



MENLO PARK PLANNING COMMISSION MINUTES

Regular Meeting

March 3, 2003

7:00 p.m.

City Council Chambers

801 Laurel Street, Menlo Park, CA 94025

CALL TO ORDER – 7:03 p.m.

ROLL CALL – Bims, Fergusson, Fry (Chair), Pagee, Soffer, Stein (Vice-Chair) present; Halleck absent

INTRODUCTION OF STAFF – Heineck, Murphy, O'Connell, Thompson

A. PUBLIC COMMENTS

There were none.

B. PUBLIC HEARINGS

1. **Variance/Arthur R. Martin/1050 Tehama Avenue:** Request for a variance to allow a rear yard setback of 10 feet where a minimum setback of 20 feet is required and to allow a maximum lot coverage of 43 percent where 35 percent is required in association with a single-story addition to an existing single-family residence.

Staff Comment: Planner O'Connell presented the staff report, noting that the property owners seek to secure a variance to move forward with the proposed project, which is to provide a bathroom with wheelchair accessibility and a physical therapy room in support of the care of their disabled son.

Public Comment: Arthur Martin, the project designer, outlined the three options that were considered, noting that the preferable option after analysis requires Commission approval of a variance. Mr. William Casey, the property owner, explained the need of he and his wife to create a supportive physical environment for their son for his present and future requirements. It was noted that the neighbors are supportive of the project.

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

Motion carried, 6-0.

Commission Comments: Commissioner Fergusson noted her support based on the existing footprint of home. Commissioner Soffer indicated that the variance fits within historical context, and noted a similar project located at 507 Ivy Street. Commissioner Bims suggested that future consideration be given to a "disconnect" between the Housing Element of the General Plan policy and the Zoning Ordinance.

Commission Action: M/S Soffer/Stein to:

- 1) Make a finding that the project is categorically exempt under Class 1 of the current State CEQA.
- 2) Make the following findings as per Section 16.82.340 of the Zoning Ordinance pertaining to the granting of variances:
 - a. The location and configuration of the existing house creates a constraint on this property without the approval of the requested variances.
 - b. The proposed variances are necessary for the preservation and enjoyment of substantial property rights possessed by other conforming property in the same vicinity, and the variances would not constitute a special privilege of the recipient not enjoyed by neighbors.
 - c. Except for the requested variances, the addition 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 since the addition would remain one story in height.
 - d. The conditions upon which the requested variances are based would not be applicable, generally, to other property within the same zoning classification since the variances are based on characteristics unique to this property.
- 3) Approve the variance requests subject to the following conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by A.R.M. Design Associates, dated received by the Planning Division on January 21, 2003, consisting of five plan sheets, and approved by the Planning Commission on March 3, 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 record a deed restriction with the San Mateo County Recorder's Office stating that the property shall be brought into conformance with the lot coverage and setback regulations for this zoning district prior to the addition of any future second story. A copy of the final recorded document shall be kept on file in the Planning Division.
- g. Prior to building permit issuance, the applicant shall submit a landscape plan that provides visual screening for 1045 Sonoma Avenue and 1047 Sonoma Avenue. The landscape screening shall be planted at the right rear quadrant of the project site. The plan shall be developed with input from the property owners at 1045 Sonoma Avenue and 1047 Sonoma Avenue and shall be subject to Planning staff review and approval. The landscape shall be installed prior to final inspection.

Motion carried, 6-0.

- 2. **Use Permit/Sean Mulcahy/935 El Camino Real:** Request for a use permit to operate a furniture store in a building that is nonconforming in regard to parking.

Staff Comment: Planner Thompson presented the staff report.

Questions of Staff: In response to a question from Chair Fry, Planner Thompson indicated that there would not be modifications to the gate in back.

Public Comment: Applicant Mulcahy indicated that the previous tenant, WestEd, had 28 employees, all of whom were required to drive to work. He noted that he would be the only employee initially and eventually hiring one or perhaps two other employees.

In response to a question from Commissioner Soffer, Mr. Mulcahy said that they "drop ship from the warehouse." Commissioner Stein asked about recycling and a recycling area. The applicant indicated that the bags that the furniture is shipped in would be recycled. Mr. Mulcahy responding to Commissioner Soffer said that he would park on Live Oak.

Mr. Ben Tascian indicated that the former company WestEd had only six employees, all of whom lived nearby. He said that he was concerned about heavy trucks parking in the lot.

Commission Action: M/S Pagee/Stein to approve as recommended in staff report with a condition to have the Planning Commission review the use permit based on any complaints received and to add a condition for a required recycling area.

Commissioner Fergusson indicated her support of the project; she was concerned that review of the use permit based on complaints could be burdensome. Commissioner Soffer said that he did not see the need for a condition to review. Chair Fry asked for a clarification of the language in "h," noting the inaccuracy of the term "lease" in relationship to the agreement to be made between the parking lot owner and the applicant.

After brief discussion, Commissioners Pagee and Stein agreed to withdraw the motion and restate.

Commission Action: M/S Pagee/Stein to approve as recommended in staff report with Condition "h" to be modified to delete the word "between" and insert "with" in the first sentence and change the first reference to "lease agreement" in the second sentence to simply "agreement", and Condition "i" to be added referring to an onsite recycling and trash facility.

1. Adopt a finding that the project is categorically exempt under Class 1 of the current State CEQA Guidelines.
2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
3. Approve the use permit request subject to the following conditions of approval.
 - a. Development of the project shall be substantially in conformance with the plans prepared by Sean Mulcahy, dated received by the Planning Division on January 15, 2003, consisting of three plan sheets and approved by the Planning Commission on March 3, 2003, except as modified by the conditions contained herein.
 - b. The applicant shall maintain the front portion of the building as a retail display and sales area. Any change in the interior layout of the building shall be subject to review and approval by the Planning Division staff.
 - c. Prior to occupancy, the applicant shall comply with all County, State, and Federal regulations that are directly applicable to the project.
 - d. Prior to occupancy, the applicant shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.
 - e. Prior to occupancy, the applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
 - f. Prior to the issuance of building permits or the installation of any signs or awnings, the applicant shall submit plans for review and approval of the Planning Division.
 - g. No deliveries shall be made on El Camino Real.

- h. Prior to occupancy of the building, the applicant shall submit a formal written agreement with the owner of the parking lot located at the rear of the building allowing access via the parking lot for deliveries to the rear door of the building. The term of the agreement shall match the term of the applicant's lease agreement for the building. If the agreement for use of the parking lot for deliveries is terminated for any reason, the use permit approval shall be subject to review. The agreement shall be subject to review and approval of the City Attorney.
- i. Prior to occupancy of the building, the applicant shall submit a plan for providing on-site recycling and trash facilities for review and approval by the Environmental Program Coordinator.

Motion carried, 6-0.

C. COMMISSION BUSINESS

1. Designation of an alternate Planning Commission representative on the Belle Haven Park and Housing Developer Selection Committee.

Commissioner Fergusson explained that she would participate in the informational meeting on Monday, March 24, 2003 through a conference call and plans to attend the interview meeting on Saturday, March 29, 2003. Commissioner Pagee offered to participate in the March 24, 2003 informational meeting as a backup to Commissioner Fergusson. The Commission thought it would be a good future practice to identify alternates in case scheduling conflicts arise.

- In other business, the Commission agreed to a special request by the Chamber of Commerce to hold a public hearing item regarding the Connoisseur's Marketplace on the Study Meeting date of March 24, 2003.

Commissioner Soffer indicated that he was recusing himself from consideration of agenda item D.1 as his residence is in close proximity to the properties being discussed.

The meeting recessed at 8:05 p.m.; Commissioner Soffer left the meeting. The meeting resumed at 8:10 p.m.

D. STUDY SESSION

1. **General Plan Amendments, Rezoning, Conditional Development Permit, Tentative Subdivision Map, Environmental Review/Olive Hill Development & Taylor Woodrow Homes/110 Linfield Drive and 175 Linfield Drive:** Requests for the following: 1) General Plan Amendment to change the existing Professional and Administrative Offices land use designations to Medium Density Residential, 2) Rezoning the properties from C-1 (Administrative and Professional District, Restrictive) to R-3-X (Apartment – Conditional Development District), 3) Conditional Development Permit to establish specific development regulations and review architectural designs for the demolition of two office buildings totaling approximately 56,000 square feet and the construction of 59 residential units, 4) Tentative Subdivision Map for the creation of 59 lots and associated common areas, and 5) environmental review of the proposed project.

The Planning Commission listened to a presentation by the applicant, Olive Hill Development and Taylor Woodrow Homes, and asked questions of staff and the applicant. The Commission received comments from one member of the public, Don Brawner. The Commission indicated general support for the proposed General Plan and zoning changes and provided individual comments to the applicant on specific elements of the proposal such as the need to consider adequate truck, pedestrian and bicycle access and circulation; the appropriateness of tandem parking; the balance between providing private useable space and public common space; fencing and solar access. The Commission then discussed that there was general agreement to provide direction to the applicant as follows:

- Submit plans demonstrating the proposed alignments between buildings and attempt to minimize adverse privacy impacts.
- Provide a continuous sidewalk for the 110 Linfield Drive property and explore the use of demarcated cross walks.
- Maximize the use of vertical curbs and minimize the use of rolled curbs wherever possible.
- Submit plans indicating how streets and walkways will be illuminated while minimizing adverse impacts associated with glare.

ADJOURNMENT

The meeting adjourned at 10:27 p.m.

Staff Liaison: Justin Murphy, Principal Planner

Prepared by: Brenda Bennett, Recording Secretary

Approved by Planning Commission on January 12, 2004.