



## **MENLO PARK PLANNING COMMISSION MINUTES**

**Regular Meeting  
February 10, 2003  
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 (Chair), Halleck, Pagee, Soffer, Stein (Vice-Chair)

**INTRODUCTION OF STAFF** – Murphy, O'Connell, Siegel, Smith, Thompson

### **A. PUBLIC COMMENTS**

There were none.

### **B. CONSENT CALENDAR**

1. Consideration of the draft transcripts of the December 16, 2002 Planning Commission meeting.

Commission Action: M/S Soffer/Halleck to approve with the following changes: Page 25, line 1, change "400" to "four under;" Page 25, line 4, change "gravy" to "grade;" Page 69, line 20, insert "condition" between "then" and "kk;" and Page 81, line 2, change "lower" to "lowering."

Motion carried, 4-0-1, with Chair Fry abstaining and Vice-Chair Stein not yet in attendance.

### **C. PUBLIC HEARINGS**

1. **Use Permit/Joseph Sabel/152 Elliott Drive:** Request for a use permit for excavation into the required left side setback associated with an addition to an existing single-family residence.

Staff Comment: Planner Thompson presented the staff report.

Commission Questions of Staff: In response to a question from Commissioner Fergusson, Assistant City Attorney Siegel confirmed that 500-feet is the measurement used for determining a conflict of interest. Commissioner Fergusson indicated that her residence is located beyond 500-feet of the subject property of 152 Elliott Drive. Commissioner Pagee confirmed with staff that the property is not located in a flood zone. Chair Fry confirmed with staff that there is an existing fireplace and noted her concern with the 18-inch setback of the fireplace.

(Commissioner Stein arrived at 7:11 p.m.)

Public Comment: There was none.

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

Motion carried unanimously, 6-0.

Commission Discussion: Chair Fry expressed concern with the light well being two feet from the left side property line. Assistant City Attorney Siegel noted that the minimum side set back for an aboveground structure on this property with a variance is two and a half feet and the proposed light well is two feet from the left side property line. In response to a question by Commissioner Fergusson, applicant Joseph Sabel indicated that the light well and about four feet by six feet of the existing basement would be excavated in the rear of the property and that the method of excavation has not yet been determined. In response to Commissioner Pagee's question regarding the use of the light well as egress and Chair Fry's question as to why light well will be located there, Mr. Sabel indicated that there are existing stairs there now that provide ingress/egress to the basement; the location keeps the integrity of the back yard; and there is sufficient room to get by the light well, noting that the railing is two feet, four inches from the left side property line.

Commission Action: M/S Soffer/Stein to approve as recommended in staff report to:

1. Make a finding that the project is categorically exempt under Class 1 of the current State CEQA Guidelines.
2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be 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 Aero 11, consisting of eight plan sheets dated January 22, 2003, and approved by the Planning Commission on February 10, 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. 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 a revised site plan that measures the front yard setback perpendicular to the front property line at a depth of 20 feet.
- g. Prior to building permit issuance, the applicant shall submit a tree protection plan for the 18-inch deciduous tree (Tree #12) in the rear yard for review and approval by the Building Division.

Motion carried unanimously, 6-0.

- 2. **Use Permit/Griselda Lopez/180 Terminal Avenue:** Request for a use permit to construct first and second floor additions to an existing single-family residence on a lot that is substandard in regard to lot width and lot area.

Continued to the meeting of February 24, 2003 prior to the February 10, 2003 meeting.

- 3. **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.

Staff Comment: Planner O'Connell presented the staff report, noting that the exterior alterations would result in a change in the appearance of the building, thus requiring architectural control approval from the Planning Commission. He also reported that the owner, Mr. Michael Wallau, had requested just prior to commencement of tonight's meeting to be allowed to keep the existing storage shed as shown on circle page B-7 "Existing Condition Plan." Plans show the shed as removed, but keeping the shed would not affect parking. Staff recommended that the Commission include an additional condition to reference the retention of the existing storage shed.

Public Comment: Mr. Roger Kohler, 721 Colorado Road, Palo Alto, the architect, and Mr. Michael Wallau, the owner/applicant, introduced themselves to the Commission and expressed their desire for the Commission's approval and their enthusiasm for the project. In response to questions from the Commission, Mr. Wallau and Mr. Kohler indicated that their goal is to keep the character of the existing structure with improved aesthetics and structural integrity.

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

Motion carried unanimously, 6-0.

Commission Action: M/S Stein/Pagee to approve project as recommended in staff report.

Commissioner Soffer asked that the motion be amended to include a condition "i" regarding the retention of the storage shed. The friendly amendment was acceptable to Commissioners Stein and Pagee.

Commissioner Fergusson suggested that the 13-foot wall would be an excellent location for public art, perhaps a mural. Mr. Wallau indicated that he likes murals, but noted that there is an eight-foot brick wall behind the gas station; thus about only four-feet of his wall would be visible. Commissioner Fergusson asked that a friendly amendment be added to require some type of art on the visible four-feet of wall or worded perhaps as a "best faith effort." Commissioner Soffer indicated that he would not want such a condition added and wondered whether such a consideration would more rightfully be the purview of the Arts Commission. Assistant City Attorney Siegel agreed that if Mr. Wallau were to consider displaying a mural or other public art at the site, he would most appropriately take the proposal to the Arts Commission who would provide him direction on how to proceed. Commissioner Fergusson withdrew the proposed friendly amendment.

Commission Action: Motion amended to approve project as recommended in staff report with addition of condition "i," as stated in the following.

1. Make a finding that the project is categorically exempt under Class 1 of the current State CEQA Guidelines.
2. Make the following findings, as per Section 16.68.020 of the Zoning Ordinance, regarding architectural control approval:
  - a) The general appearance of the structure and the addition 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. Make a finding, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of a use permit that the proposed use will be compatible with the surrounding land uses and will not be detrimental to the health, safety, morals, comfort, and general welfare of the persons 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.
4. Approve the architectural control review and use permit for the alterations to the building subject to the following conditions:
  - a) Development of the project shall be substantially in conformance with the plans prepared by Roger Kohler, received on January 22, 2003, consisting of seven plan sheets and approved by the Planning Commission on February 10, 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. 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.

- d) 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.
- e) Prior to final building inspection, the applicant shall obtain an encroachment permit from the Engineering Division for the fence at the frontage of the property that encroaches into the public right-of-way. If the Engineering Division does not approve the permit, the applicant shall relocate the fence outside of the public right-of-way.
- f) Prior to building permit issuance, the applicant shall submit plans for on-site recycling and garbage facilities for review and approval by the City Environmental Program Coordinator.
- g) Prior to building permit issuance, the applicant shall submit a revised arborist report based on the plans reference in "Condition a)" of this report. The report shall specify tree protection measures that are to be in place during and after construction for the preservation of the existing heritage trees. The report shall be subject to Planning staff review and approval.
- h) Prior to building permit issuance, the applicant may submit revised plans indicating the retention of a storage shed located behind the building. The plan for the storage shed shall be subject to review and approval of Planning staff.

Motion carried unanimously, 6-0.

5. **Use Permit/Randolph S. Charlton/1250 Hoover Street:** Request for a use permit to retain latticework of four feet in height for an overall fence height of 11 feet, six inches where a maximum overall height of seven feet is otherwise allowed without a use permit.

Staff Comment: Planner Smith presented the staff report. He noted that Allan Guy of Guy Plumbing had written in support of the proposal and that 1246 Hoover Street also has an illegal fence for which the owners have not yet requested a use permit.

Questions of Staff: In response to Chair Fry's question, Assistant City Attorney Siegel said that the Commission's finding for this property would not mandate the same finding for 1246 Hoover Street. Staff also indicated that approval of the use permit for 1250 Hoover Street would not adversely affect the aesthetics of the fence should the Commission not approve a future similar application for 1246 Hoover Street.

Public Comments: James Crippu, 1252 Hoover Street, indicated that he was there representing his parents, the owners of 1246 Hoover Street, and that they will request a use permit in the near future

for the fence on their property. He indicated that he supports issuance of the use permit for 1250 Hoover Street.

Gary Lekan, AA-Lock and Alarm, indicated that his business abuts the fence at 1246 Hoover Street and that he had filed a complaint with the City regarding the fence. His complaints are that the fence at 1246 Hoover Street blocks light to his business; it is 12-feet, 3-inches not 11-feet, 6-inches as stated; the property owner removed large trees that provided screening; and the height is a safety concern. He also did not think that all of the affected property owners had been notified about the hearing based on a conversation he had with the property manager of a neighboring business.

Mark Colella indicated that he has bought the 1250 Hoover Street property from Dr. Charlton and supports the proposal under consideration. He said that the height of the fence was predicated on the need for screening and security as the property abuts commercial property and that when the businesses are closed, the parking lot sometimes is a gathering site for youth and questionable activities. In response to a question from Commissioner Stein, Mr. Colella indicated that the trees were removed because their roots had grown under the house.

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

Motion carried unanimously, 6-0.

Commission Discussion: Commissioner Fergusson noted that it seemed that the site might be three rather than two parcels. Answering Chair Fry's question, Planner Murphy indicated that all of the affected property owners within 300-feet of the subject property had been notified. Commissioner Pagee indicated that the original use permit for the residential property had a certain landscaping plan and wondered if adherence to that plan was in perpetuity and would the fence conform to that plan. Commissioner Halleck expressed his concerns that there seemed to be too many unknowns and whether the fence was built to code. Commissioner Soffer suggested that he originally felt comfortable with the proposal presented, but that it should be continued.

Commission Action: M/S Halleck/Soffer to continue this item to the meeting of April 7, 2003.

Motion carried unanimously, 6-0.

5. **Use Permit/Gary Newgard/71 Bay Road:** Request for a one-year extension of a use permit granted on January 28, 2002 for the construction of an approximately 11,700 square foot addition to the existing Home of Christ Church.

Staff Comment: Planner Smith presented the staff report, noting that Gary Newgard, the applicant for the project and a member of the Home of Christ Church's Building Committee, had written requesting an extension due to the impact of the economy on the ability of the church members to contribute toward the project.

Public Comment: There was none.

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

Motion carried unanimously, 6-0.

Commission Action: M/S Soffer/Halleck to approve as recommended in staff report.

1. Make a finding that a Mitigated Negative Declaration was prepared for this project, and was approved by the Planning Commission on March 19, 2001.
2. Make a finding as per Section 16.82.170 of the Zoning Ordinance pertaining to the extension of the time limit for use permits that unusual conditions not of the applicant's making caused a delay in acting on the use permit approval, and that there is good cause to extend the time limit for the use permit.
3. Approve the use permit extension request for 12 months, from January 28, 2003 to January 28, 2004, for the construction of approximately 11,700 square feet of new building area for a new social hall, kitchen, and classrooms and the addition of 20 new parking spaces, subject to the conditions approved at the January 28, 2002 Planning Commission meeting.

Motion carried unanimously, 6-0.

#### **D. REGULAR BUSINESS**

1. **Sign Review/Northwest Signs/1300 El Camino Real:** Consideration of a sign application for the Menlo Park Cadillac car dealership.

Staff Comment: Planner Smith presented the staff report, noting that the applicant wishes to replace two existing, 15-foot-tall pole signs with two new, 20-foot-tall pole signs, which requires Planning Commission review of a sign permit.

Mr. Rick Mugnulo, owner of the property, told the Commission that the trees planted along El Camino Real block the current signs. He indicated that the signs are GM signs and he has no control over the design; however, he thinks they are classic looking signs.

Commission Discussion: Commissioner Stein suggested that it would be helpful for the public if the address were highlighted at the property. Chair Fry mentioned that the signs are classic looking and the car dealerships are important to the City of Menlo Park's revenue base.

Commission Action: M/S Pagee/Halleck to approve as recommended in the staff report. The stipulation within the recommendation for a review of the sign plan in five years was highlighted in the motion.

1. Make a finding that the project is categorically exempt under Class 3 of the current State CEQA Guidelines.
2. Make a finding that the signs are appropriate and compatible with the El Camino Real corridor, and are consistent with the Design Guidelines for Signs.
3. Approve the two 20-foot-tall pole signs for a period of five years subject to the following conditions:
  - a. Development of the project shall be substantially in conformance with the plans prepared by Plasti-Line, Inc., consisting of four plan sheets dated received January 17, 2003, and approved by the Planning Commission on February 10, 2003.

- b. 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.
- c. On or before February 10, 2008, the applicant shall submit a written request to return to the Planning Commission for the reevaluation of the two pole signs. Based on the height of the street trees at that time and any other pertinent factors, the applicant may be required to reduce the height of the pole signs, or may be granted an extension of the approval of the 20-foot-tall pole signs.

Motion carried unanimously, 6-0.

- **Other Business:** Staff provided a status update on an appeal filed against a Planning Commission approval of a use permit for a new residence at 1185 Woodland Avenue. Chair Fry provided a report on her attendance at the City Council study session of February 4, 2003. In addition, Chair Fry informed the Commission of an upcoming meeting of the Mayor, Mayor Pro-Tem, and Chairs and Vice Chairs of all commissions scheduled for February 18, 2003.

## **ADJOURNMENT**

The meeting adjourned at 9:15 p.m.

Staff Liaison: Justin Murphy, Principal Planner

Prepared by: Brenda Bennett, Recording Secretary

Approved by Planning Commission on April 7, 2003.