



MENLO PARK PLANNING COMMISSION MINUTES

Regular Meeting

April 5, 2004

7:00 p.m.

City Council Chambers

701 Laurel Street, Menlo Park, CA 94025

CALL TO ORDER – 7:00 p.m.

ROLL CALL – Bims, Fergusson, Fry (absent), Halleck (Chair), Pagee (Vice-chair), Sinnott, Soffer

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

A. PUBLIC COMMENTS

After agenda item C.1 was heard, Planner Cramer indicated that there was a member of the public who had missed the public comments period and requested time to make comments. Chair Halleck recognized Mr. Subbiah.

Mr. S. Subbiah, Menlo Park, spoke on issues related to alleys in the Willows neighborhood, including use, safety, and maintenance of the alleys and new development with access on the alley in his neighborhood. He said that the issues of alleys needed to be resolved. He noted a recent burglary at the Menlo Market and a threatening incident that occurred to his wife when she was getting into her car early in the morning to go to the airport. He said that he could not be present on April 19 when the Commission would consider another lot development on his street. He suggested that the property owners for that lot development either provide access from Menalto Avenue or that a fence be installed in the middle of the alley, so that it was not possible to traverse the entire length of the alley.

Commissioner Soffer said that although the Commission could not discuss the matter at this time, he would suggest that Mr. Subbiah put his comments in writing to staff for the April 19, 2004 hearing. Chair Halleck said that Mr. Subbiah might also want to get the other concerned property owners together to make comments at the April 19, 2004 meeting regarding the proposed lot development.

Commissioner Pagee asked whether the City Attorney could attend the April 19, 2004 meeting. Planner Cramer said that she would submit a request for the City Attorney to attend, but that staff would be well-versed on the matter if the City Attorney were not able to attend.

Commissioner Fergusson noted that the Commission had indicated a desire to discuss issues regarding alleys and asked whether that matter had been agendized. Commissioner Soffer said that all of the property owners on alleys should be noticed for that meeting. Planner Cramer said that staff would confer with the Chair as to an appropriate date for the alley discussion.

B. CONSENT

1. **Architectural Control/Bruce Qualls, Safeway/325 Sharon Park Drive**: Request for architectural control review for exterior modifications associated with an expansion into an adjacent tenant space in the Sharon Heights Shopping Center.

At Commissioner Fergusson's request, the item was pulled from the Consent calendar.

Questions of Staff: In response to a question from Commissioner Fergusson, Planner O'Connell said that he believed the proposed tower was 26 feet in height. He indicated that the architect and property manager were present and could respond to questions.

Public Comment: Mr. Galen Grant, Craig & Grant Architects, said that the shopping center was characterized by a lot of roof and needed some articulation. He said with the intent of Safeway to occupy the soon-to-be vacated Long's space, the tower would provide character to the shopping center, would identify that the Safeway was wider to the left as one faced it than it was currently, and it would help identify where the new entry would be as opposed to where the entry was currently located. He said that the tower would identify the limits of Safeway and give some verticality to a shopping center that was very horizontal.

Commissioner Fergusson asked how much taller the tower was than the building in front of which the tower would be located. Mr. Grant said that the tower was about five feet taller than the ridge line of the building behind it and the tower was shorter than the ridge line of Safeway. He said that the tower would extend the architecture, give some character to the site, identify the entry and provide a nice space for the logo.

Commissioner Fergusson asked whether the existing Safeway sign to the right would remain or move. Mr. Grant said that the sign currently was on the wall to the back and it would move forward and over from where it was presently.

Commissioner Fergusson said the plans indicated that a planter, which also was used as a bench, was being removed for the installation of the tower and asked whether seating would be added to compensate. Mr. Grant said that there was another existing planter that would remain. Commissioner Fergusson said in visiting the site that she had noted the use of the planter as a bench, which indicated there was a functional need for a bench or planter.

Commissioner Soffer asked whether the tower would hide any other businesses' signage. Mr. Grant said that it would not.

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

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. Approve the architectural control review subject to the following conditions:
- a. Development of the project shall be substantially in conformance with the plans prepared by Craig & Grant Architects, received by the Planning Division on March 9, 2004, consisting of five plan sheets and approved by the Planning Commission on April 5, 2004, except as modified by the conditions contained herein.
 - b. Prior to building permit issuance, the applicant shall comply with all County, State, and Federal regulations that are directly applicable to the project.
 - c. 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.
 - d. 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 project.
 - e. Prior to issuance of a 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 fences shall be installed according to the plan prior to commencing construction.
 - f. Prior to issuance of a building permit, the applicant shall comply with the requirements of Chapter 12.48 (Salvaging and Recycling of Construction and Demolition Debris) of the City of Menlo Park Municipal Code.
 - g. Prior to building permit issuance, plans for on-site recycling and garbage facilities shall be submitted for review and approval by the City Environmental Program Coordinator.
 - h. 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 new electric and communication service lines 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.

- i. Prior to installation of any signs, the applicant shall apply for any necessary sign permits from the Planning Division.
- j. Prior to building permit issuance, the applicant shall submit an arborist report that evaluates the health of the heritage tree at the front of the building and makes recommendations to protect the health of the tree. The report shall be subject to Planning staff review and approval.
- k. Prior to building permit issuance, the applicant shall submit a revised plan that shows that the compressor will be screened from view and that noise generated from the equipment shall not exceed 50 decibels at a distance of 50 feet from such equipment. In addition, no other materials or additional equipment, with the exception of approved recycling facilities as specified in condition "e", shall be stored outside at the rear of the building.
- l. The project shall comply with the provisions of the Public Artwork Ordinance, Chapter 16.69 of the Zoning Ordinance, as applicable.

Motion carried 5-0-1-1 with Commissioner Fergusson abstaining and Commissioner Fry not in attendance.

C. PUBLIC HEARING

1. **Use Permit/Mario Reyes/422 Ivy Drive:** Request for a use permit for a first floor addition and a new second floor to an existing single-family residence on a lot that is substandard with regard to lot width and lot area.

Commissioner Bims recused himself from the meeting as he owned property within 500 feet of the subject property.

Staff Comment: Planner O'Connell said that the proposal was for a first floor addition and a new second floor to the existing house at 422 Ivy Drive. He indicated that the architect was present. He said that staff had received no correspondence since the printing of the staff report.

Public Comment: Mr. Mario Reyes, the applicant and project designer, Menlo Park, introduced himself to the Commission.

Commissioner Sinnott said that it appeared the garage would be stripped to its foundation and a new foundation poured. She asked whether the additional four inches needed for the garage to conform would be feasible to do.

Mr. Reyes said they were trying to keep that area as it was, which included the garage, living room, and master bedroom, to keep costs down. Commissioner Sinnott said that the garage concerned her as it was already a very tight space and with the addition, there would be a chimney base pressed against the area which would further constrict the garage area. She confirmed with the applicant that the foundation of the garage was not being re-done.

Commissioner Soffer said that the current garage was narrow and it would be better if it were expanded so that it was a full legal garage. He asked the applicant if it was possible to do that. Mr. Reyes said that it was possible but that the area was very tight in terms of the setbacks and

he had reduced the area to allow for a carport next to the existing garage to meet the need for the required parking. Commissioner Soffer asked whether the edge of the carport would extend into the setbacks. Mr. Reyes said that it would not. Commissioner Soffer asked about parked vehicles at the back of the house. Mr. Reyes said that there were only two cars parked there.

Commissioner Fergusson said that the staff report had brought the Commission's attention to a paved area in the front left of the property and asked how that area would be used. Mr. Reyes said that they wanted to keep the space for off-street parking. Commissioner Fergusson said that the City did not allow parking in the side setbacks. Mr. Reyes indicated that the paved area was off the setback and referred to sheet 0.18 of the plans.

Commissioner Fergusson asked staff whether parking was allowed in a front setback. Planner O'Connell said that the only thing required was to have one covered and one uncovered parking space. He said that cars could be parked anywhere as long as there were legal spaces.

Commissioner Fergusson referred to the south elevation and noted that although there had been no privacy concerns expressed by neighbors she wanted to confirm that the two smaller windows were part of the stair and the larger window was part of the master bedroom. Mr. Reyes confirmed that was correct. She asked about the egress provided by the larger window. Mr. Reyes said that window met the egress requirements and was two-foot four-inches wide and was 38-inches above the finished floor. Commissioner Fergusson noted another large window on the left elevation for the master bedroom and confirmed that both of the larger windows in the master bedroom would allow for egress.

Commissioner Sinnott asked what would be stored in the paved triangle in the front. She said that during a site visit, she saw a utility truck that appeared to be used for landscaping and equipment such as ladders, brooms and other things. She said that gardening equipment should not be stored in the front of the house and was concerned with the neighbors' view. Mr. Reyes said that the property owner has a landscaping service and presently has a shed which would be removed. He said that a space would be created in the rear of the property for the vehicle and the equipment. He said currently that was the only space the owner had for parking his vehicle. Mr. Reyes said that a storage shed would be relocated to the rear of the property.

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

Motion carried 5-0 with Commissioner Bims recused and Commissioner Fry not in attendance.

Commission Action: M/S Fergusson/Pagee to approve as recommended in the staff report.

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 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 Mario Ernesto Reyes, dated received by the Planning Division on March 22, 2004, consisting of six plan sheets, and approved by the Planning Commission on April 5, 2004, 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 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. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes. The plan shall show that all utility equipment that is installed outside of the building and above ground is properly screened by landscaping.
- f. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance. Prior to building permit issuance, the applicant shall implement the tree protection plan and recommendations in the Arborist Report for all applicable heritage trees for review and approval by the Building Division.

Motion carried 5-0 with Commissioner Bims recused and Commissioner Fry not in attendance.

(Planner Cramer indicated that Mr. S. Subbiah wished to make comments under the Public Comments agenda item. See item A. Public Comments of the minutes.)

2. **Use Permit and Variance/Carl Hesse/555 Hermosa Way**: Request for a use permit for additions and remodeling to an existing single-story residence that is legal but non-conforming in regard to the right and left side yard setbacks. Request for a variance to allow for a five foot right side setback where a minimum setback of 10 feet is required in association with a single-story addition and a left side setback of five feet where a minimum of 10 feet is required in association with a change in the roof line.

This item was continued to the meeting of May 3, 2004.

3. **Use Permit and Architectural Control Revision/ Stoecker & Northway Architects, Inc./ 330 Ravenswood Avenue**: Request for use permit and architectural control revisions to demolish an existing 3,642 square-foot one-story classroom building and

construct a new 9,202 square-foot two story classroom and administrative office building with an attached one story chapel at the site of the Holy Trinity Episcopal Church.

Staff Comment: Planner Thompson said that the applicant was requesting a use permit to demolish an existing building and construct a new 9,202 square foot two-story building with an attached single-story chapel. She said that the two-story building would house classrooms, meeting rooms and offices. She said that staff had received a letter from the property owner of 1052 Laurel Street, located to the rear of the subject property, who stated that he had no objections to the proposed plans.

Public Comment: Mr. John Northway, architect for the project, and Mr. Rob Ross, Rector of Trinity Church, introduced themselves to the Commission. Mr. Northway said that they concurred with the staff report and found the conditions acceptable.

Commissioner Pagee confirmed with the architect that nothing had changed on the plans since the study session on March 22, 2004.

Commissioner Soffer asked whether the heritage tree removal had been approved administratively. Planner Thompson said that staff had approved the heritage tree removal permit.

Mr. Northway thanked Planners Thompson and Cramer for their assistance with the proposed project application.

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

Motion carried 6-0 with Commissioner Fry not in attendance.

Commission Comment: Planner Cramer said that Commissioner Fry wanted her comments read into the record as she had not been able to attend.

I support the use permit and architectural control for the Holy Trinity Episcopal Church project. I thank the project representatives for inviting us Commissioners to tour the site and for meeting with the Commission in a study session. This makes our job easier. Please accept my best wishes for your project.

Chair Halleck noted for the record that a study session for the project had been held March 22, 2004. He said that at that time the Commission had discussed many of the issues regarding the project and that the Commission had been in general concurrence that this was a great project.

Commission Action: M/S Pagee/Fergusson to approve as recommended in the staff report.

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. Make 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 order 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.

4. Approve the use permit and architectural control revision subject to the following conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by Stoecker and Northway Architects Incorporated, dated January 13, 2004, consisting of eight plan sheets, and approved by the Planning Commission on April 5, 2004, except as modified by the conditions contained herein.
 - b. Prior to building permit issuance, the applicants 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 applicants shall comply with all requirements of the Building Division, Transportation Division, and Engineering Division that are directly applicable to the project.
 - d. Prior to issuance of a demolition permit or building permit, the applicants shall submit a plan for construction safety fences around the periphery of the construction area for review and approval of the Building Division. The fences shall be installed according to the plan prior to commencing construction.
 - e. Prior to issuance of a demolition permit, the applicant shall comply with the requirements of Chapter 12.48 (Salvaging and Recycling of Construction and Demolition Debris) of the City of Menlo Park Municipal Code.
 - f. Prior to building permit issuance, plans for on-site recycling and garbage facilities shall be submitted for review and approval by the City Environmental Program Coordinator.

- g. 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 new electric and communication service lines 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.
- h. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a Grading and Drainage Plan for review and approval of the Engineering Division. The Grading and Drainage Plan shall be approved prior to issuance of a grading, demolition or building permit.
- i. Prior to building permit issuance, the applicant shall submit a plan for off-site frontage improvements along Laurel Street subject to review and approval by the Engineering Division. Off-site improvement could include, but are not limited to, repairs to curb, gutter, sidewalks, driveway aprons, and paving.
- j. Heritage trees shall be protected pursuant to the Heritage Tree Ordinance. Prior to building permit issuance the applicants shall submit a tree protection plan for all applicable heritage trees for review and approval to the Building Division.
- k. Prior to building permit issuance, the applicant shall submit a revised landscape plan that includes a 24-inch box oak tree (Valley Coast Live or Red Oak) as a replacement tree for the heritage oak tree removed from the property in January 2003.
- l. Prior to building issuance, the applicant shall submit a revised arborist report indicating the extent of pruning needed for tree number three on the landscape plan for review and approval of the Planning Division. If the pruning of tree number three is greater than 25 percent of the canopy, the applicant must apply for a permit from the City.
- m. Prior to building permit issuance, the applicant shall submit a report prepared by an acoustical engineer that addresses potential noise impacts from the music room on the second floor, subject to review by the Planning Division. If the report concludes the choir and/or music classes would generate noise impacts, the applicant shall work with the Planning and Building Divisions to determine the appropriate window rating, insulation and window coverings to attenuate noise from the music room.
- n. The applicant shall replace the existing chain link fence along the rear property line with a solid fence if the City receives a complaint regarding noise resulting from the playground the applicant. The new fence shall be reviewed and approved by the Planning Division.
- o. In the event that SRI is no longer willing or able to provide an agreement for parking for 151 parking spaces, the Church would need to apply for a use permit revision with an alternative parking plan.

Motion carried 6-0 with Commissioner Fry not in attendance.

Chair Halleck thanked the project proponents for meeting with the Commission in a study session, which had been very helpful.

D. REGULAR BUSINESS

1. Consideration of the minutes of the August 18, 2003 Planning Commission meeting.

Planner Cramer noted that the last sentence on page 10 should read “phoned to indicate” rather than “phone to indicate.”

Commission Action: M/S Halleck/Sinnott to approve as submitted, with the following modification.

- Page 10, line 31: Change “phone” to “phoned.”

Motion carried 6-0 with Commissioner Fry not in attendance.

2. Consideration of the minutes of the September 8, 2003 Planning Commission meeting.

Commissioner Fergusson said that there were two references to “light floor” on page 13 and thought that should read “lightwell.”

Commission Action: M/S Halleck/Sinnott to approve as submitted, with the following modification.

- Page 13, line 32: Change “light floor” to “lightwell” in the two occurrences.

Motion carried 6-0 with Commissioner Fry not in attendance.

E. COMMISSION BUSINESS, REPORTS, AND ANNOUNCEMENTS

Planner Murphy announced that Planner Tracy Cramer would take over for him as the staff liaison to the Planning Commission.

Commissioner Soffer reported that a home on Glenwood Avenue that the Commission had approved had been built; he had toured the home and found that its modern design had turned out beautifully.

ADJOURNMENT

The meeting adjourned at 7:41 p.m.

Staff Liaison: Tracy Cramer, Senior Planner
Prepared by: Brenda Bennett, Recording Secretary
Approved by Planning Commission on August 9, 2004.