



## **MENLO PARK PLANNING COMMISSION MINUTES**

**Regular Meeting**

**May 6, 2002**

**7:00 p.m.**

**City Council Chambers**

**801 Laurel Street, Menlo Park, CA 94025**

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**CALL TO ORDER** – This meeting was called to order by Chairman Soffer at 7:15 p.m.

**ROLL CALL** – Fry, Halleck (arrived at 7:25 p.m.), O'Donnell (Vice-Chair), Soffer (Chair), Stein

**COMMISSIONERS ABSENT:** Fernandez, Gilbertson

**STAFF:** Heineck, Kessler, McClure, O'Connell, Smith

### **A. PUBLIC COMMENTS**

No members of the public wished to address the Commission.

### **B. MINUTES**

- **Consideration of draft transcripts of the March 11, 2002 Planning Commission meeting.**

M/S O'Donnell/Soffer to approve the transcripts as submitted.

Motion carried 3-0-1 (Commissioner Fry abstaining, Commissioners Fernandez, Gilbertson and Halleck absent).

- **Consideration of draft minutes of the April 1, 2002 Planning Commission meeting.**

M/S O'Donnell/Soffer to approve the minutes as submitted.

Motion carried, 3-0-1 (Commissioner Fry abstaining, Commissioners Fernandez, Gilbertson and Halleck absent).

### **C. PUBLIC HEARINGS**

1. **Use Permit/Karen Zak/1318 Bellair Way:** Request for a use permit to allow the demolition of an existing single-family residence and the construction of a new two-story residence on a lot that is substandard with regard to lot depth.

Contract Planner O'Connell presented the staff report. He noted that there was an error on the data sheet regarding the left side setback, which should be 10 feet for the proposed structure. Also, on the elevation drawings, Page B5 and 6, he noted that the west elevation

is the one with the front door and that the east elevation was incorrectly labeled "B". A model and color rendering were presented to the Commissioners.

**Karen Zak, 900 College Avenue, Menlo Park, project architect**, stated that she and the owners met with the surrounding neighbors last Saturday. She presented letters from the neighbors supporting the project. Ms. Zak stated that Mary Gordon has been retained as the landscape architect, but there are only preliminary landscaping plans at this time and that no species have been selected.

Commissioner O'Donnell stated his concern with 1316 Bellair which faces the front door of the new house. He stated that there seem to be a lot of windows on the east elevation. Ms. Zak stated that they met with the affected neighbor and that she is happy with the house. Ms. Zak added that the house was also pulled forward. Commissioner O'Donnell noted that the house has a very narrow driveway and he inquired about a parking/traffic plan during construction. Ms. Zak indicated that they will be meeting with the contractor in two weeks and at that time they will work out a parking plan which will work with the neighbors in the cul-de-sac. She stated that the neighbors are a close-knit group. She added that a letter will be sent to the neighbors with contact information and phone numbers.

Commissioner Fry noted that both the north and south access are at a diagonal to the lot. She asked if the north side elevation overlooks the neighbor. Ms. Zak stated that is correct. Commissioner Fry asked how far that side is from the property line. Ms. Zak stated that it is approximately 20 to 22 feet. Commissioner Fry asked for the reasoning behind the projecting balcony, noting it might be a privacy concern to the neighbors. Ms. Zak stated that the house sits on an interior lot and is boxed in by other properties. The project does have a good view, and the balcony off the hall affords the owners the opportunity to capture the Bay views. She noted that the balcony projects only two feet from the house and would not be of high use or high activity. She further noted that new landscaping would help screen the balcony.

***(Commissioner Halleck joins the proceedings at 7:25 p.m.)***

Commissioner Soffer stated that it is a very nice house on a challenging lot.

Commission action: M/S Stein/Soffer to close the public hearing.

Motion carried, 5-0.

Commissioner Fry commented that she was uncomfortable with the effect of the projecting balcony overlooking the house below. Commissioner Soffer asked if the affected person commented. Ms. Zak stated that it is a rental unit and the renter signed a letter saying she was okay with the project. The homeowner was not available. Commissioner Fry stated her concern about the possibility of the vegetation totally shading the backyard of the other house. Ms. Zak stated that the existing house is much closer and more intrusive than the proposal, as indicated on the site plan. She said that the new house has been pulled back to give more breathing space. Commissioner Fry reiterated her preference that the balcony not protrude. She also said she was concerned about the height of the project. Ms. Zak stated that the new house is not going up that much higher than the existing house. She clarified that an existing Chinese elm tree already shades that yard.

Commission action: M/S Soffer/Halleck to:

1. Make a finding that the project is categorically exempt under Class 1 of the current State 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 conditions:
  - a) Development of the project shall be substantially in conformance with the plans prepared by Karen Zak, Architect, received by the Planning Division on March 11, 2002, consisting of six plan sheets and approved by the Planning Commission on May 6, 2002, except as modified by the conditions contained herein.
  - b) Prior to building permit issuance, the applicant shall comply with all West Bay 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 applicant shall comply with all requirements of the Building Division, Transportation Division, and Engineering Division that are directly applicable to the new construction.
  - d) Safety fences shall be installed around the periphery of the construction area. A plan for safety fences necessary during construction shall be submitted to and approved by the Building Division staff prior to issuance of a building permit.
  - e) A utility plan, showing the exact location of all meters that are being installed outside the building and provisions being made to screen such equipment from view, shall be submitted to and approved by Building Division staff prior to issuance of a building permit.

Motion carried, 4-0-1 (Commissioner Fry abstaining.)

2. **Use Permit/Gay Winterringer/305 Sherwood Way:** Request for a use permit to allow new work associated with the renovation and expansion of an existing, legal, nonconforming residence to exceed 50% of the value of the existing residence within a 12-month period.

***(Commissioner Soffer recused himself from this item.)***

Contract Planner O'Connell presented the staff report.

**David Hansen, 305 Sherwood Way, Menlo Park, homeowner,** stated that he has contracted with an arborist and the tree issue will be taken care of in about two weeks.

Commissioner Fry asked if the garage is considered a two-car garage. Mr. Hansen said the garage would accept two cars if he moved a lot of stuff out of the garage.

Commission action: M/S Stein/Halleck to close the public hearing.

Motion carried, 4-0.

Commission action: M/S Stein/Fry to:

1. Make a finding that the project is categorically exempt under Class 1 of the current State 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 conditions:
  - a. Development of the project shall be substantially in conformance with the plans prepared by Nii Architects, Inc., received by the Planning Division on March 13, 2002, consisting of six plan sheets and approved by the Planning Commission on May 6, 2002, except as modified by the conditions contained herein.
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pproved to the project
  - c. Prior to building permit issuance, the applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the new construction.
  - d. If required by State or Federal regulations, or by the Building Division, construction safety fences shall be installed around the periphery of the construction area. A plan for safety fences necessary during construction shall be submitted to and approved by the Building Division staff prior to issuance of a building permit.

Motion carried, 4-0.

- 3. Use Permit/Margaret Williams/1760 Santa Cruz Avenue:** Request for a use permit to allow the demolition of an existing single-family residence and the construction of a new two-story residence on a lot that is substandard with regard to lot width.

Associate Planner Smith presented the staff report. Since printing of the staff report, one additional letter opposing the project was received from Lisa Anderson, 1135 Hidden Oaks Drive, via email. The letter was distributed to the Commissioners. Associate Planner Smith stated that the applicant brought a color rendering which is on display on the wall of the Council chamber.

**Margaret Williams, 126 – 14<sup>th</sup> Avenue, San Mateo, project architect**, stated that much time was spent designing the house around the two existing oak trees. She said a circular driveway is planned, due to the busy street. She stated that the owners admire the Tudor style of the existing house and efforts have been made to maintain the Tudor style in the new design.

Commissioner O'Donnell asked about screening of the neighbors. He asked if there would be a new fence on the east side of the property. Ms. Williams said there would be a new fence on the north side. Commissioner O'Donnell asked if the tall shrubs will be eliminated. Ms. Williams stated that they will attempt to retain the tall shrubs, but some might have to be removed. Commissioner O'Donnell asked if the three evergreen trees on the left side of the house would be retained. Ms. Williams said that the focus was on preserving the two oak trees. She said it's possible to retain the cedar. She stated that the owners have spoken with the neighbor to the south who was concerned about retaining the plantings along her fence. Every effort will be made to preserve those plants.

**Hal Michel, 1120 Hidden Oaks Drive, Menlo Park**, stated that he is the neighbor to the rear. He said he'd like to have an idea of what plantings are proposed for the rear of the house. He noted that he currently has lots of privacy.

Ms. Williams stated that they will try to retain as much of the existing planting as possible in an effort to maintain privacy. She said that while no specific plans have been made, the owner intends to add to the landscaping.

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Ms. Williams said that the second floor window to the back fence. \_\_\_\_\_ m the

Commission action: M/S Soffer/Fry to close the public hearing.

Motion carried, 5-0.

Commissioner Fry suggested an amendment to Condition 3f to make it applicable prior to issuance of a **demolition** permit. She stated this is a very attractive house and the second story has been pulled back adequately. She requested a landscape plan which takes the neighbors' privacy into consideration. She said she supports the project.

Commissioner Halleck agreed with Commissioner Fry's comments. He said it's a very nice project and added that he's pleased with the amount of setback on the second story.

Commission action: M/S Fry/Halleck to approve the project per staff recommendation. The motion was not voted upon.

Commissioner Stein proposed a friendly amendment regarding the fireplace chimney. She said this is a lovely house with many wonderful details. She said the placement of the fireplace chimney seems odd sticking out over the garage. She asked if it was necessary for the stack to protrude that much. Ms. Williams stated that the elevation is deceiving in that the fireplace is way back in the family room. The chimney is recessed to the back of the house.

Commissioner Stein asked if it was an aesthetic quality or does the chimney need to be up that high? Ms. Williams stated that she was unsure, but thought that the chimney could be lower.

City Attorney McClure clarified that the City Council recently adopted an ordinance prohibiting new wood-burning fireplaces.

Commissioner Stein stated that there is a motion on the table and she withdrew her friendly amendment.

Commissioner Soffer said it is a great project. He likes the driveway and said it works well as a safety improvement. He said this project is an example of restraint being shown on the size and design.

Commission action: M/S Fry/Halleck to:

1. Make a finding that the project is categorically exempt under Class 3 of the current State 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 injurious or detrimental to property and improvements in the neighborhood or the general welfare of the City.
3. Approve the use permit subject to the following conditions:
  - a. Development of the project shall be substantially in conformance with the plans prepared by Margaret Williams, Architect, consisting of four plan sheets dated March 6, 2002, and approved by the Planning Commission on May 6, 2002, except as modified by the conditions contained herein.
  - b. Prior to building permit issuance, the applicant shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility company's regulations that are directly applicable to the project.
  - c. Prior to building permit issuance, the applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the new construction.
  - d. If required by State or Federal regulations, or by the Building Division, construction safety fences shall be installed around the periphery of the construction area. A plan for safety fences necessary during the construction shall be submitted to and approved by the Building Division staff prior to issuance of a building permit.
  - e. A utility plan, showing the exact location of all meters that are being installed outside the building and provisions being made to screen such equipment from view, shall be

submitted to and approved by Planning and Building Division staff prior to issuance of a building permit.

- f. Prior to issuance of a demolition permit, the applicant shall submit a revised arborist report that addresses the concerns raised by the City's Consulting Arborist in regard to the effects of the proposed driveway, fence, patio, and landscaping improvements on the heritage trees both on the subject property and on the neighbors' properties. This revised arborist report shall contain tree protection measures for all of these trees, and shall also outline any necessary modifications to the proposal in order to protect these trees. The revised arborist report shall be submitted for the review and approval of the City's Consulting Arborist and Planning Division. If the modifications are in substantial compliance with the Planning Commission approval, the modifications and protection measures shall be incorporated into the revised plans prior to building permit issuance. If the modifications are not deemed to be in substantial compliance with the Planning Commission approval, the revised project shall return to the Planning Commission for a revision to the use permit.

Motion carried, 5-0.

4. **Variance/Bill H. Bocook/1175 Willow Road:** Request for variances for the replacement of an existing, legal, nonconforming carport with a new, two-car garage of the same size and in the same location that would have setbacks of 2 feet, 6 inches from an alley and the rear, right and left side setbacks, that would have a distance from the adjacent residential building of 6 feet, 3 inches, that would allow for a lot coverage of 51.6%, that would allow for a landscaped area of 35%, and that would provide 2 required parking spaces where a minimum of 4 spaces is required to serve the existing duplex on the property.

Associate Planner Smith presented the staff report.

**Bill Bocook, 4041 El Camino Way, Palo Alto, applicant and project architect**, stated that he has met with staff of the Planning and Building Divisions. He said that this site has everything going against it, but it has a lot of good things too. He said the new owners painted the exterior, upgraded the landscaping and the kitchen and installed a new roof. He stated that the owners propose to build a new garage to replace the dilapidated carport. Mr. Bocook stated that the garage would match the duplex next door.

Commissioner Soffer asked what triggered the request for a variance. Chief Planner Heineck stated that replacing the existing structure with the new structure triggers the variance.

Commissioner Fry agreed with Mr. Bocook regarding the many challenges to this site. She said it's entirely appropriate to grant the variance due to the truly unique characteristics of the property. She said she was fully supportive of the project.

Commission action: M/S Soffer/Fry to close the public hearing.

Motion carried, 5-0.

Commission action: M/S Fry/Soffer to:

1. Make a finding that the project is categorically exempt under Class 3 of the current State CEQA Guidelines.
2. Make the following findings as per Section 16.82.340 of the Zoning Ordinance pertaining to the granting of variances:
  - a. The site was originally developed with an enclosed garage with the same footprint as the existing carport and proposed garage. The narrowness of the lot and the location of existing structures on the property are constraints that prevent construction of an enclosed, two-car garage without the approval of the requested variances.
  - b. The proposed variances are necessary for the preservation and enjoyment of substantial property rights possessed by other conforming property in the same vicinity, and a variance would not constitute a special privilege of the recipient not enjoyed by neighbors. The majority of the residences on this block of Willow Road have enclosed garages facing the alley to the rear, and the granting of these variances would allow the subject property to have a benefit currently enjoyed by the neighbors.
  - c. Except for the requested variances, the structure will conform to all other requirements of the Zoning Ordinance. Granting of the variances will not be materially detrimental to the public health, safety, or welfare, and will not impair an adequate supply of light and air to adjacent property, particularly since the buildings immediately adjacent to the proposed garage are also garages.
  - d. The conditions upon which the requested variances are based would not be applicable, generally, to other properties within the same zoning classification since the variance is based on the narrow width of the lot and the fact that an enclosed garage formerly stood on this same location.
3. Approve the variances subject to the following conditions:
  - a. Development of the project shall be substantially in conformance with the plan prepared by Bill Bocook AIA, Architect, consisting of one plan sheet dated March 12, 2002, and approved by the Planning Commission on May 6, 2002, except as modified by the conditions contained herein.
  - b. Prior to building permit issuance, the applicant shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility company's regulations that are directly applicable to the project.
  - c. Prior to building permit issuance, the applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the new construction.
  - d. If required by State or Federal regulations, or by the Building Division, construction safety fences shall be installed around the periphery of the construction area. A plan



for safety fences necessary during the construction shall be submitted to and approved by the Building Division staff prior to issuance of a building permit.

- e. A utility plan, showing the exact location of all meters that are being installed outside the building and provisions being made to screen such equipment from view, shall be submitted to and approved by the Building Division staff prior to issuance of a building permit.

Motion carried, 5-0.

- 5. Use Permit Revision/Elizabeth Hawkins/103 Gilbert Avenue:** Request for a revision to a previously approved use permit to allow for the demolition and reconstruction of an existing detached accessory building that is used for laundry facilities. The previous approval allowed for a day spa to locate on the property that is legal nonconforming with regard to parking, and for renovation of the legal, but nonconforming main building on the property.

Associate Planner Smith presented the staff report.

***Elizabeth Hawkins, proprietor of Thermae Spa, 103 Gilbert Street, Menlo Park, applicant,*** stated she was present in order to answer any questions the Commission might have.

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***Kelly Fergusson, 168 Oak Court, Menlo Park,*** stated that she is a neighbor to the property. She said that the amount of litter from the construction is appalling. She requested that the owner/applicant pick up the litter more frequently.

Ms. Hawkins stated that they have a very large dumpster on the site and that people come and dump their trash illegally. She said the dumpster is emptied on a weekly basis. She said she would notify the superintendent.

Commission action: M/S Soffer/Halleck to close the public hearing.

Motion carried, 5-0.

Commission action: M/S Soffer/Halleck to:

1. Adopt a finding that the project is categorically exempt under Class 3 of the current State 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 injurious or detrimental to property and improvements in the neighborhood or the general welfare of the City.

3. Approve the use permit revision request subject to the following conditions of approval.
  - a) Development of the project shall be substantially in conformance with the plans prepared by Greg Bunton and Associates, consisting of two plan sheets dated March 13, 2002, and approved by the Planning Commission on May 6, 2002, except as modified by the conditions contained herein.
  - b. Prior to building permit issuance, the applicant shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility company's regulations that are directly applicable to the project.
  - c. Prior to building permit issuance, the applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the new construction.
  - d. If required by State or Federal regulations, or by the Building Division, construction safety fences shall be installed around the periphery of the construction area. A plan for safety fences necessary during the construction shall be submitted to and approved by the Building Division staff prior to issuance of a building permit.
  - e. Outside storage shall be maintained outside of a building permit.

Motion carried, 5-0.

6. **Use Permit and Architectural Control/Jock Denny/A portion of property located at 777 through 821 Hamilton Avenue:** Request for a use permit to allow for the relocation of an existing plumbing contractor from 547 Hamilton Avenue and to allow for outside storage associated with the business, and Architectural Control for the construction of a new approximately 2,400 square feet building on a vacant lot.  
*(Continued to a future meeting date.)*

7. **Use Permit and Architectural Control/Ray Tollner/A portion of property located at 777 through 821 Hamilton Avenue:** Request for a use permit to allow for the relocation of an existing painting contractor from 525 Hamilton Avenue and to allow for outside storage associated with the business, and Architectural Control for the construction of a new approximately 5,500 square feet building on a vacant lot.  
*(Continued to a future meeting date.)*

8. **Use Permit and Architectural Control/William R. Kastelic, Jr./A portion of property located at 777 through 821 Hamilton Avenue:** Request for a use permit to allow for the relocation of an existing heating and air conditioning contractor from 511 Hamilton Avenue and to allow for outside storage associated with the business, and Architectural Control for the construction of a new approximately 6,000 square feet building on a vacant lot. *(Continued to a future meeting date.)*

#### **D. COMMISSION BUSINESS**

- Commission notified of Council action on 1240 San Mateo and M-2 Zoning District Study and of pending review of the appeals on 2101 Clayton and 754 Harvard. The Commission discussed and agreed that it would like to have a Commission member present at Council meetings on appeals to respond to Council questions on the Commission's action. Commissioner Fry will attend the 2101 Clayton item and Chairperson Soffer will attend on 754 Harvard.
- Commission consensus to hold the August 5, 2002 meeting at the Onetta Harris Senior Center, if available. Staff will verify whether the Center can be scheduled for this meeting and will return to the Commission at the next meeting for further discussion of the time of the meeting.
- Commission discussion of gifts for outgoing Commissioners Fernandez and Gilbertson. Commissioner Stein agreed to obtain gifts for the Commissioners. Chairperson Soffer will call them and invite them to attend the meeting. Staff will supply certificates of appreciation.
- Commission consensus to change the meeting dates in September to September 9 and September 23, to avoid the holidays. No study meeting will be held in September.
- Commission advised that members will be contacted by Ruben Nino and Art Morimoto with an offer to meet with them regarding the Menlo Children's Center project before the public review scheduled for May 20, 2002. Commissioner Stein requested that they have available information on the specific placement of the air conditioning units.
- Commission advised that new Commissioners Pagee and Fergusson will be seated on May 20, 2002.

**ADJOURNMENT:** 8:22 p.m.

Respectfully submitted,

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Arlinda Heineck, Chief Planner

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Gina M. Kessler, Recorder