



## MENLO PARK PLANNING COMMISSION MINUTES

Regular Meeting

June 3, 2002

7:00 p.m.

City Council Chambers

801 Laurel Street, Menlo Park, CA 94025

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**CALL TO ORDER** – 7:05 p.m.

**ROLL CALL** – Fergusson, Fry, Halleck, O'Donnell (Vice-Chair), Pagee, Soffer (Chair), Stein (arrived at 7:10 p.m.)

**INTRODUCTION OF STAFF** – Kessler, McClure, Murphy, Nino, O'Connell, Smith

### A. PUBLIC COMMENTS

### B. MINUTES

- Consideration of Draft Transcripts of the March 25, 2002 Planning Commission meeting.

M/S O'Donnell/Soffer to approve the transcripts with the following change by Commissioner Fry: Page 20, Line 18, change to “emotionally **laden**”, and Page 69, Line 20, “not **applicable**”, 5-0-1 (Commissioner Fergusson abstaining and Commissioner Stein absent).

- Consideration of Draft Minutes of the April 15, 2002 Planning Commission meeting.

M/S Fry/O'Donnell to approve the minutes with the following change by Commissioner Fry: Page 2, seventh paragraph from the top, third line, “Commissioner Fry approved of the windows with true divided **lights**.” 5-0-1 (Commissioner Fergusson abstaining and Commissioner Stein absent).

*(Commissioner Stein joined the proceedings at 7:10 p.m.)*

### C. REGULAR BUSINESS

- **2002-2003 Capital Improvement Program/General Plan Consistency:** Consideration of consistency of the 2002-2003 Capital Improvement Program with the General Plan.

Director of Engineering Nino presented the staff report.

Commissioner Soffer asked if Item 10 regarding a skate park at Flood Park was still a project. Mr. Nino stated he was unsure of the outcome of a recent meeting held on May 11, but that the City is still pursuing a skate park. Commissioner Soffer asked for Mr. Nino to comment on Item 18. Mr. Nino said that Item 18 is Phase II of the study, which is the long-term continuation of design work for Santa Cruz Avenue. Commissioner Fry asked if that includes the installation of sidewalks. Mr. Nino said sidewalks are planned in the long term.

Commissioner Soffer inquired about Item 37 regarding the proposed police substation and City Hall annex. Mr. Nino said that negotiations are under way to change the potential use of that site to a housing use. He stated that this item still needs formal Planning Commission review. Commissioner Soffer asked about other possible venues for a police substation. Mr. Nino stated that there potentially might be other users from the City also interested in the site.

Commissioner O'Donnell asked about the four items regarding school field renovations and asked if the City was doing that in partnership with the school district. Mr. Nino said those improvements are part of the Measure T bond funding. He said that the City will develop the fields for use during non-school hours. Commissioner O'Donnell asked if the school district had any kind of monetary responsibility for these projects. Mr. Nino stated that the school district will contribute financially, but he's unsure of the exact amount.

Commissioner Fry had a general question regarding possible consistency with the General Plan and noted that some projects are quite specific as to location. She confirmed that the Commission is not judging these projects this evening. City Attorney McClure said that was correct.

Commissioner Soffer stated that these items come from the Saturday meeting in January with the City Council. Mr. Nino stated that these are priority projects established by the City Council. Commissioner Soffer asked if there are any items on this list which did not come from the City Council priority setting but were added afterwards. Mr. Nino stated that some are annual projects, such as the sidewalk repair program and water line maintenance. He stated that an additional \$100,000 was allocated for new sidewalks and ramps at intersections around town. Commissioner Soffer inquired about Item 20. Mr. Nino said Item 20 is a continuation of a City Council approved project to install small median islands. This phase looks at signals or other pedestrian safety features. Commissioner Soffer inquired about Item 18. Mr. Nino indicated that Item 18 is a study.

Commissioner Stein asked if there's ever been any precedent where someone sued the City because some of its capital projects were inconsistent with the General Plan? City Attorney McClure stated that it has not happened in Menlo Park.

Commission action: M/S Halleck/Stein to concur that the proposed 2002-2003 Capital Improvement Program conforms with the City's General Plan.

Motion carried, 7-0.

#### **D. CONSENT CALENDAR**

1. **Architectural Control/Matt Hurley/120-122 East Creek Drive:** Request for architectural control approval for exterior modifications to an existing multiple-family residential apartment building.

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

Contract Planner O'Connell presented the staff report.

Commissioner Fry noted the entrance stairs and inquired whether there was also handicapped access. Contract Planner O'Connell stated that the building permit requires the project to be in compliance with the ADA (Americans with Disabilities Act).

Commissioner Pagee noted that the trash receptacle has been moved to the rear of the property. She asked about the trash pick-up time and whether cars are in the way of the garbage truck. Contract Planner O'Connell stated that they would require a variance to locate the trash bin in the front of the property. Staff advised the applicant against pursuing such a variance. By placing the trash receptacle at the rear of the property, it is more accessible to both buildings. He confirmed that BFI is paid extra to move the receptacle to the street for pick-up.

Commission action: M/S O'Donnell/Soffer to:

1. Adopt a finding that the project is categorically exempt under Class 1 of the current State CEQA Guidelines.
2. Adopt the following findings, as per Section 16.68.020 of the Zoning Ordinance, pertaining to architectural control approval:
  - a) The general appearance of the structure is in keeping with the character of the neighborhood.
  - b) The development will not be detrimental to the harmonious and orderly growth of the City.
  - c) The development will not impair the desirability of investment or occupation in the neighborhood.
  - d) The development provides adequate parking as required in all applicable City Ordinances and has made adequate provisions for access to such parking.
3. Approve the architectural control request subject to the following conditions of approval.
  - a) Development of the project shall be substantially in conformance with the plans prepared by Louis R. Dorcich, dated received on May 28, 2002, consisting of six plan sheets, and approved by the Planning Commission on June 3, 2002, except as modified by the conditions contained herein.
  - b) 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) 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) 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.
  - e) The applicant shall submit plans to the Planning Division for review and approval of the proposed monument sign.
  - f) Prior to building permit issuance, the applicant shall submit revised plans indicating a revised location for the trash enclosure. The revised plans shall be subject to Planning Staff review and approval.

Motion carried, 6-0 (Commissioner Halleck recused himself from this item.)

## E. PUBLIC HEARINGS

2. **Use Permit/Jose Jimenez/155 Newbridge Street:** Request for a use permit for first floor additions to an existing single-family residence located on a lot that is substandard with regard to lot width and area.

Contract Planner O'Connell presented the staff report. He noted that no additional public comment has been received.

Commissioner Soffer asked if the driveway was within the side setback. Contract Planner O'Connell stated that there is five feet of landscaping on the right side of the driveway. Commissioner Soffer inquired about the number of cars to be parked. Contract Planner O'Connell stated that there could be one car in the garage, one car pulled off to the left, then the cars could be parked in tandem in the two-car garage. There could be a total of three or four cars, maximum, including the paved area.

**Jose Jimenez, 1167 Carlton Avenue, Menlo Park, applicant,** stated that the staff report accurately summarizes the project. He said this is the best design for this space. He stated that the garage was placed toward the back of the property so that additional cars could be parked.

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and not in the garage. Mr. Preyer stated that if the house is enlarged, then more people will occupy the house, and more people mean more cars to park. He suggested maybe paving over the front yard. Mr. Preyer stated that the City of Menlo Park has recently spent millions of dollars to improve the Belle Haven area and the residents don't want it to go back to what it was.

**Tomas Jaime, 1140 Berkeley Avenue, Menlo Park,** stated that he has the same concerns as Mr. Preyer. He said that currently there are a whole bunch of cars parked on the lawn and across the sidewalk. The homeowners wish to expand their house, but there is no additional parking. Mr. Jaime stated that this has been a problem in the area for a long time. He said he's not opposed to the big house, but that there needs to be parking for these people.

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

Motion carried, 7-0

Commissioner Fergusson stated she was struck by the floorplan and by the fact that it looks like the house is laid out for two separate families with a shared kitchen. She voiced her concern with the amount of hardscape, given the fact that there are currently not many trees on the street.

Commissioner Halleck asked staff to go over the parking requirements for that area. Contract Planner O'Connell stated that the parking requirements in the Belle Haven area are the same as the rest of the City: one covered and one uncovered parking spot. This proposal is for one

uncovered space in the front setback, which the staff report addresses. The driveway is ten feet wide, which is the minimum required by the Transportation Division. The side setbacks preclude cars from parking in the rear of the property. He said this seems to be a reasonable solution to the parking issue. Commissioner Halleck asked if there was anything the Commission can do regarding the nonconforming parking. Contract Planner O'Connell stated that the use permit requires the grass area to remain. Beyond that, it becomes a code enforcement issue. Commissioner Halleck asked if residents could make an anonymous call to Code Enforcement. Contract Planner O'Connell said yes.

Commissioner O'Donnell asked how Code Enforcement is handling this issue. City Attorney McClure stated that they basically respond to complaints only. They have been short of officers for the past six to eight months. Chris Boyd, the new Police Chief, has said that he plans to use concentrated code enforcement to control illegal parking on unpaved surfaces. City Attorney McClure stated that the residents have to be vigilant and call the police. Commissioner O'Donnell asked what the penalty was for parking on an unpaved area. City Attorney McClure stated that citations are issued and a \$100 fine is assessed after the third violation.

Commissioner Pagee asked what happens if the homeowners of this project pave over their grass. City Attorney McClure stated that it would be a violation of the conditions of their use permit and could lead to revocation of the use permit. Commissioner Pagee asked if the Commission can require that substantial-size trees be planted in the area to make it difficult for a car to drive around it. The trees would also provide shade. City Attorney McClure confirmed that it would be within the purview of the Planning Commission.

Commissioner Sotter asked about the use of the property as a boarding house. City Attorney McClure stated that a boarding house is where individual rooms are rented out to non-related people.

Commissioner Stein asked if there was a way to put a two-car garage in the front. Contract Planner O'Connell stated that it is an aesthetic issue and reiterated that this is a 45-foot-wide lot, and a two-car garage would be 21-feet wide. Commissioner Stein noted that there are no dimensions listed from the stoop to the front setback. Contract Planner O'Connell said it would be possible to stagger the garages in the front of the house, but it would hinder the light in the front bedroom. They would need to cut into the house and pave back onto the front yard.

Commissioner O'Donnell inquired about what kind of health and safety issues can trigger a code violation. City Attorney McClure stated that there would need to be a lot of people living in the house in order to hit the UBC (Uniform Building Code) numbers. It is a minimum of two people per bedroom, and other rooms can also qualify as a bedroom.

Commissioner Halleck noted that while the Commission can require the planting of trees, there is no requirement for maintenance. He said that no matter what, it's the same scenario with the parking. He said he feels comfortable moving forward with the motion to approve.

Commissioner Soffer asked if the City gets credit for an expansion of housing units as a result of this project. Principal Planner Murphy stated credit would be received only if they created a secondary dwelling unit.

Commissioner Fry asked if the distance from the garage to the street is the required minimum. Contract Planner O'Connell stated that it's considerably further back than the required amount. Commissioner Fry asked if the garage could be moved up or tandem parking be allowed in order to preserve the yard. City Attorney McClure stated that the reverse is the case. The neighborhood is more concerned with less available space on site.

Commissioner O'Donnell said that while he favors the project, he is still concerned with the situation in the neighborhood and the fact that universal standards aren't always applied. He said that much can't be expected as long as it complies with the guidelines. He suggested the preparation of a landscape plan and added his belief that the parking solution suggested here will work. Commissioner O'Donnell suggested an additional condition of approval that the applicant prepare a landscape plan with trees on both the left and right side of the setback and foliage in the front yard.

Commission action: M/S O'Donnell/Halleck to:

1. Adopt a finding that the project is categorically exempt under Class 1 of the current State CEQA Guidelines.
2. Adopt 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 J & M Design, dated received by the Planning Division on March 21, 2002, consisting of three plan sheets, and approved by the Planning Commission on June 3, 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 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) 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 Building Division staff prior to issuance of a building permit.

- f) Prior to building permit issuance, the applicant shall submit a landscape and irrigation plan for landscaping in the left and right setbacks and the front yard. The plan shall be subject to review and approval by the Planning Division.

Motion carried 6-1 (Commissioner Stein opposed.)

- 3. **Use Permit/Jose Jimenez/283 Terminal Avenue:** Request for a use permit for first floor additions to an existing single-family residence located on a lot that is substandard with regard to lot width.

Contract Planner O'Connell presented the staff report. He stated that no additional comments have been received since the printing of the staff report. He noted that this proposal includes a four-car garage with a long driveway.

Commissioner Fergusson inquired about the parking requirement listed on the summary sheet. Contract Planner O'Connell said that there is a washer and dryer which obstructs one parking space on the right-hand side. Legally, the site has three-car covered parking.

Commissioner Halleck inquired about the door leading to the hallway in the front of the building, behind the remodeled kitchen. Where does the door to the hallway lead? How do you get into the bedrooms? Contract Planner O'Connell stated that there is a pocket door from the living room to the hallway. Commissioner Halleck asked if another door leading into the family room was required. Contract Planner O'Connell stated that it's not required. City Attorney McClure stated that it could be required as a condition of approval. Commissioner Halleck noted that it would have to be tied to the general welfare and comfort of the people living there. He said this looks like two separate units, and it would be logical that a more open flow would be more appropriate. Because of that wall, it seems like there's two families living in separate units.

Commissioner Fry asked for clarification on the FEMA wording. Contract Planner O'Connell stated that the new construction must be six inches above grade from where it is presently. The effect would be that the house would be six inches taller. Commissioner Fry asked if the house was being demolished or raised up six inches. Contract Planner O'Connell stated that it was not being demolished and will be built as drawn.

Commissioner Fergusson stated that she is disappointed in the level of creativity in this massive structure. She said she is concerned about the amount of paved surface and suggested adding a condition to require permeable paving.

Commissioner Halleck asked if there are any doors on the right-side elevation. Contract Planner O'Connell stated that there are none.

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

Motion carried, 7-0.

Commissioner Fergusson asked how the applicant would address the auxiliary structure. Contract Planner O'Connell stated that the applicant would need to get a building permit for the accessory structure or reduce the size of the house or the accessory structure. He clarified that it is a rectangular structure, approximately 12- to 14-feet high, and that he is unaware of its use. Commissioner Fergusson stated that it looked like a shed.

Commission action: M/S Halleck/Fergusson to:

1. Adopt a finding that the project is categorically exempt under Class 1 of the current State CEQA Guidelines.
2. Adopt 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 J & M Design, dated received by the Planning Division on March 21, 2002, consisting of three plan sheets, and approved by the Planning Commission on June 3, 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 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.
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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 Building Division staff prior to issuance of a building permit.
  - f) Prior to building permit issuance, the applicant shall apply for a building permit for the detached accessory structure subject to review and approval by the Planning Division and the Building Division. The structure must result in project conformance with all applicable zoning requirements. Alternatively, revised plans may be submitted indicating the removal of the structure.
  - g) Prior to building permit issuance, the applicant shall submit revised plans with a minimum 12 inch landscape buffer between the left side property line and the edge of the driveway with the exception of a 30 foot segment, parallel to and centered on the 25 foot, 10 inch portion of the residence which has a left side setback of 10 feet. The 30 foot segment of driveway may be flush with the left property line. Revised plans shall be subject to Planning staff review and approval.



- h) Prior to building permit issuance, the applicant may submit plans to raise the house by six inches in order to comply with FEMA flood zone regulations subject to review and approval by the Building Division.
- i) Prior to building permit issuance, the applicant shall submit revised plans for the driveway incorporating the use of a permeable material for at least 75% of the surface area. The plan shall be subject to review and approval of the Planning Division.
- j) Prior to building permit issuance, the applicant shall submit revised plans that incorporate one additional external door and one additional internal door (or doorway). The external door shall be placed along the right side elevation off either the new master bedroom or the immediately adjacent bedroom. The internal doorway shall allow a connection from the hallway leading to the two existing bedrooms to the new family room. The plans shall be subject to review and approval by the Building Division.
- k) Prior to building permit issuance, the applicant shall submit a landscape and irrigation plan for landscaping the right side setback with trees spaced 10 feet on center. The plan shall be subject to review and approval by the Planning Division.

Motion carried, 7-0.

- 4. **Use Permit/Jose Jimenez/1133 Berkeley Avenue:** Request for a use permit for first and second floor additions to an existing single-family residence located on a lot that is substandard with regard to lot width and area. *(Continued to the meeting of July 15, 2002.)*
- 5. **Use Permit/Michelle Belden, Architect/210 Gilbert Avenue:** Request for a use permit to demolish an existing one-story duplex and construct a new two-story, single-family residence located on a lot in the R-1-U zoning district that is substandard with regard to lot width and area.

Associate Planner Smith presented the staff report.

Commissioner Stein asked if staff sends out reminder cards regarding the one-year expiration time for use permits. Associate Planner Smith stated that no reminders are sent out, but that the application process states that the use permit is only good for one year.

**Stuart Berman, 2180 Cowper Street, Palo Alto, representing the property owners,** stated that he and his wife used to reside in one of the duplexes at 210 Gilbert. He said that the house needs to be replaced because it's falling apart from the foundation on up. He said they wanted to create a home which was beneficial to people in the neighborhood. He stated that the architect did a terrific job in designing this project and noted that it is her fourth or fifth project within one block of this area in the Willows. He said that people in the area like what she's done. Mr. Berman stated that the plan complies with all City requirements and noted that it is the exact same plan which the Planning Commission approved in October 2000. Due to the recent uncertainty with the economy and finances, the project was put on hold. They now feel comfortable going on with construction of the project. Mr. Berman said this house is in the middle of the block, surrounded on three sides by multi-family properties. He stated that last time, the rear neighbors were concerned about a possible light plane issue regarding some

trees. He said that both of the trees in question have since died. Mr. Berman asked the Planning Commission to give approval to this use permit application.

**Michelle Belden, 214 Pope Street, Menlo Park, project architect**, stated that she finds it rewarding to work on projects in the Willows, where she lives. Her goal was to make this house fit in with the existing neighborhood. She said the balcony breaks up the plane so there is not a solid, two-story façade. The front of the house has a planter ledge to break up the bulk, and the covered porch gives a welcome look. She stated that this is a family home. Ms. Belden noted that several neighbors are anxious to see this project evolve as the neighborhood continues to be in transition.

Commission action: M/S Soffer/O'Donnell to close the public hearing.

Motion carried, 7-0.

Commissioner Soffer made a motion to approve the project. There was no second and the motion was not voted upon.

Commissioner Pagee inquired about the difference in square footage between the plans and the staff report and asked if the number has changed. Associate Planner Smith stated there is no change and added that when staff calculates the figures, they might get a slightly different figure than the applicant. Commissioner Pagee confirmed that the actual square footage allowed is 35%. Associate Planner Smith stated that the City allows for rounding up to 35.4%.

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Commissioner Stein stated that the height of this structure is 25 feet and noted that it is rather low for a two-story house. She said the architect did a good job to minimize the height.

Commission action: M/S Soffer/O'Donnell to:

1. Adopt a finding that the project is categorically exempt under Class 3 of the current State CEQA Guidelines.
2. Adopt 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 Michelle Belden A.I.A., Architect, consisting of seven plan sheets dated June 27, 2000, and approved by the Planning Commission on June 3, 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 Building Division staff prior to issuance of a building permit.

Motion carried, 5-2 (Commissioners Fry and Pagee opposed.)

- 6. **Use Permit/John R. Barksdale/765 Hobart 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 located on a lot that is substandard with regard to lot width.

Associate Planner Smith presented the staff report.

**John Barksdale, Woodson-Barksdale Architects, Palo Alto, project architect**, explained the process of this design. He said there are two-story homes currently in this mixed neighborhood and they wanted to be very sensitive to the neighbors. He said they tried to maximize all the yards surrounding the house. It was important to have the garage in the rear. No trees will be removed as a result of the construction of this house. He said the height of the second floor was reduced. A porch was cut out of the shell on the first floor. The owners invited the neighbors over to review the plans and 14 people attended. None of the neighbors voiced any concerns and all had positive thoughts on the project. Mr. Barksdale stated that the staff report mentioned changing the roof pitch to lower the height even more. He said that was considered in the previous design study. If that was done, then the second story would protrude more and create a secondary roof with a monotonous roof line. He said it was better to have a single-story feel to the house with the less-intrusive receding roof forms. He said the garage was located in back, against a new garage. In the process of doing the roof analysis, the ultimate height was only two inches lower than the proposal.

Mr. Barksdale stated that he was asked by staff how this project would fit in with the proposed new guidelines. He said that floor area-wise, it would be about the same. He said it is well within the proposed daylight plane, except for a couple of dormers.

Commissioner Stein inquired about the height of the rooms on the first floor.

Mr. Barksdale stated that the first floor is 11 feet, floor to floor. The floor structure is 14 to 16 inches, so the height is nine feet eight inches on the first floor. On the second floor, the highest wall is eight feet and some are even lower because of the slope of the roof.

Commissioner Halleck asked for the reason for the high chimney on the west side elevation. Mr. Barksdale stated that the code requires it to be two feet above the closest structure within ten feet. Commissioner Halleck asked if the roof is to be shingled. Mr. Barksdale stated that it will be cedar shingles with semi-transparent stain.

Commissioner Pagee inquired about the windows and asked if they were aluminum or wood frame. Mr. Barksdale said the windows are wood frame. Commissioner Pagee asked if they were true divided light. Mr. Barksdale stated that the windows would be simulated true divided light.

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

Motion carried, 7-0.

Commissioner Stein stated she supports the project conceptually. She said it's an attractive house. She was concerned about the height and asked if an 11-foot first story was too massive.

Commissioner Halleck shared concern about the first floor height. He said the building is set back on both sides and he likes how the second floor is downplayed. He voiced appreciation for this good project and said he supports the project.

Commissioner Soffer stated that he likes the eyebrow feature above the front window. He noticed that the house directly across the street has the same feature.

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general, the low-key design is respectful of the neighbors and the materials will make it blend in even better.

Commissioner Pagee stated that she agreed with the consensus of the Commission. She said this is an attractive design and applauded Mr. Barksdale for creating a very nice project on an unusual-sized lot.

Commission action: M/S Pagee/Soffer to:

1. Adopt a finding that the project is categorically exempt under Class 3 of the current State CEQA Guidelines.
2. Adopt 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 Woodson/Barksdale Architects, consisting of eleven plan sheets dated

March 21, 2002, and approved by the Planning Commission on June 3, 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 Building Division staff prior to issuance of a building permit.
- f. Prior to building permit issuance, the applicant shall submit revised plans incorporating a horizontal mullion dividing each of the front and side "eyebrow" windows into quarters. The plans shall be subject to review and approval by the Building Division.

Motion carried, 7-0.

- 7. **Use Permit and Architectural Control Revisions/Rich Benson, RC Benson & Sons/950 Santa Cruz Avenue:** Request for use permit and architectural control revisions for the addition of an approximately 310 square foot information kiosk and installation of new landscaping and site lighting at the Menlo Park Presbyterian Church.

Associate Planner Smith presented the staff report.

***Susan Kammerer, Director of Operations, Menlo Park Presbyterian Church, 950 Santa Cruz Avenue, Menlo Park,*** stated that the staff report is basically accurate; however, on Page 3, the second paragraph regarding the information kiosk is inaccurate. The information kiosk will have glass windows which will serve as a wind break. Ms. Kammerer stated that no equipment will be exposed and no materials will be left outside. She said that lighting is the most critical issue. She referenced her March 12, 2002 letter to Ruben Nino with a cc to Steve O'Connell which talked about the Santa Cruz Avenue landscaping plan and the church's concern about the handicapped access. She said that the City recently enhanced the lighting along Santa Cruz Avenue from Johnson Street to Orange Avenue. She requested that the City also enhance the lighting on the block from Johnson Street to University Drive. She said the enhancement was from 100 to 400 watts. Ms. Kammerer stated that the church would like the Santa Cruz Avenue frontage to be as bright as the rest of Santa Cruz Avenue.

Commissioner Halleck asked if the church's lights are spaced the same distance as the City's plan. Ms. Kammerer stated that there are more lights on the church's plan. She clarified that the church's light poles are lower than the City's.

Commissioner Soffer asked for a definition of the conditions on Page 5 of the staff report, specifically Item 4c. Associate Planner Smith stated that the condition references whatever relates to this project and does not involve the Santa Cruz Avenue improvements.

Commissioner O'Donnell asked why the one block from University Drive to Johnson Street was not considered. City Attorney McClure stated that the City Council approved the repaving from Johnson to Elder Avenue or North Lemon Avenue. He said the decision was based on the repaving.

Ms. Kammerer stated that there is no lighting at this time on the church's side of the street. She said it is a safety issue. She requested a response from the City addressing whether the church needs to re-do its plans to reduce the amount of lighting. Ms. Kammerer reiterated that the application for use permit approval is subject to the church working out a lighting plan. Associate Planner Smith stated that the Planning Commission could approve the project as proposed and strike Condition F. Commissioner Soffer asked where this requirement came from. Associate Planner Smith stated that it is a City policy. When there is adjacent residential areas, then the lighting must not bleed off the site. Commissioner Soffer suggested retaining Condition F.

M/S Soffer/Stein to close the public hearing.

Motion carried, 7-0.

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which shouldn't overpower the streetscape. He suggested that the applicant work with the City to come up with an appropriate lighting plan.

Commissioner Fergusson concurred with Commissioner Halleck. She said it is a de facto public space. She appreciated the applicant's willingness to keep the design with that idea in mind.

Commissioner Fry also agreed with the other commissioners. She said there is a lot of light proposed, and she would like to see light at the corner, sidewalk and driveway. She said the light needs to be consistent with the look of the rest of downtown. She noted the quick transition to the residential neighborhood.

Commissioner Stein suggested that if there is no church activity on a given evening, then the bright lights are not necessary. She suggested using timers to subdue the lighting. She agreed that the new asphalt has darkened the whole street, which makes it more difficult to see in the dark.

Commissioner Fergusson stated that she likes the nice seating areas at the church. She said she'd like to see lighting conducive to people using those areas in the evening.

Commissioner Stein made a motion, seconded by Commissioner Soffer, to approve the project per staff recommendation, with the additional condition that the applicant work with City staff to best resolve the lighting issues and to employ a two-tier lighting system. The motion was not voted upon.

Commissioner O'Donnell requested clarification. He said the plan as shown is not consistent with the commercial area on Santa Cruz Avenue, not does it resemble the residential area. He said it is generating too much light. He said he would like to see the application approved as written in the staff report. He suggested that the applicant talk with the Engineering Division about installing compatible street lighting.

City Attorney McClure suggested that Condition F be left as-is, and allow the applicant to add additional street lighting on the frontage consistent with the existing lighting, subject to City approval. As makers of the original motion, Commissioners Stein and Soffer accepted this wording.

Commission action: M/S Stein/Soffer 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. Adopt findings, as per Section 16.68.020 of the Zoning Ordinance, regarding architectural control approval:
  - a. al
  - b. The development will not be detrimental to the harmonious and orderly growth of the City;
  - c. The development will not impair the desirability of investment or occupation in the neighborhood; and
  - d. The development provides adequate parking as required in all applicable City ordinances, and has made adequate provisions for access to such parking.
4. Approve the use permit revision and architectural control revision subject to the following conditions:
  - a. Development of the project shall be substantially in conformance with the plans prepared by Dennis Kobza and Associates, Inc., consisting of six plan sheets dated received May 28, 2002, and approved by the Planning Commission on June 3, 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 Building Division staff prior to issuance of a building permit.
- f. Prior to building permit issuance, the applicant shall submit a revised lighting and photometric plan showing that the on site lighting will create 1.0 candlefoot or less of light bleeding off of the subject property. In addition, the applicant may add street lighting consistent with wattage of other street lights in the area. This revised plan shall be submitted for the review and approval of the Planning Division and Engineering Division.

Motion carried, 7-0.

#### **F. COMMISSION BUSINESS**

No Commission business was discussed.

**ADJOURNMENT: 8:57 p.m.**

Respectfully submitted,

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Justin Murphy, Principal Planner

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Gina M. Kessler, Recorder