Road.

D. Public Comment

One public commenter asked for an update on builder’s remedy projects. Staff informed the commenter that the Commission cannot discuss non-agendized items, but that staff would follow up with the commenter.

E. Consent Calendar

E1. Approval of minutes of March 25, 2024, Planning Commission meeting. (Attachment)

Commissioner Riggs requested to pull Item E1 from the Consent Calendar.

Vice Chair Schindler opened the item for public comment and closed public comment as no persons requested to speak.

ACTION: Motion and second (Ferrick/Riggs) to approve the minutes of the March 25, 2024 meeting with the following modification; passes 6-0 with Commissioner Do absent.

- Add to the Commission discussion summary of Item F4: Commissioner Riggs asked Mr. Snyder



questions on the signage color, confirming whether the brown signage was inferred as required from the master sign program review by the Planning Commission, noting that the City has worked to enliven the frontage.

F. Public Hearing

- F1. Use Permit/A. Justin Sabet-Peyman/341 Linfield Drive:
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 depth 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. The proposal includes an attached Accessory Dwelling Unit (ADU), which is a permitted use and not subject to discretionary review. (Staff Report #24-019-PC)

Planner Hochleutner reported that staff had no changes to the written staff report.

Justin Sabet-Peyman, applicant, spoke on behalf of the project.

Commissioners Riggs and Silverstein asked clarifying questions about the depth requirement and width measurement.

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

The Commission commented on the measurements of a corner lot, confirmed with the applicant and staff that the view triangle requirements were satisfied, encouraged landscape screening for the second story views, and expressed some concern that the allowable maximum height was used.

ACTION: Motion and second (Ehrich/Silverstein) to adopt a resolution to approve the item as submitted; passes 6-0 with Commissioner Do absent.

- F2. Use Permit, Architectural Control, Major Subdivision and Below Market Rate Housing Agreement/Farzad Ghafari/1220 Hoover Street:
Consider and adopt a resolution to approve an architectural control, use permit and below market rate (BMR) housing agreement and consider and adopt a resolution recommending the City Council approve the tentative map to construct a new eight-unit condominium project on a substandard lot with regard to minimum lot width in the R-3 (Apartment) district. The project would include six market rate units, one unit provided at below market rate, and one additional market rate unit in accordance with California State Density Bonus Law. The proposal also includes a major subdivision map for the subdivision of one lot into eight condominium parcels and one common area parcel. The application was submitted subject to the State Density Bonus Law, Government Code Section 65915 and relevant amendments, which permits exceptions to the City's Zoning Ordinance requirements. The applicant is requesting waivers from development standards to increase the maximum floor area ratio (FAR), maximum height, and maximum paving area for driveways and parking. The Planning Commission is the final decision making body on the requested use permit, architectural control and BMR agreement. The Planning Commission is a recommending body to the City Council on the major subdivision; determine this action is categorically exempt under CEQA Guidelines Section 15332's Class 32 exemption for infill development projects. (Staff Report #24-020-PC)

Planner Turner presented the staff report noting an additional item of correspondence was received since publication of the staff report that expressed concerns with the height of the project, privacy impacts, and the applicant's waiver requests from development standards.

Anthony Ho, project designer, and Bryan Shepherd, property owner, spoke on behalf of the project.

Vice Chair Schindler opened the public hearing.

Public Comment:

- Margaret Neff spoke in opposition of the project, citing concerns with the proposed height, potential shadows cast on neighboring properties, privacy, potential noise from the vehicular gate and increased vehicular traffic, tree removals, and lack of neighborhood compatibility.
- Michael Giudicessi spoke in opposition to the project and expressed concerns with the height of the proposed project and suggested the Commission had many paths to deny the project noting detriments to health, welfare, and safety.
- Galaxy expressed privacy concerns for residents to the right of the proposed project including shadowing, street parking impacts, potential traffic and construction safety concerns, and the need for bike-friendly accommodations.
- John Wu suggested that much of the pressure to approve the project was imposed by the state and that the Commission was being asked to operate outside of local laws; he asked that the project be denied.
- Tracy concurred with the other speakers and expressed concerns specifically regarding the height, density, impact on parking in the area, the incompatibility of the proposed project with the character of the neighborhood, and the demand on emergency services.

Chair Schindler closed the public hearing.

The Commission discussed with staff the waivers requested and the breadth of the Commission's discretion. Individual members' comments included:

- Need for privacy screening noting windows on the upper floors
- The project met city goals of infill housing adjacent to downtown and provision of affordable and moderate income housing
- Concern no provision was made for bicycle parking and project seemed overparked
- Concern with the visual imbalance of the upper three stories resting on a lower story that was about 30% undercut on one side
- Preference for the housing to be for purchase

Vice Chair Schindler summarized discussion points the applicant seemed to support:

- Show bicycle parking in the design plans
- Use opaque glass in bathroom windows
- Increase sill heights whilst meeting egress requirements
- Consider a solution to solve façade visual imbalance whilst meeting emergency vehicle access

requirements

Commissioner Ehrich moved to approve the use permit, the architectural control, and the BMR agreement with the conditions or recommendations that the applicant include sufficient and explicitly shown bicycle parking, address privacy in third and fourth story windows through sill heights and opaque glass and consider the points on the façade arch.

The Commission discussed with staff the specificity of the actions within the motion.

ACTION: Motion and second (Schindler/Ehrich) to continue the meeting until 11:22 p.m.; passes 6-0 with Commissioner Do absent.

The Commission discussed further with staff the motion wording including:

- Require the applicant to work with staff to evaluate a vertical architectural element on the front façade to significantly mitigate architectural imbalance to the extent feasible, subject to review and approval by the Transportation Division, Menlo Park Fire Protection District, and determination by the Planning Division.

Commissioner Ehrich said that was acceptable to him as the maker of the motion.

Planner Turner recapped the full motion as requested by Vice Chair Schindler:

Adopt the resolution approving the use permit, architectural control and BMR housing agreement with conditions to add a minimum of one bicycle parking space per unit adjacent to or in one of the proposed parking spaces, to require obscured glass below three feet for bedroom windows and the totality of bathroom windows on the right side of the structure on all floors, and for the applicant to work with staff to evaluate vertical elements to the front face to mitigate the architectural imbalance to the extent feasible.

Commissioner Ferrick asked for a friendly amendment to look at the use of permeable pavers to reduce the heat island effect and reduce drainage to neighboring properties.

Staff provided input as to weight load requirements for the fire district. Vice Chair Schindler suggested language for permeable pavers similar to that for the façade recommendation.

Commissioner Ehrich accepted the friendly amendment and Commissioner Riggs seconded the motion.

ACTION: Motion and second (Ehrich/Riggs) to adopt a resolution approving the use permit, architectural control, and BMR agreement with the following added conditions; passes 4-2 with Commissioners Barnes and Silverstein opposed and Chair Do absent.

- **Add condition 2.t.:** Simultaneous with submittal of a complete building permit application, the applicant shall revise the site and/or floor plans to include a minimum of one bicycle parking space per unit within or adjacent to the proposed parking spaces, subject to review and approval of the Planning Division.

- **Add condition 2.u.:** Simultaneous with submittal of a complete building permit application, the applicant shall revise the right side elevation drawings to include obscured glass where window sill heights in common areas and bedrooms are less than three feet and to include obscured glass in all bathroom windows on the right side of the building, subject to review and approval of the Planning Division.
- **Add condition 2.v.:** Simultaneous with submittal of a complete building permit application, the applicant shall work with staff to evaluate a vertical architectural element on the ground level of the front façade to significantly mitigate architectural imbalance, to the extent feasible, subject to review and approval by the Transportation Division, Menlo Park Fire Protection District, and determination by the Planning Division.
- **Add condition 2.w.:** Simultaneous with submittal of a complete building permit application, the applicant shall consider alternative pavement materials and strategies to reduce urban heat island effect, and shall, to the extent feasible, revise the site plan, landscape plans, and relevant civil sheets to employ the identified strategies, subject to review and approval by the Transportation Division, Menlo Park Fire Protection District, and determination by the Planning Division.

ACTION: Motion and second (Ehrich/Silverstein) to adopt a resolution recommending approval of the major subdivision to City Council as submitted; passes 5-1 with Commissioner Barnes opposed and Chair Do absent.

G. Informational Items

G1. Future Planning Commission Meeting Schedule

- Regular Meeting: April 29, 2024

Mr. Perata said the April 29 agenda would have a single family home use permit and annual reviews for four development agreements for the Meta campuses. He said for the record that meeting would be Commissioners Barnes and Riggs' last meeting as commissioners and thanked them for their service.

- Regular Meeting: May 6, 2024

H. Adjournment

Vice Chair Schindler adjourned the meeting at 11:15 p.m.

Staff Liaison: Kyle Perata, Assistant Community Development Director

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on May 6, 2024