



MENLO PARK PLANNING COMMISSION MINUTES

Regular Meeting

January 27, 2003

7:00 p.m.

City Council Chambers

801 Laurel Street, Menlo Park, CA 94025

CALL TO ORDER – 7:05 p.m.

ROLL CALL – Fergusson, Fry (Chair), Halleck, Pagee, Soffer, Stein (Vice Chair)

INTRODUCTION OF STAFF – Murphy, Siegel, Smith, Thompson

A. PUBLIC COMMENTS

There were none.

B. CONSENT CALENDAR

1. **Architectural Control/Michael Mahan/656 Santa Cruz Avenue:** Request for architectural control review for exterior modifications to an existing building storefront for a new retail tenant.

Commission Action: M/S Soffer/Halleck 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 Stoneking/Von Storch Architects, consisting of 11 plan sheets dated December 2, 2002, and approved by the Planning Commission on January 27, 2003, 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. Prior to issuance of a demolition permit or building permit, the applicant shall submit a plan for construction safety fences around the periphery of the construction area for review and approval of the Building Division. The Building Official may waive this requirement on a case-by-case basis. The fences shall be installed according to the plan prior to commencing construction.
- e. Prior to the installation of any signs, the applicant shall apply for and obtain the appropriate sign permits from the Planning Division.

Motion carried unanimously, 6-0.

C. PUBLIC HEARINGS

- 2. **Use Permit/Ken & Dianne Spindola/507 Bay Road:** Request for a use permit to construct a single-story addition to an existing single-story, single-family residence on a lot that is substandard in regard to lot width and lot area.

This item was withdrawn previous to the January 27, 2003 Commission meeting at the request of the applicant.

- 3. **Use Permit/James Bergeron/226 Yale Road:** Request for a use permit to demolish an existing single-story, single-family residence and construct a new two-story residence with a basement.

Staff Comment: Planner Thompson presented the staff report.

Public Comment: Applicant James Bergeron indicated that he and his wife have worked with the neighbors and City agencies to develop the plan for a new two-story residence on their property in the Allied Arts area of Menlo Park. Commissioner Stein asked about the materials and colors they plan to use for the siding and roofing. Mrs. Theresa Bergeron, 226 Yale Road, Menlo Park, indicated that the siding on the first story of the structure would be wood shingles painted a light yellow/gold, the second story would be stucco in a slightly lighter tone, and the roof would be slate gray. Responding to Commissioner Pagee, Mrs. Bergeron said that they worked with both neighbors who would be affected in the locating of windows on the second story. Commissioner Stein asked why the garage was located forward of the garages of the neighbors. Mrs. Bergeron explained that was done in response to neighbors' request that the back yard be kept as large as possible for the aesthetics of the view. Chair Fry asked whether the neighbors had seen all of the plans, her concern being that the plans had been changed making the rendering inaccurate. Mr. Bergeron indicated that all of the neighbors who attended the open house had seen the plans, and they went door-to-door with the plans to those neighbors who had been unable to attend.

Greg Osborn, 1450 Greenwood Avenue, Palo Alto, spoke in support of the Bergeron's project, noting that he was with WSJ Properties, and that the Bergerons had sought his opinion on how best to proceed with their proposed project.

Commission Action: M/S Ferguson/Stein to close public hearing.

Motion carried unanimously, 6-0.

Commission Discussion: The Commissioners generally commended the Bergerons for a job well done, and while noting there were some reservations about the "boxiness" of the proposed residence, found that this was more than offset by the neighbors' approval of the design and how well the proposed structure will fit in the neighborhood.

Commission Action: M/S Halleck/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 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 OneStopDesign, dated received January 8, 2003, consisting of 11 plan sheets, and approved by the Planning Commission on January 27, 2003 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) Prior to issuance of a demolition permit or building permit, the applicant shall submit a plan for construction safety fences around the periphery of the construction area for review and approval of the Building Division. The Building Official may waive this requirement on a case-by-case basis. The fences shall be installed according to the plan prior to commencing construction.
 - e) Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval of the Planning, Engineering and Building Divisions. All utilities shall be placed underground. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
 - f) Prior to building permit issuance, the applicant shall submit plans that demonstrate compliance with the daylight plane requirement by limiting dormer intrusions to one side of the residence. The plans shall be subject to review and approval by the Building Division.

- g) Prior to building permit issuance, the applicant shall submit revised plans that demonstrate compliance with the off-street parking requirements including minimum interior clear dimensions of 20 feet in width by 20 feet in length for a two-car garage. The plans shall be subject to review and approval by the Building Division.
- h) Prior to building permit issuance, the applicant shall submit a tree protection plan for the heritage trees on the subject property for review and approval to the Building Division.

Motion carried unanimously, 6-0.

- 4. **Use Permit/University Lutheran Church/1000 Willow Road:** Request for a use permit to temporarily store a relocated residence on an existing commercially zoned property.

Staff Comment: Planner Smith presented the staff report, and noted that staff was recommending an additional condition of approval (condition 3f) related to insurance and performance bond requirements.

Commission Questions of Staff: Assistant City Attorney Siegel responding to a question from Commissioner Soffer indicated that the performance bond would be issued in favor of the City of Menlo Park and would cover 135% of what the estimated cost would be should the City have to remove the structure from storage. Responding to Chair Fry, Assistant City Attorney Siegel indicated that the existing use permit for the property at 1000 Willow Road was good through at least July of this year.

Public Comment: Mr. Duane Bay, Project Manager, for the University Lutheran Church located in Palo Alto explained to the Commission that the Church provides student services on the Stanford Campus. The Church has been seeking to build a residence at a nearby site for their pastor. The Geoly family who has offered the current residence at 601 Menlo Oaks Drive to the Church plan to begin construction on a new home in May 2003. Mr. Bay expects to get the plans for the single-family residence to the City of Palo Alto by February. The applicant is requesting to be allowed to store the single-family residence at 1000 Willow Road until it is permitted to be installed on property located near the Church in Palo Alto.

Commissioner Fergusson indicated that she had some concerns with the condition of the property at 1000 Willow Road, noting overgrown vegetation and litter. Assistant City Attorney Siegel indicated staff would contact Code Enforcement to determine whose responsibility it is for the vegetation. In response to a question from Commissioner Soffer, Mr. Bay said that he has spoken with the contractor who will move the house and that he will work with Planning, Building and Transportation to establish the best route. Commissioner Stein asked about the security of the structure. Mr. Bay indicated that there is a six-foot chain link fence on one side of the property, a CalTrans twelve-foot sound wall on the other side, one gate that is chained and padlocked, and a second gate that opens into a residence. The property owner's son lives in the house, has dogs, and generally provides 24-hour security.

Commission Action: M/S Fergusson/Halleck to close the public hearing.

The motion carried unanimously, 6-0.

Commission Discussion: Commissioner Soffer voiced concerns about the condition of the area around 1000 Willow Road. Commissioner Fergusson noted that she was concerned with the overgrown vegetation and litter at 1000 Willow Road and felt these issues should be added as a condition to the project.

Commission Action: M/S Pagee/Halleck to approve as recommended in the staff report with two additional conditions (f) regarding the insurance and performance bond and (g) the cleaning up of the project site.

1. Make a finding that the project is categorically exempt under Class 4 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 the University Lutheran Church, consisting of one plan sheet dated received December 16, 2002, and approved by the Planning Commission on January 27, 2003, 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. Heritage trees in the vicinity of the project shall be protected pursuant to the Heritage Tree Ordinance. Prior to building permit issuance the applicant shall submit a tree protection plan for all heritage trees on the subject property for review and approval to the Building Division.
 - e. This use permit shall be valid for one year from the date of approval, expiring on January 27, 2003.
 - f. Prior to moving the residence to or from the project site, the applicant shall provide proof of liability insurance and file a performance bond pursuant to Title 12, Chapter 12.32, Moving Buildings, Sections 12.32.80 and 12.32.90 of the Menlo Park Municipal Code. In addition, the applicant shall enter into an indemnity agreement with the City in which the applicant agrees to be responsible for any and all code enforcement costs, including litigation and attorneys' fees, required to obtain compliance with the terms of the Use Permit. The proof of liability insurance and the performance bond shall be submitted for the review and approval of the Building Division, and the indemnity agreement shall be submitted for the review and approval of the Planning Division and the City Attorney.
 - g. Within 30 days of moving the residence to the project site, the applicant shall clean up litter on the site and along the property frontage and clear vegetation from the sidewalk to create a clear path of travel. The applicant shall notify the Planning Division prior to commencing the clean up and upon completion of the clean up. To the extent that it is the property owner's responsibility, the property owner shall maintain the sidewalk at the front of the property to keep it free of vegetation and debris, and shall clean up the litter on the site in accordance with any applicable City codes on an on-going basis.

The motion carried unanimously 6-0.

5. Use Permit Revision and Architectural Control Revision/Michael Wallau/150

Middlefield Road: Request for a use permit and architectural control revisions to modify an existing restaurant building.

This item was continued to the meeting of February 10, 2003 prior to the January 27, 2003 meeting.

D. COMMISSION BUSINESS

6. Commission discussion of project priorities for calendar year 2003.

Commission Action: The Commission discussed ideas for project priorities within the context of the City Council goal-setting workshop. The Commission thought it would be beneficial to hold a joint working session with the Council to discuss topics such as a new ordinance for residential development and the update of the General Plan. The Commission commented that the Business Development goal and the General Plan goal are interrelated. The Commission thought that a proactive effort on code enforcement in the Belle Haven neighborhood would address a number of concerns that are raised when projects come in front of the Commission. In addition, the Commission expressed support for the Council to consider the Willows neighborhood traffic issues as a priority project. Finally, the Commission believes that it has the capacity to take on projects at the Council's direction.

ADJOURNMENT

The meeting adjourned at 8:15 p.m.

Staff Liaison: Justin Murphy, Principal Planner

Prepared by: Brenda Bennett, Recording Secretary

Approved by Planning Commission on March 17, 2003.