



## REGULAR MEETING MINUTES

**Date:** 3/7/2016

**Time:** 7:00 p.m.

**City Council Chambers**

**701 Laurel St., Menlo Park, CA 94025**

### A. Call To Order

Chair John Onken called the meeting to order at 7:00 p.m.

### B. Roll Call

Present: Andrew Combs, Katie Ferrick, Susan Goodhue, John Kadvany, Larry Kahle, John Onken (Chair)

Absent: Katherine Strehl (Vice Chair)

Staff: Thomas Rogers, Principal Planner; Jean Lin, Senior Planner

### C. Reports and Announcements

Principal Planner Rogers reported that Thursday, March 10, 2016, a ConnectMenlo (General Plan Update) Topic Meeting on Green Building Standards would be held at 6:30 p.m. at the Belle Haven Senior Center. He said the City Council at its March 15 meeting would review the Annual Housing Element Report previously reviewed by the Planning Commission in February and the Housing Commission. He said there had not been any substantive changes to the report that the Council would receive. He said the City Council would also consider the budget for consultant services to conduct an environmental review of the proposed Stanford Middle Avenue project.

Responding to a question from Commissioner Ferrick, Principal Planner Rogers said the Commission's recommendation regarding incentives to increase lower income housing may not be part official report itself, but the recommendation would be transmitted to the Council as part of the staff report.

### D. Public Comment

There was none.

- E1. Use Permit/Ann Weiss/2108 Clayton Drive: Request for a use permit for excavation in the required front, left side, and rear yard setbacks associated with landscape improvements on a standard lot in the R-1-S (Single Family Suburban) zoning district. Nine heritage trees located in the front and corner side yards are proposed for removal as part of the proposed project. ([Staff Report #16-016-PC](#))

Staff Comment: Senior Planner Lin noted a minor correction on Sheet XA01 of the Plan, drawing seven, to change the top left hand corner labeled "front retaining wall section" to "rear retaining wall section."

Commissioner Kahle said some of the trees noted for removal in the arborist report were not shown in Table 1 on page 3 of the staff report and asked if there were more than nine trees were being removed. Senior Planner Lin said there were a total of nine heritage trees to be removed as shown in Table 1, but some non-heritage trees that would also be removed.

Commissioner Kadvany said the heritage trees slated for removal as part of the excavation were #'s 13, 14 and 15. He asked if those trees would be removed independent of the Commission's decision on the excavation use permit. Senior Planner Lin said the arborist report on Trees 13, 14 and 15 said those trees in poor condition and that the City Arborist supported removal of those trees because of their condition. Replying to Commissioner Kadvany further, she said that the City Arborist reviews Heritage Tree Removal permits and that those permits are not acted on by the Planning Commission.

Commissioner Ferrick asked about the specimen types and size of the 15 replacement trees. Senior Planner Lin said those were listed on the Site Plan A.1.0 in the table to the very right. She said the replacement trees were generally larger size and several different tree species in boxes ranging from 24 to 48-inches. Commissioner Ferrick asked why there was only one live coast tree in the list of replacement trees. Senior Planner Lin suggested the applicant might better answer that question.

Applicant Presentation: Ms. Yoanna Dakovska, Moderna Homes, project architect, said the landscape architect had selected a live oak to replace the one in the front being removed. She said he was not present to answer why he made that design decision. She said the property driveway currently connects to the Alameda de las Pulgas, which was an issue in terms of safety and traffic. She said the driveway would connect to Clayton Drive, an area having cross slope, which was why the retaining walls were needed.

Commissioner Goodhue suggested that perhaps the landscape architect had not chosen more oaks for the plan as they were not fast growing.

The project arborist Kevin Kielty said the Brisbane box trees were a quick growing upright tree and good for screening while oaks are slower growing and wider. He said it was a smaller lot and would have quite a few trees on it.

Commissioner Ferrick asked about the property address change. Ms. Ann Weiss, property owner, said they bought the property and the prior owner had changed the address. Senior Planner Lin said regardless of the street address that the front of the property was Clayton Drive, which was where they measured the front setback.

Commissioner Kahle asked about the finish on the concrete block retaining wall. Yoanna said the concrete blocks would not be seen from the street side as the grade went most of the way up the wall. She clarified for Commissioner Kahle that a few inches of the concrete blocks would be visible.

Public Comment:

- Ms. Melanie Austin – she said the existing trees on the project site were awful. She said she and her husband have in the past maintained the ones in the corner to keep leaves from going into the storm drain. She asked about neighbor protection from construction vehicles. She said it was a one-way street so trucks enter and tend to use her driveway to turn around. She noted her property has a soft berm that she has spent considerable money on repairing from prior construction projects.

Chair Onken said construction controls were not really within the Commission's purview with this permit request and suggested the speaker speak with the City and find out information about permit construction conditions.

There being no other public speakers, Chair Onken closed the public hearing.

Commission Comment: Commissioner Ferrick said for the record and the benefit of the member of the public that spoke that the Community Development website has a link to all the development and construction regulations. She also suggested that Ms. Austin speak with the neighbor and the Building Department about her concerns.

Commissioner Combs said that a property owner did not have to allow construction trucks onto private property and suggested there were avenues to pursue to prevent such unwanted use.

Chair Onken said regarding the use permit request for excavation that he was very happy with the tree plan, had no objection to the terracing and retaining wall on the site, and although not under the Commission's purview, he thought changing the driveway from Alameda to Clayton was a huge benefit in terms of safety. He moved to approve the use permit request.

Commissioner Kahle seconded the motion with a recommendation to use stucco on the retaining wall to match the house. Senior Planner Lin clarified with Commissioner Kahle that he was making a recommendation and not a condition of approval. This was acceptable to Chair Onken the maker of the motion to approve.

**ACTION:** Motion and second (Onken/Kahle) to approve; passes 6-0 with Commissioner Strehl 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. Development of the project shall be substantially in conformance with the plans prepared by Moderna Homes, consisting of 15 plan sheets, dated received on March 1, 2016, and approved by the Planning Commission on March 7, 2016, except as modified by the conditions contained herein, subject to review and approval by 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. 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.
  - e. Simultaneous with the submittal of a complete building permit application, the applicant shall submit plans to remove and replace the non-standard asphalt curb along Clayton Drive between the utility pole and the existing storm drain inlet for review and approval of the Engineering Division.
  - f. 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.
  - g. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance and the recommendations in the arborist report by Kielty Arborist Services revised on February 17, 2016.

- E2. Use Permit/Amin Ahmadi/427 Bay Road: Request for a use permit for additions to, and remodeling of, an existing, nonconforming one-story, single-family residence on a lot in the R-1-U (Single-Family Urban) zoning district. The value of the work would exceed 75 percent of existing replacement value in a 12-month period. ([Staff Report #16-017-PC](#))

Staff Comment: Principal Planner Rogers said this was Planner Michele Morris' item and since she was out of the office, he would cover the project for this meeting. He said the applicant had contacted him today saying he had looked into the materials in more detail and determined the windows and doors were not available in the dark bronze as indicated. He said a submittal from the applicant had been distributed to the Commission to show the proposed elevation sheets in color with an alternate color scheme using sandstone color. He said it was a relatively subtle change and the roof would also match. He said that in condition 4.a distributed tonight to the Commission and public that the applicant would have the option to revise the plans to change

elevations as presented tonight to the Commission. He said the applicant had also asked about the draining and grading condition. He said the engineer for this project had not been available but another staff member thought this condition might not be required. Principal Planner Rogers said to allow for that possibility there was clarifying language added to the end of condition 3.f that stated the condition would not apply if the Engineering Division waived the requirement. He said the handout represented the revised staff recommendation of approval.

Questions of Staff: Commissioner Kahle said there were two new windows, one on each side of an existing fireplace. He said the City required that if new construction occurred within 12-inches of an existing brick fireplace it would have to be removed and replaced. He said the windows looked like they are very close to 12 inches from the fireplace.

Principal Planner Rogers said that the Planning Division did not usually review use permit applications in detail with the Building Division before coming to the Planning Commission. He said if there were changes to or near wood burning fireplaces that they could be required to be removed or have an insert added to prevent pollution. He said the Commission could condition preferred outcomes about that whether adjusting the windows to be separated farther or to remove the fireplace and replace it with gas.

Commissioner Kadvany said the trim around the front door had changed from the stained cedar to light sandstone, stacked veneer, #4 on sheet A3.1. Principal Planner Rogers said that appeared to be accurate and was allowable under the proposed condition 4.a.

Applicant Presentation: Mr. Amin Ahmadi, project applicant, said he and his wife were proposing changes to the trim, doors, and roof color and materials.

Chair Onken asked about the windows and the fireplace. Mr. Ahmadi said he did not believe the windows would encroach within 2-inches of the fireplace. He said since they moved into the home in 2005 they had never burned a fire in it, noting that they had small children. He said if it was within their budget they would convert it into a gas fireplace.

Commissioner Kahle said the main material was either stucco or Hardie siding. Mr. Ahmadi said they probably would go with smooth stucco as they wanted a simple design. Commissioner Kahle asked if they could use both materials noting there were some high gable ends that would benefit from siding to break up the stucco. Mr. Ahmadi explained that his architect thought siding was better and said stucco cracked. He said his contractor indicated that the technique for applying stucco had improved and cracking was no longer a factor. He said he and his wife wanted smooth stucco.

Commissioner Kahle said the design was nice on the Bay Road side and asked if they had considered a window on the Oakland Avenue side in area to the right of the fireplace which he thought was a dining room. Mr. Ahmadi said the dining room had a lot of light from the front, but said another window on that side was a possibility.

Commissioner Kahle said in comparing the front elevation to the plan what seemed to be posts on either side of the porch looked like 12-inch walls on the plan. He suggested they show the posts

more carefully. Mr. Ahmadi confirmed they were posts and said they would.

Commissioner Ferrick said there was a six-foot fence on the Oakland Avenue side of the house and a window there probably wouldn't be visible from the street. She said also she lives on Bay Road and her home has the same orientation. She said windows on the Oakland Avenue side became extremely hot from the sun. Mr. Ahmadi said that there was a gate at the end of the fence where the house stepped in so he would consult with the architect about the window.

Chair Onken, noting there were no persons wishing to speak, closed the public hearing.

Commission Comment: Chair Onken said it was surprising to not find the same kind of design enthusiasm with the windows on the Oakland Avenue side as with the Bay Road side. He said it was an approvable project and would like to give the architect the flexibility to further address the Oakland Avenue side façade to add siding or windows. Mr. Ahmadi said aesthetically they wanted to keep the materials simple to emphasize the dramatic windows.

Commissioner Ferrick said the fence did drop down as it approached Bay Road as noted by Commissioner Kahle and she also wanted to give them flexibility for a window on the Oakland Avenue side. She moved to approve to allow for additional flexibility on the Oakland Avenue side for additional windows. Chair Onken seconded the motion to include Commissioner Ferrick's and staff's revised conditions.

**ACTION:** Motion and second (Ferrick/Onken) to approve with following modifications; passes 6-0 with Commissioner Strehl absent.

1. Make a finding that the project is categorically exempt under Class 1 (Section 15301, "Existing Facilities") of the current 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. Development of the project shall be substantially in conformance with the plans prepared by Amin Ahmadi, consisting of 10 plan sheets, dated received February 29, 2016, and approved by the Planning Commission on March 7, 2016 except as modified by the conditions contained herein, subject to review and approval by 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. 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.
  - e. 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.
  - f. 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. This condition shall not apply if the Grading and Drainage Plan requirement is waived by the Engineering Division.
  - g. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance.
4. Approve the use permit subject to the following **project-specific** conditions:
- a. Simultaneous with the submittal of a complete building permit application, the plans may be modified to reflect the exterior changes submitted to the Planning Commission at the March 7, 2016 meeting, subject to review and approval of the Planning Division.
  - b. *Simultaneous with the submittal of a complete building permit application, the plans may be modified to provide additional windows on the Oakland Avenue elevation, subject to review and approval of the Planning Division.***

## F. Informational Items

- F1. City Council Work Plan Transmittal and Capital Improvement Program (CIP) process update ([Attachment](#))

Principal Planner Rogers said this was an informational item and there was no action required. He said that in the past when the CIP was brought to the various commissions, the City Council had already given direction on the on the larger picture and individual commissions were making comments that did not necessarily support that direction. Thus when those comments went to the Council it seemed the commissions' comments were not being considered. He said the City Council and City Manager have a new informational proposal to provide information on what the Council has already directed in terms of overall work plan and how the CIP supports it.

Replying to Chair Onken's question, Principal Planner Rogers said items called out as "extremely important" were really the only ones that were prioritized for the immediate year. He said the listings of "important" and "very important" were ways the City Council was able to relay that they supported the overall objectives but for the near term those items were less likely to be implemented than the extremely important items.

Commissioner Combs suggested that having the budgets shown for the items listed would have been useful to see. Principal Planner Rogers said he could bring that comment to the work team for this process.

Commissioner Kadvany suggested that it would be helpful to have a Council Member who liaised with the Commission to improve communication on priorities.

Commissioner Kahle asked about the downtown parking garage. Principal Planner Rogers said it had been talked about but noted it was a Transportation Division project. He said he knew it was on the Council's radar screen.

Commissioner Ferrick said she was appreciative that "Implement the Housing Element" was listed as extremely important, which status she hoped it would retain and not shift down in priority.

Chair Onken said prior CIP showed when projects would be implemented. He said that there was some chronological sense indicated in this report with how the priority was assigned. He said what was important about the review of the CIP was that the Planning Commission identifies many potential actions and initiatives, directly and indirectly. He said they then had seen those folded into a priority list which gave the Commission the opportunity to clarify what the Commission had meant and to weigh in on the items the Commission was initiating. He confirmed with Principal Planner Rogers that feedback on the Work Plan and the CIP could be made by individual commissioners to the Council.

- F2. Future Planning Commission Meeting Schedule – The upcoming Planning Commission meetings are listed here, for reference. No action will be taken on the meeting schedule, although individual Commissioners may notify staff of planned absences.

- Regular Meeting: March 21, 2016
- Regular Meeting: April 11, 2016
- Regular Meeting: April 18, 2016

## **G. Adjournment**

Chair Onken adjourned the meeting at 8:01 p.m.

Staff Liaison: Thomas Rogers, Principal Planner

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on April 11, 2016