



MENLO PARK PLANNING COMMISSION MINUTES

Regular Meeting

May 3, 2004

7:00 p.m.

City Council Chambers

801 Laurel Street, Menlo Park, CA 94025

CALL TO ORDER – 7:04 p.m.

ROLL CALL – Bims (arrived at 7:14 p.m.), Fergusson, Fry, Halleck (Chair), Pagee (Vice-chair), Sinnott, Soffer (absent)

INTRODUCTION OF STAFF – Cramer, Smith, Thompson

A. PUBLIC COMMENTS

There were none.

B. CONSENT

Chair Halleck asked if any of the consent agenda items should be pulled for consideration. Commissioner Sinnott requested that item one be pulled. Commissioner Fergusson requested that items one and two be pulled and indicated that she had comments on item three. Chair Halleck noted that all three consent agenda items were pulled and would be heard as regular agenda items.

1. Architectural Control and Sign Review/125 Sharon Park Drive/Ron DuHamel:

Request for sign approval for new and replacement signs containing the colors yellow and red, and approval of architectural control for changes to the service center and pump island canopy.

Staff Comment: Planner Smith said that the applicant was proposing exterior modifications to the canopy and service building at 125 Sharon Park Drive as well as modifications to the signage. He noted that the two existing monument signs were approved and would remain unchanged.

Questions of Staff: Commissioner Sinnott said she was concerned that the canopy would have a flat roof and the building had a mansard roof. She said that the Commission had a similar concern with a previous proposal on Middle Avenue and had recommended consistency with the roof style in keeping with the surrounding residential area. She said that consistency should be applied at this site as well.

Commissioner Fergusson said that the subject property was unsightly. She noted that there was a multitude of temporary signage for example Krispy Kreme banner and others like it and an excessive use of the color yellow. In response to Chair Halleck, Planner Smith said that some of the temporary signage might be required by State law. He said however that many of

the temporary signs on the site required a temporary sign permit from the City of Menlo Park. He said that historically he processed about 12 temporary sign permits annually. He noted that very few people applied for temporary sign permits. He said that the Commission could direct staff to follow through with enforcing the temporary sign permitting at the 125 Sharon Park Drive and 1400 El Camino Real service stations.

Commissioner Fergusson agreed with Commissioner Sinnott that a mansard roof design should be used for the canopy to match the existing building. She noted that the color gray had worked well on the gas station on Middle Avenue. She mentioned the neon "Coffee" signage. She said that she did not support an illuminated red bar and the Shell logo on the canopy as there were already many visual cues that this was a Shell station.

Public Comment: Ms. Haleh Mousavi, ARC Inc., Walnut Creek, representing the applicant, said that they would work with staff regarding the temporary signage and would remove immediately any temporary signage that had not been permitted. She said that she could offer a red decal bar rather than an illuminated red bar as long as Shell was allowed to put its logotype on the canopy. She said that the logo was lettering and was not bright. She showed the Commission a photograph of what she was proposing. Commissioner Sinnott asked if the applicant were willing to put a mansard roof on the canopy to match the existing building roof. Ms. Masavi said that she was not authorized to agree to a change in the canopy work. She noted that canopy replacement was very expensive work. She said that she did not think Shell would be willing to replace the canopy as the proposal was for external modifications and there were no structural changes proposed for this site. (Commissioner Bims arrived.)

Commissioner Fry said that the service station at Middle Avenue was much better looking and not as bright as what was intended for the subject property. She said that the height of the fascia as proposed seemed to be significantly greater than what was there. She said that she preferred the existing height of the yellow fascia to the much wider yellow area being proposed. She said that the proposed band of yellow color on the service building bays and building was about the size of that on the Middle Avenue station. She said that after seeing the band on the Middle Avenue service station she regretted that the Commission had authorized that height, as it was overly high. She said that she hoped Ms. Masavi could share that concern with Shell, as the look did not work in Menlo Park. She said that she liked the idea of not highlighting the stripe.

Ms. Masavi showed the Commission a photograph of the light bar and logotype, which would be brighter than the red decal. Chair Halleck said that Ms. Masavi was showing red Shell letters about four-inches thick. Chair Halleck said that what existed was a yellow edge of the canopy roof with a thin red stripe. He said that Shell was proposing to put the letters for Shell on the canopy roof. He asked if Shell would be willing to eliminate their logo on the canopy roof. Ms. Masavi asked if the City would be willing to have the same fascia in white. She said that the new image Shell wanted to use was very important to Shell and they wanted their sign on the canopy. She said that was not possible with the existing fascia. She said that if the red bar was too much, they were willing to go to a red decal and if the yellow was too much, they could go to a white fascia, but would want the Shell lettering.

Commissioner Fergusson said that the mansard style roof on the snack and auto care service center was brown and suggested that it be brought into the color scheme. She said that gray would be an obvious color choice. She said that the big yellow bands on the snack shop and the auto care service center were unnecessary and gaudy.

Commission Action: M/S Halleck/Pagee to close the public comment period.

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

Commission Comment: Commissioner Sinnott asked whether there was support to require consistency in the roof styles of the service building and canopy as the service station was located in a residential area. She said that she did not think a white fascia would be an improvement over the yellow fascia. She said that the band did not have to be so high and it was not necessary to display the Shell logo there as it was prominently displayed in other places on the site. She said that it would be her motion that the roof styles match. Chair Halleck asked how Shell could put its logo on the canopy roof. Commissioner Sinnott said that the logo was not on the canopy roof presently. Chair Halleck said that Shell's proposal was to change their look and he recalled on the Middle Avenue proposal that the Commission had allowed the fascia to be thicker to allow for the placement of the Shell lettering on the canopy roof. Commissioner Fergusson said that the Shell letters were not on the roof of the Middle Avenue service station. In response to a question from Chair Halleck, Planner Smith said that he recalled for the 495 El Camino Real service station (Middle Avenue) that the Commission had approved a thicker band for the fascia and the lettering. Commissioner Fry said that was her recollection as well but the lettering was not there. She said she wanted to point out that the fascia at Middle Avenue was white with a mansard roof. Commissioner Sinnott indicated that she hoped a mansard-type roof would be required. Commissioner Fry said that for the sake of discussion she would second the motion, but would prefer that the fascia should be like that authorized for the Middle Avenue site. She suggested that if the Commission approved the logo on the fascia for the Middle Avenue site, which she recalled they had, and this proposal was made to have a similar look as that, then the proposal might not need to come back before the Commission.

Commissioner Fergusson said that she would like as part of the motion that the big yellow signs for the snack shop and auto care service center be toned down. She said that the valance around the pumps in bright red and yellow was very bright and eye-catching. She said that she thought the similar valance at the Middle Avenue site looked out of place. She said to add big letters on the canopy was too much. She said that the shopping center was very tastefully done. She said that it was the gateway to a residential neighborhood and she thought the proposed changes would look garish.

Chair Halleck asked whether the Commission was limited to consideration of the roof or if it included the signage over the pumps. Planner Cramer said that the discussion was for both architectural control of those elements and the sign review. She said that the Commission might treat them separately or together. Planner Smith said that the representative for Shell might have a request to make of the Commission depending on the discussion.

Chair Halleck asked Commissioner Fergusson to define her friendly amendment to the motion. Commissioner Fergusson said that yellow, gray, white and a little bit of red was more in keeping with the gateway to a residential neighborhood and that this proposal had a lot of yellow and red and big letters. She said that she did not support the big Shell name and logo on the canopy fascia.

Chair Halleck said that the motion was to require a mansard roof on the canopy in keeping with the existing roof of the service building and a white fascia with the red Shell logo. He said that

Commissioner Fergusson wanted to reduce the signage on the site so there was not so much red and yellow. Commissioner Fergusson said that the signs on the valances were large and had been put up without the approval of the City. Chair Halleck confirmed with staff that the signs on the valances had been put up without the approval of the City. Chair Halleck said that Commissioner Fergusson's friendly amendment was to reduce the red and yellow color in the valances and bring the temporary signs into compliance with City regulations. Commissioner Fergusson said that her friendly amendment also included toning down the big yellow signs for the food mart and auto care service center. In response to Chair Halleck, Commissioner Fergusson said that those signs could have yellow in them but only a third of the area of the current yellow in the signage. She said that the signs could be made shorter and narrower and be in a different color. Commissioner Fry asked for clarification regarding the existing sign for the auto care service center as to whether the amount of yellow under the letters would be the maximum amount allowed above the letters and if the sign for the food mart should be the same. She said that the signs should be smaller which would allow for the use of a different color above and below the yellow of the letters to tone it down.

Ms. Masavi said she wanted to confirm that approval for the Shell logo was included in the proposed change to the canopy. Chair Halleck said that the Commission was recommending authorizing the use of the Shell letters and logo at the size proposed, to have the canopy roof match the existing roof, and make the fascia white rather than yellow with illuminated red lettering. Ms. Masavi confirmed that the Commission wanted a mansard roof on the canopy to match the existing building with a fascia on top of the canopy roof. She said that she was somewhat hesitant about the changes to the proposal because the Commission had previously denied a proposal for a mansard roof with a fascia at a different site. Chair Halleck said in that instance, the fascia had been too large. Ms. Masavi said that the addition of the fascia on the mansard roof had not fit with the architecture of the existing structure and had looked awkward. Chair Halleck said that the Commission's concern was that the canopy roof matches the existing mansard roof but that mansard roof has a six or eight inch siding on it and was not large enough for the proposed sign. He asked how the proposed lettering would fit on that side of the roof. Ms. Masavi asked the Commission to look at the roof of the building and imagine a three-foot wide white fascia across it. She said that it would look like an afterthought. She said that if the station had a canopy with a mansard roof and the applicant wanted to put a fascia on it that would be a different story. She said that the Commission's proposal was to build a new canopy roof and then put a fascia on it. Commissioner Sinnott said that there were no Shell letters on the current canopy and she did not see the need for them. She said that Shell should stay with what it has, which was less obtrusive than what was being proposed, or make it match with the entire shopping center.

Commissioner Fry said that if there was to be Shell lettering on the fascia that it would have to be smaller than proposed. She said for the record she understood that corporations have brand image and spend a lot of money to create and perpetuate it. She said that in this case however it felt like overkill. She said that she would like the theme to be in the proposal, but the size of the lettering proposed was too much.

Chair Halleck said that the motion was for a canopy with a mansard roof to match the building roof with the fascia small and with no letters, or to leave the canopy as it was. Commissioner Fergusson said that the band of yellow on the canopy had not been approved and it had been gray previously. Planner Smith said that it was unclear what the original color had been. Chair Halleck said that the Commission was discussing a friendly amendment to the existing motion to

remove the band of yellow from the existing canopy roof. Commissioner Sinnott said that the width of yellow could stay on the existing canopy roof.

Chair Halleck said that the motion was to recommend to leave the canopy as existing, or if it was changed that the canopy roof match the existing building mansard roof with brown shingles and a six to eight inch edge; the other signs were to be brought into conformance to City regulations at staff's discretion; and the food mart and auto care service center signs after they came into compliance should be made smaller with the width on either side of the lettering matching the height at the bottom of the auto care service center signage.

Commissioner Fergusson asked if the valances were part of the motion. Chair Halleck said that the recommendation was that the signage on the valances should be brought into compliance with the City's regulations and there had been discussion that they should not be red and yellow. Commissioner Fergusson asked if her recommendation to tone down the colors on the valances was part of the motion. Chair Halleck said that he understood that to be part of the motion. Planner Smith asked if the toning down of the valances was the same toning down recommended on the building signage to reduce to about a third of the existing color and replace the rest with white or gray. Chair Halleck confirmed that was correct.

Ms. Masavi said that there were really no options for the valances Shell has as they have only this one type of valance. She said that if the proposed canopy work would not be allowed, she wanted to request a denial on the proposal. Chair Halleck said that the proposal could be denied but the Commission wanted some of the other signage brought into compliance. By consensus, the Commission approved the making of a substitute motion.

Commissioner Fergusson said at the applicant's request she would make a substitute motion to deny the application and require any signage that was not in compliance with the City's regulations be brought into compliance. Planner Smith asked if that included the temporary signs, the valance signs and the bands of color on the building that have signage on them. Commissioner Fergusson said that it would. Chair Halleck said the temporary signs and any other signs that were not in compliance would be brought into compliance. He said that would include the signage the Commission discussed including the valances above the pumps and the signs on the building façade and any other signs that were not in compliance.

Commission Action: M/S Fergusson/Bims to deny the application with direction to the applicant to remove all signs that were not in compliance with the Zoning Ordinance and Sign Design Guidelines.

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

2. Architectural Control and Sign Review/1400 El Camino Real/Ron DuHamel:

Request for sign approval for new and replacement signs containing the colors yellow and red, and approval of architectural control for changes to the service center and pump island canopy.

Staff Comment: Planner Smith said that this proposal was very similar to the previous agenda item. He noted however the plans indicated that the red band would not be illuminated and most likely would be red decal, and there was only one monument sign rather than two monument signs as in the previous application. He said that the monument signs for this and

the last proposal were already fully approved. He said that there had been some changes made to the site previous to the Commission's review.

Public Comment: Ms. Haleh Mousavi, ARC Inc., showed the Commission a photograph of the same type typical ranch style service station as the subject property that had been converted.

Commissioner Fergusson said that the subject site was more professionally maintained and fit the El Camino Real area. She noted that there were a number of temporary signs. She said that the site had some charming features such as the awning, which would be removed as part of the proposal. She said that the valances on top of the pumps were too strident. She said that she liked the shape of the canopy roof as it matched the existing building. She said that the proposed change to the canopy roof was blocky and would not fit. She said that the approved monument sign was quite tasteful.

Commissioner Fry said that she liked the roof over the canopy as it was. She said that she would not like to see the proposed changes made. She said in the photograph that the yellows on the building signage and the valances around the pumps seemed to be a different tone of yellow. She said that the tones of yellow should be the same. She recommended that the signs on the building be handled the same as in the previous agenda item so they were smaller and the band of color not as tall. She said it looked like the valances around the pumps have a wider band of white than the valances in the picture for Sharon Heights, which was one way to tone down the valances in both locations. She said that she would move to deny the proposal and to bring the signage into compliance with the City's Zoning Ordinance and Sign Design Guidelines. Commissioner Sinnott seconded the motion.

Chair Halleck asked if there was any one in the audience that wanted to address this item. There was not.

Commission Action: M/S Halleck/Fry to close the public comment period.

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

Commission Comment: Commissioner Fry amended her motion to include that if the colors of yellow were different tones that they should be made all the same tone of yellow. Commissioner Sinnott, the maker of the second, agreed to the amendment.

Commission Action: M/S Fry/Sinnott to deny the application with direction to the applicant to remove all signs that were not in compliance with the Zoning Ordinance and Sign Design Guidelines.

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

3. Sign Review/700 El Camino Real/Alan Ford: Request for sign approval for new signs containing the color red for a new business, Staples.

Staff Comment: Planner Smith said the applicant was requesting to replace the three old red signs, which had been for Strouds with new red signs for Staples. He said that the square footage proposed was less than the square footage of the previous signs.

Questions of Staff: Commissioner Fergusson noted that the lettering for Strouds was still partially visible and she had seen signs where the old lettering had not been completely erased before the new sign was lettered. She asked if the requirement for the old lettering to be completely removed would be handled administratively or whether she should make that a condition. Planner Smith suggested that she first address her concern to the applicant.

Public Comment: Mr. Alan Ford, the applicant, indicated that he lived in Concord. He said that he was confident that Staples would not want the lettering for Strouds anywhere on the building and they would have the contractor ensure that all of the old signage was removed.

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

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

Commission Action: M/S Fergusson/Sinnott to approve as recommended with the following modified conditions.

1. Make a finding that the project is categorically exempt under Class 1 of the current State CEQA Guidelines.
2. Make a finding that the signs are appropriate and compatible with the businesses and signage on El Camino Real, and are consistent with the Design Guidelines for Signs.
3. Approve the three signs subject to the following conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by CenSource, consisting of four plan sheets dated October 31, 2003, and approved by the Planning Commission on May 3, 2004.
 - 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 project.
 - d. Prior to final building inspection of the new signs, the applicant shall insure that all vestiges of the former signs have been removed from the building walls, including discolorations and accumulations of dust and dirt.

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

C. PUBLIC HEARING

1. **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.

Staff Comment: Planner Thompson said that the project site was located at 555 Hermosa Way and was currently developed with a single-story single-family residence. She said that the existing residence was nonconforming in regard to the right and left side yard setbacks measuring five feet each where a minimum of 10 feet was required. She said that the applicant was requesting a use permit as the construction would exceed 50 percent of the replacement cost of the existing, nonconforming structure. She said that the applicant was also requesting approval of two variances to construct an addition to the right side of the building with a five-foot side setback where a minimum of 10 feet was required and to allow a substantial reconstruction of a portion of the roof on the nonconforming left side of the structure.

Public Comment: Mr. Carl Hesse, SquareThree Design Studio, the applicant, Menlo Park, explained they felt strongly that the property was an unusual circumstance because of its zoning, which required an 80-foot lot width and a 10,000 square foot lot area. He said that the lot was only 50-feet wide and only slightly greater than 7,500 square feet in lot area. He said that the existing residence was built with a five-foot setback. He said that the owner desired to make some improvements to the residence. He said that their approach to developing a design was complementary to the existing structure and in keeping with the design of the existing house both in terms of the interior function and conventional home layout as well as the exterior style of the house. He said that their solution was the plans before the Commission and they had worked with staff to refine their design with that result. He said that they thought the proposal was reasonable and justified.

Commissioner Fry said that the Commission had to make certain findings to grant variances. She said one of those findings was that there were no alternatives and the need for the variance to enable the design would not suffice for that finding. She said that if the master bedroom and bathroom were proposed for the patio side of the home instead, it appeared that the need for a variance would be avoided. She said in the front a gas fireplace was proposed and that would intrude further into the remaining five-foot setback; she questioned the reasoning for those design choices. Mr. Hesse said in terms of the fireplace that it could be pulled further into the room. He said that putting the closet in the bathroom on the opposite side of the master bedroom as what was proposed would seal off the existing bathroom from any natural light or ventilation and it would squeeze the access and connection to the backyard for the proposed family room space.

Chair Halleck said that the narrowness of the lot seemed to impinge on the alternatives in regard to the flow of fresh air into some of the rooms and the function of outside space in relationship to interior space. He said that the design followed the existing line of the wall.

Commissioner Fry asked if this was granted would there be a willingness to restrict second story additions in the future such that the intrusions into the setbacks were made compliant. Mr. Hesse said that would probably be fine and possibly the daylight plane would prevent those second story intrusions. He said that a restriction for a future second-story addition to comply with the 10-foot setback requirements would be acceptable.

Commission Action: M/S Pagee/Fry to close the public hearing.

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

Commission Comment: Commissioner Pagee said that she would move for approval of the use permit and variance for the continued five-foot setback to allow the owners the maximum enjoyment of the property and the usage of their yard. She said that increasing the setback to 10-feet would not improve the quality of their enjoyment of the property. Commissioner Sinnott seconded the motion.

Commissioner Fry said that she wanted to make a friendly amendment to have the fireplace brought in and if there were a second story that there would be no intrusions into the required 10-foot side setbacks. Planner Cramer asked if Commissioner Fry was requiring in the future that if a second story was added that the ground floor wall would remain at a five-foot setback, but the second floor would be at a 10-foot setback. Commissioner Fry said that was correct. Planner Cramer said that the current zoning regulations would require the request for a variance if a second story was proposed to be a sheer wall at the current five-foot setback.

Commissioner Fry said that she was not thrilled with the addition of another chimney, which might feel intrusive to the neighbor; she noted that the neighbor had a 10-foot setback.

Chair Halleck noted that the motion had not been amended, in response to a question from Commissioner Fergusson.

Commission Action: M/S Pagee/Sinnott 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 16.82.340 of the Zoning Ordinance pertaining to the granting of variances:
 - a. The narrowness of the lot and the configuration of the existing residence on the subject property create constraints to building an addition on this property without the approval of the requested variance.
 - 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 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 variance 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 properties 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. 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.
4. Approve the use permit and variances subject to the following conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by Square Three Design Studios consisting of six plan sheets dated received by Planning on February 9, 2004 and approved by the Planning Commission on May 3, 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 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 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 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 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. 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 6-0 with Commissioner Soffer not in attendance.

2. **Use Permit/1335 Garden Lane/David Takamoto:** Request for a use permit to demolish an existing residence and construct a new single-story residence on a property that is substandard in regard to lot width and lot area.

Staff Comment: Planner Cramer said that the Planning Commission had previously approved a use permit to allow the demolition of an existing single-family residence and construction of a new single-story residence at 1335 Garden Lane at its meeting of July 15, 2002. She said since

that time the use permit had expired, as the applicant had not applied for a building permit or an extension of the use permit within one year from the effective date of the permit. She said that the proposal was the same as for the meeting of July 15, 2002.

Public Comment: There were no comments from the public.

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

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

Commission Comment: Commissioner Fry moved to approve. Commissioner Sinnott said that the proposed architecture was not in keeping with the neighborhood. She said that if she was a neighbor she would be concerned with the roofline, windows, and the lack of architectural theme. She said that the nine-foot rooms as proposed were strange. She said that she wished the City had design guidelines noting there were metal windows on stucco. Chair Halleck recalled that the general discussion at the 2002 Commission meeting was not that the proposal was out of the keeping with the neighborhood, but that it was alright for there to be some variance with the architecture.

Commissioner Fergusson asked if Commissioner Sinnott would support a motion with a condition to give the applicant an option to upgrade some of the architectural detail. Commissioner Sinnott said that this was an R-E neighborhood and the project would not blend.

Chair Halleck asked the applicant to address Commissioner Sinnott's concerns. Mr. David Takamoto, Los Altos Hills, said that the basic materials were exterior plaster, but all of the windows would be wood. He said that the owners had requested a simple design with a simple roofline and materials. He said that the stucco would be an earth-toned tan with shake shingles on a gabled roof.

Commissioner Fergusson said that the vertical windows seemed to be two panels and one panel opened allowing for natural ventilation. Mr. Takamoto said that was correct. Commissioner Pagee asked Mr. Takamoto to address landscaping around the perimeter of the residence. Mr. Takamoto said that on the left elevation there was an existing fence and hedge. He said on the front that they had not yet developed the landscaping plan. In response to Commissioner Pagee, Mr. Takamoto said that the trees in the front were remaining except for one olive tree and two pine trees in the back that the arborist had recommended to be removed. Commissioner Pagee confirmed with Mr. Takamoto that the perimeter plantings would stay as they were.

Commissioner Fry said that most of the properties on Garden Lane were modest ranch-style residences as opposed to the larger homes on San Mateo Drive.

Chair Halleck said that he would second Commissioner Fry's motion to approve.

Commission Action: M/S Fry/Halleck 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. Approve the use permit subject to the following conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by Green3 Studio Inc., consisting of five plan sheets, dated received on March 8, 2004, and approved by the Planning Commission on May 3, 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 building permit issuance, the applicants 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. All utility equipment that is installed outside of a building and that cannot be placed underground shall be 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 5-1 with Commissioner Sinnott opposed and Commissioner Soffer not in attendance.

3. **Use Permit Extension/Dan Figueroa/812 Willow Road:** Request for a one-year use permit extension to continue to operate an existing cellular antenna facility, which includes two whip antennas that are mounted on the blade sign at the front of the grocery store and an equipment cabinet located at the rear of the store.

Staff Applicant: Planner Smith said that the applicant representing AT&T Wireless was requesting use permit extension for an additional year to maintain two existing antennas and

equipment cabinets at the 812 Willow Road market. He said that the applicant had requested an additional condition "f" to allow staff to approve an extension of the one-year extension for another six months if the applicant demonstrated progress toward an alternative site prior to the March 9, 2005 expiration date.

Questions of Staff: In response to Commissioner Fergusson, Planner Smith said the Commission had reviewed a use permit request in 2002 to remove the two existing whip antennas on top of the large blade sign at this property, and install three panel antennas within a radome located on top of the roof in the rear of the building as well as a new ground-mounted equipment cabinet in the existing enclosure at the rear of the building. He said that the majority of the Commission expressed concern regarding the visibility of the new antenna equipment (radome) and voted to approve maintaining the existing whip antennas for a period of 18 months, and continued the request for the new panel antennas with direction to the applicant to explore alternative designs on the same site and alternative locations in the project vicinity for the new equipment.

Public Comment: Mr. Dan Figueroa, Davis, said that he was representing AT&T Wireless. He said that the site acquisition person was confident that a site would be found within a year, but it was not 100 percent sure.

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

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

Commission Action: M/S Fergusson/Sinnott to approve as recommended in the staff report with the following modification.

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 injurious or 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 ATI Engineering Services, Inc., dated September 12, 1997, consisting of three plan sheets and approved by the Planning Commission on May 3, 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, San Mateo County Health Department, 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. The applicant and the owner of the property upon which the cellular facilities are to be installed shall cooperate with the providers of other cellular, personal communication or similar communication systems for the co-location of facilities including similar antenna facilities, if such co-location is structurally feasible and will not interfere with other co-located facilities, as reasonably determined by the City of Menlo Park. In the event the applicant and/or the property owner fails to cooperate with the co-location of other communication facilities, such refusal or lack of cooperation shall be grounds for termination/revocation of the use permit granted herein.
- e. This use permit shall expire on March 9, 2005 unless extended by the Planning Commission. If the applicant desires to extend the use permit, the applicant shall explore and implement, to the extent feasible, then available technology to reduce the size and/or visibility of the antenna.
- f. Staff may extend the approval for an additional six months to September 9, 2005 if the applicant can demonstrate progress, including, but not limited to, submittal of a complete application for a use permit at an alternate site prior to March 9, 2005."

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

C. REGULAR BUSINESS

1. Consideration of the minutes of the October 27, 2003 Planning Commission meeting.

Commissioner Fry noted on page one, line 30, that the phrase "for three" after "conforming" did not make sense and suggested that "for three" be deleted.

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

- Page 1, Line 30: Delete "for three" after "conforming."

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

2. Consideration of the excerpts on 700 Santa Cruz Avenue from the March 22, 2004 Planning Commission meeting.

Commissioner Fry said that page six, line 37, the word "demand" should be added after "parking." She said that page eight, line 46, she recalled that she had commented on her support for the mission of the Church and would like that included in the discussion.

Commission Action: M/S Halleck/Sinnott to approve with the following modifications.

- Page 6, Line 37: Add "demand" after "parking."
- Page 8, Line 46: Add "that she supports the mission of the Church and respects the Church's commitment to serve its youth by providing meeting facilities and programs. She stated" after "Commissioner Fry said."

- Page 9, Line 8: Add “or another” after “at this”.

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

E. COMMISSION BUSINESS, REPORTS, AND ANNOUNCEMENTS

1. Review of upcoming City Council Agendas pertaining to planning projects.

Planner Cramer said that there would be a City Council study session May 5, 2004 regarding 8 Homewood Place; on May 11 there would be an appeal with the City Council for the 700 Santa Cruz Avenue project as well as the Council's review of the Residential Ordinance No. 926 as to rescind or hold an election. She said that on May 18 there would be a preliminary budget discussion with the City Council and the full budget discussion would be June 9. She said that on May 24, the Commission would have a study session on the Willow alleys.

In response to Commissioner Fry, Planner Cramer said that staff was working on the medical offices issue. She asked if the substantive issue was City-wide or specific to an area. Commissioner Fry said that what triggered this was the 8 Homewood Place project. She said that Stanford was declining to renew leases and the City was responding on a project by project basis; she indicated that there should be a broader consideration of what the City really wants regarding where medical offices should be located.

ADJOURNMENT

The meeting adjourned at 8:40 p.m.

Staff Liaison: Tracy Cramer, Senior Planner

Prepared by: Brenda Bennett, Recording Secretary

Approved by Planning Commission on August 23, 2004.