



MENLO PARK PLANNING COMMISSION MINUTES

Regular Meeting

June 17, 2002

7:00 p.m.

City Council Chambers

801 Laurel Street, Menlo Park, CA 94025

CALL TO ORDER – 7:07 p.m.

ROLL CALL – Fergusson, Fry, Halleck, O'Donnell (Vice-Chair) (departed at 8:40 p.m.), Pagee, Soffer (Chair), Stein (arrived at 7:10 p.m.)

INTRODUCTION OF STAFF – Heineck, Kessler, Siegel, Smith

A. PUBLIC COMMENTS

No members of the public wished to address the Commission.

B. PUBLIC HEARINGS

1. **Use Permit/Patrice Langevin, Hayes Group Architects/260 Arden Road:** Request for a use permit to construct a new, two-story residence on a vacant lot that is substandard with regard to lot depth. *(Continued to a future meeting date.)*
2. **Use Permit/B.H. Bocook, Architect/945 Valparaiso Avenue:** Request for a use permit for first and second floor additions to an existing legal, non-conforming, single-family residence on a lot that is substandard with regard to lot width and for the cost of the new work to exceed 50 percent of the replacement cost of the existing structure within a 12-month period.

Associate Planner Smith presented the staff report. He noted that the City received a letter from neighbor Jim Maliksi who stated that he supports the project, based on several changes made by the applicant. Commissioner Fergusson confirmed that Jim Maliksi is the next-door neighbor of 945 Valparaiso Avenue. Commissioner Fry asked if the changes referenced in Mr. Maliksi's letter were in the staff report. Chief Planner Heineck stated that the staff reports does reflect those changes.

Commissioner Soffer said he spoke with a neighbor who was concerned about the proposed new driveway that would need to cross an eight inch strip of property not owned by the applicant.

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

Commissioner Halleck clarified that the 14-foot Magnolia was the tree discussed in the staff report and not the oak tree, which is a street tree.

Bill Bocook, 4141 El Camino Way, Palo Alto, project architect, stated that he has worked with the Potvins for the last six months and they have had several meetings with City staff

regarding this project. He noted that the applicant's wish to have the front entrance and driveway on Lee Drive and eliminate the current driveway on Valparaiso Avenue. Mr. Bocook said it is the perfect opportunity to also add the second story over the garage. He said it would be a severe hardship to put the addition over the center of the house due to the design and construction of the existing residence. Mr. Bocook confirmed Mr. Maliksi's concerns. He said that the owner met with Mr. Maliksi and they came up with a solution to lower the plate line to seven feet on the second floor. The result is a lower plate line and a break in the roof line. Mr. Bocook distributed photographs to the Commissioners.

In response to a question by Commissioner Fry, Mr. Bocook indicated that there is an existing oak tree in Lee Drive and that the new driveway was located such that a car backing out would not hit the tree. He said that one neighbor was concerned about the additional parking and congestion on Lee Drive. Mr. Bocook stated that a new fence is to be built on the Valparaiso Avenue side and the old driveway area will be landscaped and there will be room to park three cars on Valparaiso Avenue.

Commissioner Fry inquired about the siding. Mr. Bocook stated that there is presently wood vertical siding on the upper portion of the gable. The plan is to place the same siding on the entire second story. Commissioner Fry asked how far away the addition is from the Magnolia tree. Mr. Bocook said it is twelve feet today, and would be three feet with the proposed addition, which the arborist has said is acceptable.

Commissioner O'Donnell expressed concern about construction traffic and parking of construction vehicles. Mr. Bocook responded that the present driveway can handle three trucks and the rest will have to park on Valparaiso Avenue.

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space, and this project meets the City's requirements. Commissioner Pagee stated that the report lists it as two covered parking spaces. She asked how far away the stairs are from the parking space. Mr. Bocook indicated that the staircase extends about 38 inches over the bumper of a car.

Commissioner Stein said she likes the balance and lines on the front elevation from Lee Drive. She voiced concern about the amount of detail and articulation between the first and second floor on the Valparaiso Avenue elevation. Mr. Bocook said there will be heavy wood trim and windows that relate to each other. There will be a trellis on the end of the house, facing Lee Drive, which will be seen from the front. The most important articulation is from the side, and it will be enhanced by plantings in front of the house. Commissioner Stein asked if there will be a patio on the side yard. Mr. Bocook stated that the existing driveway is to be replaced with landscaping and a new fence. Commissioner Stein asked for the height of the proposed new fence. Mr. Bocook stated that there is a four-foot restriction on the fence. Chief Planner Heineck clarified that the fence height across the front is four feet, but on a corner the limit is three feet. Mr. Bocook reiterated that the fence height is currently four feet, but it will be reduced to meet the requirement.

Commissioner Soffer inquired about the height of the living room. Mr. Bocook said that it's nine and one half feet. Commissioner Soffer noted the bedroom/office above the garage and asked if that will be a secondary unit. Mr. Bocook said he encouraged the owners to use it as a master bedroom, but they plan to use it as a study. It has a bathroom and closet, but no kitchen.

Mark O'Reilly, 937 Lee Drive, Menlo Park, stated that he lives on the cul de sac in the first house next to the Potvins. He said that his street is a small, "unincorporated"-looking cul de sac with mostly single-story homes. He said it is a quaint, cottage-style area. He requested that the look and feel of Lee Drive be maintained, including its lack of sidewalks, shared lawn and driveways. He expressed a concern over the safety of the relocated driveway. Mr. O'Reilly said that the driveway is close to the mouth of Lee Drive, and with a speed limit of 35 mph on Valparaiso Avenue, it might be hard to slow down quickly to turn into Lee Drive. He suggested keeping the hedges the way they are and retaining the planting and replacing the fence along Lee Drive.

Joyce Dickerson, Resident, Menlo Park, stated that her main concern is the owners' wish to move the driveway onto Lee Drive. She said it presents a significant safety issue, due to the very narrow width of Lee Drive. Ms. Dickerson stated that there is a strip of land along Lee Drive, adjacent to the project site which is owned by the Woolsey estate. The Potvins would need to get an easement to build their driveway over this strip of land. Ms. Dickerson suggested keeping the driveway on Valparaiso Avenue.

Mary Watson, 725 Magnolia Street, Menlo Park, stated that she owns rental property at 939 Lee Drive. She requested that the current driveway be retained.

Mr. Bocook stated he was unaware of any restriction on the driveway entrance, and that the issue would need to be researched and resolved. He stated that the owners had meet with Mr. O'Reilly and agreed to maintain the character of the street. Regarding the safety issue, the Potvins want to move their driveway onto Lee Drive because it will be safer for them than using Valparaiso Avenue.

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Avenue, then the internal planning of the project would be affected. The owners wouldn't want to undertake the remodel if they can't enter their home on Lee Drive.

Commissioner Stein asked what is hindering placing the entrance on Valparaiso Avenue and asked what would need to be moved. Mr. Bocook reiterated the entire interior planning would be affected. If the garage were moved over, it would be next to the Magnolia tree and the driveway would have to be moved. The driveway would be much closer to Lee Drive than it is presently. Commissioner Stein stated her concern for the Magnolia tree.

Commissioner Pagee noted that the garage is square, 20 by 20 feet. There is one legal parking spot currently. If the door is changed from Lee Drive to Valparaiso Avenue, and the Magnolia tree is five feet away from the potential driveway, there still would be one legal parking space in the garage and one outside. She asked if it was possible to relocate some rooms downstairs to better fit the staircase and have two legal parking spots. Mr. Bocook said that it could be done, but it's not what the owners had in mind.

Chief Planner Heineck stated that the plans are unclear on where the uncovered parking space is. They must maintain a 20-foot setback along Valparaiso Avenue and a minimum 12-foot setback on Lee Drive. Mr. Bocook stated that if the City says that's not a legal stall, then they will ensure two legal stalls inside the garage. It would be a matter of rearranging the stairs.

Commissioner Soffer inquired about the impact of the possible easement. City Attorney Siegel said there was no way to tell the impact. This is a private issue between property owners and

not within the power of the City. He said there does appear to be a very small sliver of land under separate ownership.

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

Motion carried, 7-0.

Commissioner Soffer said he's generally in favor of the project, but has some questions which may require continuation of the review. He said that one issue is the uncovered parking spot. Second, if no easement is granted, the design of the house will change. The second floor looks boxy from the street, but may be acceptable in this case. He said that he sees the safety issues related to both Lee Drive and Valparaiso Avenue.

Commissioner O'Donnell stated his agreement with Commissioner Soffer. He said he's not convinced that the Valparaiso Avenue exit is safer than Lee Drive. He said he remains concerned with construction parking and traffic. He said he'd like to see wood siding on both the first and second story. He said that as second stories go, this one is less intrusive than others.

Commissioner Halleck said he's concerned about the driveway impact, but added that it may not be a critical issue. He agreed with the other Commissioners regarding safety on Valparaiso Avenue and Lee Drive. He said his main concern is the landscape plan and whether it's appropriate for the neighborhood. He stated that the landscape at the corner should allow for appropriate visibility. Commissioner Halleck asked what bearing the possible easement would have on the Commission's approval of the project. City Attorney Siegel stated that the applicant would either need to show that the narrow parcel doesn't exist or that they have the legal right to cross it.

Commissioner Fergusson stated that she understands the neighbors' concerns about retaining the "rural" look of the cul-de-sac. She suggested that the fence height be restricted to four feet and inquired about the height of the current fence on the left-hand property line. Mr. Bocook estimated the fence is six- to seven-feet tall. Commissioner Fergusson stated that she would like to encourage a drainage system that maintains the rural look of the area.

Commissioner Fry stated a concern about the driveway and its closeness to Valparaiso Avenue. She agreed with wood siding for all elevations. Commissioner Fry suggested a contact number be listed for neighbors to call during the construction process. She requested assurance that the building will be more than three feet away from the Magnolia tree. She said she was concerned about maintaining the look and feel of Lee Drive and suggested keeping any fences or hedges away from the driveway in an effort to provide as much visibility as possible around the driveway itself.

Commissioner Stein stated that the architectural design is handsome. She said she has a significant concern about the two-car garage imposing on Lee Drive and suggested locating the garage on Valparaiso Avenue. Commissioner Stein stated that she cannot support the project as presented due to the location of the two-car garage on Lee Drive.

Commissioner Soffer suggested sending the project back for redesign. Mr. Bocook stated that the owner would agree to continuing the project. The owner would like to work with the City and the neighbors to come up with a solution everyone is happy with.

M/S Soffer/Halleck to continue the project for redesign with the following direction:

- The applicant should investigate the legal issues related to an eight inch strip of property apparently under separate ownership along Lee Drive. Based on the investigation, the applicant should either provide written evidence to the City that there are no access or other impediments to the proposed project, obtain legal access rights over the property or redesign the project to avoid encroachment on or across the property.
- The applicant should consider redesigning the project to (a) provide an alternative garage location that addresses issues raised by the neighbors related to safe traffic movements into and out of Lee Drive and the project driveway and the rural character of Lee Drive, (b) increase the distance between the proposed addition and the 23.5 inch Coast Live Oak tree to ensure for the future growth and preservation of the tree, (c) provide for two fully conforming parking spaces, and (d) provide for wood siding on all exterior elevations.
- The applicant should consider preparing a landscape and fencing plan that maintains the rural character of Lee Drive by retaining existing landscaping and fencing, yet provides for more open vistas along the portion of Lee Drive closest to Valparaiso Avenue and for clear sight lines at the corner of Lee Drive and Valparaiso Avenue and at the driveway.
- The applicant should consider developing a drainage plan that would be compatible with the rural character of Lee Drive, but meet all required City standards for proper drainage.
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Motion carried, 7-0.

3. **Use Permit/Mary R. Cox/300 Sherwood Way:** Request for a use permit to allow for the construction of a five foot, six inch fence within the front setback of the property, where a four foot tall fence is allowed.

(Commissioner Soffer recused himself from this item.)

Associate Planner Smith presented the staff report.

Mary Cox, 300 Sherwood Way, Menlo Park, applicant, stated that she's lived in the neighborhood for 22 years. She said she would like to open the drapes in her master bedroom and make use of the new patio. Ms. Cox said that people driving or walking by can see directly into her master bedroom and she'd like to have the fence for privacy. She said her front yard contains a 125-foot-long fence, which is well landscaped and includes three trees. She said she intends to landscape the area near the new fence. She said that many neighbors support her request and added that she wants to keep harmony in the neighborhood.

Margaret McAuliffe, 179 East Creek Drive, Menlo Park, stated that she lives across Willow Road. When she comes down East Creek, she can see directly into Ms. Cox's bedroom and added that at night the lights flash into the bedroom. She said this is an important privacy

consideration. Ms. McAuliffe said there's no problem with the sight line coming down Linfield Drive.

Doss Welsh, 5 East Creek Place, Menlo Park, stated that he supports Ms. Cox's fence project. It will provide a private area and reduce headlight glare.

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

Motion carried, 6-0 (Commissioner Soffer recused.)

Commissioner Halleck asked for clarification on the complaint from the neighbor and asked if it is the neighbor to the side of the house. Chief Planner Heineck stated that is correct. Commissioner Halleck suggested angling the corner of the fence, which would still afford privacy. Ms. Cox said that the fence posts were placed in the ground before she realized she needed a permit from the City. She said that while it would be an additional expense, she could curve the fence around.

Stu Soffer, 280 Linfield Drive, Menlo Park, stated that he is appearing as a private citizen regarding this item. He said he's unsure of what would work, but said that perhaps bending the fence around is a solution, but that may not be very aesthetically pleasing either.

Commissioner Halleck suggested approving the project and directing the applicant to look at modifications such as taking off the corner of the fence.

Commissioner O'Donnell asked Ms. Cox if she thinks she can come to a compromise with her neighbor. Ms. Cox answered that she could. Mr. Soffer agreed.

Commissioner Pagee stated that she went to the site and saw three 4-by-4 posts already in the ground. She suggested movement away at the point of the third post by a 45-degree angle, which would give Ms. Cox the maximum amount of space.

Commissioner Fry stated that during her site visit, she was concerned about the large tree near the next-door driveway. She suggested adding a restriction that the front of the house is designated as the front of the lot so that a seven-foot tall fence could not be built in the future.

Commissioner Fergusson felt that the fence was not in character with the area, but she was willing to go along with the project because of the neighborhood support.

Commission action: M/S Fry/Halleck 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. The fence shall not exceed 5 feet, 6 inches in height from natural grade and shall be maintained in accordance with the plans and specifications provided in plans dated received by the Planning Division April 18, 2002 and approved by the Planning Commission on June 17, 2002.
- b. Within 30 days of the approval (July 18, 2002) and prior to any further construction on the fence, the applicant shall submit revised plans to the Planning Division for review and approval. The plans shall provide for either angling or rounding of the corner adjacent to 280 Linfield Drive and shall be to the satisfaction of the neighbors residing at 280 Linfield Drive. The final fence shall be constructed in compliance with the approved plan. If the applicant and neighboring property owners can not come to agreement on the fence design, the proposal shall return to the Planning Commission for resolution of the dispute.
- c. As long as the proposed 5 foot, 6 inch fence, as approved by the Planning Commission on June 17, 2002, remains on the property, any fence erected within the first 20 feet along Sherwood Way shall be limited to 4 feet in height, with the exception of the triangular area bounded on two sides by the right-of-way lines of the intersecting streets and the third side by a line joining points on the right-of-way lines at a distance of 35 feet from their point of intersection, where fence height would be limited to 3 feet.

Motion carried, 6-0 (Commissioner Soffer recused.)

(Brief recess taken from 8:40 p.m. to 8:50 p.m., during which time Commissioner O'Donnell departed.)

4. **Use Permit/Mark Mongird/1051 Oakland Avenue:** Request for a use permit to allow for first and second floor additions to an existing single-story residence on a lot that is substandard with regard to lot area and width.

Associate Planner Smith presented the staff report.

Mark Mongird, general contractor representing applicant, stated that 70% of this house burned down. He said they plan to raise the existing roof line by six feet. He confirmed that both neighbors are okay with the addition. In response to a question from Commissioner Fergusson, he clarified that the "bonus room" will be a playroom for the kids.

Bret McDonald, 1051 Oakland Avenue, Menlo Park, owner, stated that they took the existing neighborhood into account during their design and hoped to improve upon the family-friendly neighborhood. He added that he and his family would like to get back into their house as soon as possible.

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

Motion carried, 6-0 (Commissioner O'Donnell absent.)

Commission action: M/S Pagee/Stein 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 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 Wimmer, consisting of seven plan sheets dated received May 20, 2002, and approved by the Planning Commission on June 17, 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.
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submitted to and approved by Building Division staff prior to issuance of a building permit.

Motion carried, 6-0 (Commissioner O'Donnell absent.)

5. **Use Permit/Talin Aghazarian, The Alaris Group/2950 Sand Hill Road:** Request for a use permit to allow for the installation of a wireless telecommunications facility, consisting of two flagpoles with panel antennae and associated equipment on the Pacific Bell property located at 2950 Sand Hill Road

Associate Planner Smith presented the staff report. He stated that on June 12, 2002, the applicant held a neighborhood meeting during which the majority of neighbors spoke out in opposition to the project.

Talin Aghazarian, Alaris Group, San Francisco, representing applicant Cingular Wireless, said the design includes two 40-foot flagpoles, plus three equipment cabinets on the Pacific Bell property. She said that Cingular needs to provide coverage along the gap near Highway 280 and enhance coverage in the neighborhood and on Sand Hill Road. She said that five neighbors attended the June 12th meeting. They stated concerns about aesthetics and health issues. Ms. Aghazarian noted that the U.S. flag needs to be illuminated at night, so they were considering flying a City of Menlo Park flag and a State of California flag.

Commissioner Fry asked who is responsible for the flags. Ms. Aghazarian stated that Cingular Wireless would be responsible.

Commissioner Fergusson asked if there was any way to taper the flagpoles. Ms. Aghazarian stated that the antennas won't fit in a smaller pole.

Commissioner Soffer asked what other sites were considered. Ms. Aghazarian stated that the business park was considered, but the trees would physically obstruct the signal.

Commissioner Fry asked about the possible health issues regarding the antennas.

Bob Weller, State of California Registered Profession Engineer, Senior Engineer representing Hammett & Edison of Sonoma, stated that his firm was retained by Cingular Wireless to provide an independent evaluation of this project. Mr. Weller stated that this site complies with safety standards by 770 times the minimum requirement. He explained that the antennas act like a lighthouse and focus energy to the atmosphere, not to land. The antennas are 40 feet above ground, and exposure at ground level is quite low. He said the amount of exposure at the peak level on the Pacific Bell property is similar to that of a cordless baby monitor.

Commissioner Soffer stated that the past applicants have provided the City with maps of Menlo Park showing provider sites and asked if there is such a map for the neighbors close to Highway 280.

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Commissioner Stein asked if other locations on this property were considered. Ms. Aghazarian said that the problem is that the trees block the clear line of sight. There needs to be at least a 40-foot clearance. Commissioner Stein asked what the height of the existing building was. Ms. Aghazarian said she is uncertain of the height, but said the building is one-story tall.

Commissioner Fergusson asked for the type of finish on the pole. Ms. Aghazarian said it would be a non-reflective metal finish, painted dull gray.

Gordon Johnson, 164 Sand Hill Circle, Menlo Park, said the residents have been through this in past years, including a similar application in 1997. Mr. Johnson said that the 1997 application proposed a monopole, which was rejected by area residents. He said the proposal was an inadequate presentation to the neighbors in that only 40 residents were notified. He said the location is inappropriate and added that flags would only accentuate the pole. He suggested the antennas be placed in a less obtrusive site.

Orv Miller, 572 Sand Hill Circle, Menlo Park, stated this is the third time he's been through this procedure. He mentioned articles about possible health risks from cell towers and antennas and wondered what the future health hazards may be in 20 years. Mr. Miller said the poles are aesthetically unacceptable and may decrease the property values in the area. Mr. Miller stated that if the project is approved, Cingular would be required to let other cell companies use their towers. He said he is most concerned with the possible emf emissions. Mr. Miller urged the Commission to deny the project.

Werner Hauser, 544 Sand Hill Circle, Menlo Park, said he has been through this process before. He said that arguments can be made about the possible health risks. He said that the landscaping is never kept up.

Lyn Hauser, 544 Sand Hill Circle, Menlo Park, said she's been a resident of the area since 1976 and loves her area, but wouldn't love these cell towers. She said the jury is still out if these towers are harmful to the public's health. She said that the disclosure of these towers could decrease the property values in the area.

Deanna Tarr, 632 Sand Hill Circle, Menlo Park, said she is a 22-year resident of the area and was on the Board of Directors of the Homeowners' Association in 1993 when Cellular One came forward with a similar proposal. She said she is concerned about property values declining if these towers are built.

Arthur Goldberg, 624 Sand Hill Circle, Menlo Park, said he is an eight-year resident. He said the aesthetics of this proposal are bad. The proposal is to put the poles on the only road in and out of Sand Hill Circle. He said that "battleship gray" is an unappealing color. He questioned the terms of Mr. Weller's report regarding safety. Mr. Goldberg commented that if the poles were put behind a large pine tree, what happens when the pine tree dies. He said the City is promoting co-location and he asked what that does to health and safety concerns.

Jennifer Smart, 710 Sand Hill Circle, Menlo Park, stated that she is a Board member of the Townhouse Owners' Association. She said the health impacts are unclear and added that she doesn't believe Cingular's expert. She commented on the fact that this cell tower must be disclosed when selling a house and could impact property values. She said she is concerned about co-locating and increasing emf levels and added that she won't feel comfortable in her own neighborhood. She asked the Commission to take into account the long-standing opposition of the residents to these types of antennas. She reiterated that there is a strong community sentiment against this project.

Tony Tedesco, 710 Sand Hill Circle, Menlo Park, urged the Commission not to compromise the residents' safety. He said that he's not against wireless communications. He said that the houses would be very close to the towers.

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

Motion carried, 5-0 (Commissioners O'Donnell and Pagee absent).

Commissioner Soffer said aesthetics are a big issue, along with the risks of using cell phones. He voiced concern about the City's policy on co-location. He stated that he understands the residents' concerns about property values, but the same sentiments could be expressed anywhere in Menlo Park.

Commissioner Fergusson stated she agrees with the aesthetic issue in that the 280 corridor is a precious region-wide visual resource and these types of poles are inconsistent.

Commissioner Stein echoed the comments on aesthetics. She reminded the Commission of past discussions regarding a project proposed on El Camino Real which also used flag poles. That application was denied and she urged the Commissioner to be consistent. Commissioner Stein stated that these poles are inconsistent with anything in the area. City Attorney Siegel confirmed that the Federal government pre-empted City government's right to consider the

possible health effects of cell antennas. He added that is not a valid reason to deny the application.

Commissioner Halleck stated that his first impression was that the flag poles weren't hideous and not a huge problem. After hearing the testimony, he has reconsidered. The project is not visually appealing and does not blend with the natural environment of the area.

Commissioner Fry concurred and added that two flagpoles could easily become six or eight poles as a result of co-location. She said that 40 feet is very high and added that it's hard to imagine that no other location along the 280 corridor could be considered.

M/S Halleck/Soffer to deny the use permit, subject to the following findings.

1. Adopt a finding that the project is categorically exempt under Class 1 of the current State CEQA Guidelines.
2. Make necessary findings, pursuant to section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the telecommunications facility will be detrimental to the health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood of the proposed use, and will be detrimental to property and improvements in the neighborhood or general welfare of the city by creating a significant, adverse aesthetic and visual impact to the scenic corridor of Interstate 280 and to the natural, open, rolling hill environment of the surrounding area due to the height of the proposed flag poles in relation to the adjacent one-story building and proximity to public roadways that draw attention to the facility where attention is not warranted.

Motion

6. **Use Permit Revision/Ted Hilling /1158 Chestnut Street:** Request for a use permit revision to allow for massage services associated with an existing full-service salon and day spa.

Associate Planner Smith presented the staff report.

Commissioner Soffer asked why massage was considered a special use. Chief Planner Heineck stated that special uses are those that are deemed to have unique characteristics that may be appropriate in any number of zoning districts, subject to approval of a use permit. Commissioner Soffer asked what would happen if the massage use became a problem. Chief Planner Heineck stated that if problems are noted by the Police Department, then the use permit can be revoked by the Planning Commission.

Ted Hilling, Vice President, Steiner Day Spa Group, stated that Steiner currently operates more than 100 cruise ship spas and numerous day spas. He said that the massage component is important to their business. He said the company has two training facilities in San Diego, and all massage therapists go through this training.

Commissioner Soffer inquired about the requirement for a remote parking lot on the originally-approved application and asked if that parking lot is within one-half mile of the day spa. Mr. Hilling said that the lot is at 905 El Camino Real and is within one-half mile. There are a total of 14 spaces.

Commissioner Fergusson asked if the Greenhouse Spa currently conducts massages at its Chestnut Street location. Mr. Hilling said that only body treatments and wraps are offered. Commissioner Fergusson commented that she was able to make an appointment for a massage that day so it is clear that massage is being conducted.

Commissioner Fry asked if the addition of massage services would add to the number of clients. Mr. Hilling stated that the initial projection was for an average of 27 customers Monday through Wednesday and 42 on Thursday through Saturday. Currently, the average is less than 20 midweek and 30 on weekends.

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

Motion carried, 6-0 (Commissioner O'Donnell absent.)

Commission action : M/S Stein/Soffer 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.
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 - a) Development of the project shall be substantially in conformance with the plans submitted by the applicant, received by the Planning Division on June 7, 2002, consisting of one plan sheet, and approved by the Planning Commission on June 17, 2002, except as modified by the conditions contained herein.
 - b) Prior to conducting massage use on the site, the appropriate screening of the massage therapists must be completed by the City of Menlo Park Police Department.
 - c) The following conditions of approval from the April 2, 2001 use permit approval shall remain in effect:
 - All businesses at the subject property will participate in a daily BFI trash pick-up service. An approved BFI container can be left outside on the parking plaza side of the building after regular business hours for pick up. The container shall be stored inside the building during regular business hours.
 - The tenant shall inform its employees of the availability of MTC's commuter check program and shall subsidize up to \$40 per employee per month for participating in the commuter check program or a similar program. Prior to building occupancy, the applicant shall submit a written plan for review and approval by the Transportation Division. The plan shall include methods for advertising the availability of the transit passes and reporting on the effectiveness of the passes on an annual basis as of July 1 of each year.

- The applicant shall maintain an approved agreement to lease six (6) off-site parking spaces located within walking distance (up to one-half mile) of the subject property. The timeframe of the agreement should be concurrent with the term of the tenant lease. On an annual basis as of July 1 of each year, the applicant shall report on the status of the off-site parking agreement. The applicant shall report any changes to the off-site lease agreement immediately.

Motion carried, 6-0 (Commissioner O'Donnell absent.)

7. **Use Permit Revision, Architectural Control Revision and Variance/Bal and Sheila Bagwat Trust/631 Menlo Avenue:** Request for a use permit revision to allow for an approximately 1,500 square foot second floor addition to an existing, legal, nonconforming 1,875 square foot office building and for the cost of the new work associated with the renovation and expansion of the building to exceed 25% of the currently assessed value of the building, an architectural control revision to modify the exterior of the existing building, and a variance to allow for the existing building to retain a 4 foot, 4 inch side setback where the required side setback will increase from 5 feet to 5 feet, 10 inches due to the proposed increase in building height and for the second floor to provide a side setback of 4 feet, 4 inches, where 5 feet, 10 inches is required.

Associate Planner Smith presented the staff report.

Commissioner Soffer asked for clarification regarding ADA requirements with regard to the necessity of an elevator. Chief Planner Heineck stated that an elevator is required when a third floor is added.

Bal Bagwat, 631 Menlo Avenue, Menlo Park, owner and applicant, stated that he has been a Menlo Park plastic surgeon for 20 years and has recently retired. He said the space was leased to physicians, but now will become general office. Dr. Bagwat said this is a very narrow lot, only 47-feet wide. He said he has tried to develop the property to conform with the narrow lot width. Dr. Bagwat gave an overview of the project, including the types of building materials to be used. Dr. Bagwat said he has not received any complaints from the neighbors and he added that no elevator is required for this project, due to its size.

Commissioner Fry asked if this was basically going to be a new building in the same place. Dr. Bagwat said it is not. One wall will continue to encroach onto the five-foot setback. The same perimeter will be used. The foundation will be strengthened to hold the new second story. Commissioner Fry asked if the applicant considered building an apartment building on this site, since it is zoned for apartments or offices. Dr. Bagwat said he did consider apartments, but only two units could be built on the site and that was not economically feasible.

Commissioner Fergusson said that she could find for the granting of the variance due to the undue hardship of this narrow lot. She asked what the prevailing lot width was in the area. Associate Planner Smith stated the most common width is 50 feet or larger.

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

Motion carried, 6-0 (Commissioner O'Donnell absent.)

Commissioner Stein stated she has concerns about the pillars in that they don't add anything to the building and make it too grandiose for this subdued area.

Commissioner Soffer said he had no problem with the colonnades, but added that the front elevation is overly ornate and suggested subduing it a bit. He said that the request for the variance is justified.

Commissioner Pagee suggested decreasing the emphasis for the first-floor entry. She said she liked the openings on top which allow the air to flow through.

Commissioner Fry suggested that the roof lines be brought down. She said there are adequate findings to approve the variance. The second floor balcony is an acceptable accompaniment. She suggested that the trash receptacle area be enclosed.

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 injurious or detrimental to property and improvements in the neighborhood or the general welfare of the City.
3. ing
 - a. The narrowness of the lot and the location of the existing building limit the property owner's ability to construct a conforming two-story commercial building on this property.
 - b. The proposed variance is 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.
 - 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.
 - d. The conditions upon which the requested variances are based would not be applicable to other properties within the same zoning classification since the variances are based on the narrow width of the lot in combination with the location of the existing building on the site.
4. Adopt findings, as per Section 16.68.020 of the Zoning Ordinance, regarding architectural control approval:
 - a. The general appearance and scale of the development is in keeping with the character of the existing development in 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; and
 - d. The development provides adequate parking as required in all applicable City ordinances, and has made adequate provisions for access to such parking.
5. Approve the use permit revision, architectural control, and variance requests subject to the following conditions of approval.
- a. Development of the project shall be substantially in conformance with the plans prepared by ACS Architects, consisting of four plan sheets dated received April 15, 2002, and approved by the Planning Commission on June 17, 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.
- an
- 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 building permit issuance, the applicant shall submit a landscaping and irrigation plan for the review and approval of the Planning Division. The landscaping plan shall indicate the planting of a minimum of 13 new trees on the project site, including trees in the rear of the property to screen the properties to the rear and provide a pedestrian scale to the rear of the building.
 - g. Prior to issuance of building permits, plans for on-site recycling and garbage facilities shall be submitted for review and approval by the City Environmental Program Coordinator and the Engineering Division. The facilities shall either be placed inside the building or appropriately screened from view, subject to Planning Division review and approval.
 - h. Prior to building permit issuance, the applicant shall submit a detailed lighting plan and photometric study for the review and approval of Planning Division staff.

- i. All new signage is subject to the review and approval of Planning Division staff prior to issuance of a building permit for the signage installation.
- j. Prior to building permit issuance, the project plans shall be revised to enhance the pedestrian scale of the front elevation by accenting the first floor level. This shall be accomplished by relocating the gable feature to the first floor and continuing the eave line of the second floor straight across the front elevation. Other additional changes that may be considered include elimination of the second floor balcony and columns and replacement of the French door with a window. The revised plans shall be subject to Planning Division review and approval.

Motion carried, 6-0 (Commissioner O'Donnell absent.)

C. COMMISSION BUSINESS

- Update on status of preparation of Housing Element.

ADJOURNMENT: 10:32 p.m.

Respectfully submitted,

Arlinda Heineck, Chief Planner

Gina M. Kessler, Recorder