



## **MENLO PARK PLANNING COMMISSION MINUTES**

**Regular Meeting  
January 23, 2006  
7:00 p.m.  
City Council Chambers  
701 Laurel Street, Menlo Park, CA 94025**

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**Teleconference with participation by Commissioner Bims from:  
Hyatt Regency Princeton  
102 Carnegie Center  
Room 202  
Princeton, NJ 08540**

**(Posted January 23, 2006)**

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**CALL TO ORDER** – 7:00 p.m.

**ROLL CALL** – Bims (Chair), Deziel, Keith (Vice-chair), Pagee, Riggs, Sinnott

**INTRODUCTION OF STAFF** – Deanna Chow, Senior Planner; Megan Fisher, Assistant Planner; Justin Murphy, Development Services Manager; Thomas Rogers, Assistant Planner

### **A. PUBLIC COMMENTS**

There were none.

### **B. CONSENT CALENDAR**

There were no items on the consent calendar.

### **C. PUBLIC HEARINGS**

1. **Variance/Steve Borlick, Young and Borlick Architects/1465 Laurel Street:** Request for a variance to encroach 4 feet, 11 inches into the required right side yard for an addition to the rear of the house in the R-1-S (Single-Family Suburban) zoning district.

Staff Comment: Planner Chow said that staff had no additional comments.

Public Comment: Mr. Steve Borlick, Menlo Park, project architect, introduced the property owner Mr. Reed Henry. Mr. Henry said the intent of the project was to make the addition to the existing residence with the least impact on the neighbors.

Mr. Greg Hyde, Menlo Park, said he was a neighbor and supported the plans and the variance as proposed.

Vice Chair Keith closed the public hearing.

Commission Comment: Commissioner Pagee moved to make the findings for the variance and approve the use permit; Commissioner Deziel seconded the motion. Commissioner Sinnott said she was supportive of the project but was not convinced a variance was needed.

Commissioner Riggs said that future development on the site might have potential impacts on the neighbors. He suggested adding a condition of approval that any future addition to the rear of the subject residence would require the project to return to the Planning Commission for architectural review. The amendment to the motion was acceptable to both the makers of the motion and second.

Commission Action: M/S Pagee/Deziel to approve with the following modifications.

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 the variance:
  - a. The layout of the existing structure in a "U" shape and the presence of a large oak tree in front of the house present significant constraints to how an addition to the residence could be constructed.
  - 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 variance would not constitute a special privilege of the recipient not enjoyed by neighbors.
  - c. Except for the requested variance, the construction of the addition and remodel 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 be single story and meet the daylight plane requirements per the R-1-S zoning district.
  - d. The conditions upon which the requested variance is based would not be applicable, generally, to other property within the same zoning classification since the variance is based on the configuration of the property and existing structure.
3. Approve the use permit subject to the following *standard* conditions:
  - a. Development of the project shall be substantially in conformance with the plans prepared by Young and Borlick Architects, Inc. consisting of 11 plan sheets, dated received January 13, 2006 and approved by the Planning Commission on January 23, 2006, 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, Engineering Division, and Transportation Division that are directly applicable to the project.
  - 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 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 building permit issuance, the applicant shall submit plans indicating that the applicant shall remove and replace any damaged and significantly worn sections of frontage improvements. These revised plans shall be submitted for the review and approval of the Engineering Division.
  - f. 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.
  - g. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance. Prior to the building permit issuance, the applicant shall implement the tree protection plan and technique recommendations in the Arborist Report for all applicable heritage trees.
4. Approve the use permit subject to the following *specific* condition.
- a. ***Any future addition to the rear of the north side wing of the house would require Planning Commission architectural review prior to issuance of a building permit.***

Motion carried 6-0.

**2. Use Permit/Joseph Nunley, Architect, for Antonio Visconti/219 Lexington Drive:**

Request for a use permit to construct a second story addition to an existing single-story, single-family nonconforming residence on a substandard lot in regard to lot width and lot depth in the R-1-U (Single-Family Urban) zoning district. The proposed project would exceed 50 percent of the replacement cost of the existing structure in a 12-month period.

Staff Comment: Planner Rogers said after the staff report went to print that a letter dated Monday, January 23, had been received from Mr. George Portugal and was in addition to Mr. Portugal's letter included in the staff report. Planner Rogers said that Mr. Portugal was requesting two trees, rather than one tree, of a certain size and species for screening; he noted

that Mr. Portugal had enclosed photographs of the view from his property of the subject property.

Public Comment: Mr. Antonio Visconti, property owner, said that he and his wife had owned the home since 1997 and loved the neighborhood. He said they had two children and needed more space, but wanted to stay in the neighborhood which was why they chose to expand this home rather than sell and buy a bigger home somewhere else. He said they consulted with their neighbors regarding the proposed plan design, and they tried to respond to all of the neighbors' and staff's comments and recommendations in a revised plan. He said they had increased the setback; it had been 16-feet, 7 inches, and they pulled back a section of the first floor so that the setback would now be 22-feet, and there was a setback all around the house for the second floor. He said at the rear of the house the setback for the second floor was 227 feet. He said his neighbor Mr. Portugal was concerned about privacy impacts, in particular a bedroom door that was at a steep angle to the windows, which windows they had made smaller; also they planned to put a tree to replace a shrub, as recommended by staff, for screening. He said page B.1 of the plans showed the proposed house in the middle, and the window of bedroom two facing the backyard, and the area of door the neighbor was concerned with on the extreme left corner. He said if a line was drawn from the window to the door the line would go straight to where the tree was proposed to be planted. He said the angle of the window would prevent a view. He said previously Mr. Portugal when he moved into his home requested that the Viscontis replace an existing five-foot fence with a seven-foot fence. He said although his wife preferred a six-foot fence the neighbor would not compromise and that they had replaced the fence at seven-foot.

Commissioner Deziel said he had visited the property and spoken with Mrs. Portugal. He said that if a fast-growing tree was planted as proposed, it would grow on the south side of the existing oak tree and in time it would compromise the health of that tree. He suggested that the Portugals might prefer a shrub that would grow to a certain height such as 12-feet that would provide screening. He asked the applicant if he would be willing to plant two shrubs rather than a tree. Mr. Visconti said that would be fine as long as his wife could select the type with review and approval of the Planning Division and not of the neighbor. Commissioner Deziel said the neighbors' concern was not looking into the windows as shown in Mr. Visconti's photographs, but rather the full-length rear glass bedroom door. Mr. Visconti said he understood that, but to look through that door one would have to lean out the window.

Commissioner Pagee asked whether the oak tree was on the neighbor's or the adjacent neighbor's property. Mr. Visconti said that technically it was on the Portugal's property but was between the properties on the property line.

Mr. David Elkins, Menlo Park, said in 2004 that he and his wife had sought a variance, in which they were fortunate, because the layout of their house allowed them to expand into their front yard. He said similar to the Viscontis they had wanted to stay in the neighborhood. He said the Viscontis did not have the ability to expand anywhere on the property, except up, and the Viscontis had tried to design thoughtfully keeping the character of the neighborhood intact. He said he supported the proposal.

Ms. Joanne Burkholder, Menlo Park, said her home was on the south side of the Viscontis. She said that they were fortunate in having the Viscontis as their neighbors, and they had previously worked together most cooperatively a couple of years ago regarding a fence. She said presently their kitchen windows faced each other and the Viscontis have a large shrub to

provide screening for those windows. She said that originally when the Viscontis planned the project they had two additional windows on the second floor on the side facing her home. She said she expressed a concern to the Viscontis that if she and her husband ever expanded their home to a second story that there might be a problem with them having windows on that side. She said the applicants had changed the plans to address that concern. She said the negotiations regarding the back fence with the Portugals a couple of years ago had been very difficult. She said she supported the proposed project.

Commissioner Deziel queried whether Ms. Burkholder had asked the Viscontis to remove all the windows on the side of the proposed residence facing her property. Ms. Burkholder said that she had not done that, rather she had only mentioned her concerns about three windows on that side. She said the Viscontis offered to remove two of the windows. Commissioner Deziel asked if it would alright with Ms. Burkholder if another window was added back; he said the long blank wall on that side concerned him. Ms. Burkholder said her concern was being allowed to have windows if she were to add a second floor without objections from the neighbor. Commissioner Deziel said that perhaps there might be a condition so that if she supported the neighbors' windows then they would support windows on her home should she add a second story. She said she would prefer one window rather than two windows on that side of the house, but she had not requested that the windows be removed; rather the applicants had offered to remove two of the three windows. Commissioner Sinnott said she was concerned that one neighbor was preserving her rights for windows by asking the other neighbor to remove windows; she said she appreciated the clarification that this was not the case as made through Commissioner Deziel's questions of the neighbor. Vice Chair Keith said she had concerns with the blank wall on that side.

Vice Chair Keith closed the public hearing.

Commission Comment: Commissioner Deziel moved to approve as recommended by the staff report, noting his motion was for discussion purposes. Commissioner Sinnott asked what type of window was being proposed. Mr. Joseph Nunley, the project designer, said that they would use wood, simulated divided light windows, but would not use the snap-in type. Commissioner Bims seconded the motion. Commissioner Deziel said he would amend the motion to add in 4.a after "landscape plan" for two shrubs that would grow to 12-feet and remove the requirement for a tree or trees so as to protect the existing oak tree and to allow for additional windows for Bedroom #1. Motion died for lack of a second.

Commissioner Riggs said that this residential area had some of the tightest arrangement of lots he had seen and included free-standing one story homes and town homes. He said that he would support a window sill height raised to four-feet, six-inches or five-feet. He said that screening was needed for more than the southwest corner and that three or four trees, 12-feet in height, would provide screening for three or four of the adjacent property owners, not just the one property owner. He said that the trees however should have a limited mature height so as not to impact the existing oak tree on the property line.

Commissioner Pagee asked about egress windows on the second story. Commissioner Riggs indicated that was the side window. Commissioner Pagee said that she would like the applicants to be able to have windows on the right side of Bedroom #1.

Commissioner Riggs said that he thought there should be at least two trees with a mature height of 12-feet and a planting height of eight-feet to assist with privacy for the neighbor. He

moved to add this requirement as an amendment to the motion. Commissioner Deziel seconded the motion to amend.

Commission Action: M/S Riggs/Deziel to amend the original motion to modify condition 4.a to include two trees as requested by the rear neighbor with a planting height of at least eight feet and with expected mature height of approximately twelve feet

Motion carried 6-0 to add the amendment to the original motion.

Commissioner Riggs suggested raising the sill height. Commissioner Sinnott said that she would not support that modification as it would not help with the privacy concerns. Commissioner Pagee said she would like to see a window added to the right side of Bedroom #1 and Commissioner Deziel said he would like to see a window added to the left side of Bedroom #1. Development Services Manager Murphy indicated that both were possible. Commissioner Pagee moved to amend further to add a condition 4.b for additional side windows for egress and ventilation in Bedroom #1. Commissioner Riggs said that additional windows on the left hand side would need the consent of the adjoining neighbor and with that he seconded the motion to amend.

Commission Action: M/S Pagee/Riggs to amend the amended motion to add condition 4.b to show additional side windows for egress and ventilation in Bedroom #1 and for any additional windows on that left hand side to require the consent of the adjoining property owner at 217 Lexington Drive.

Motion carried 6-0.

Commission Action: Through the series of motions just described the Commission approved the project with the following modifications.

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 standard conditions:
  - a. Development of the project shall be substantially in conformance with the plans prepared by Nunley Construction, consisting of six plan sheets, dated received December 8, 2005, and approved by the Planning Commission on January 23, 2006, 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, Engineering Division, and Transportation Division that are directly applicable to the project.
  - 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 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. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance.
4. Approve the use permit subject to the following project-specific conditions:
- a. Prior to building permit issuance, the applicant shall submit a landscape plan for review and approval of the Planning Division. The plan shall include ~~a~~ **show two** screening trees ~~at the left rear corner of the property, in place of the hedge that is currently there~~ **to assist the privacy of the rear neighbors. These trees shall have a height upon planting of at least eight feet, and shall be projected to grow to a mature height of approximately twelve feet.** The trees shall be installed prior to occupancy.
  - b. Prior to building permit issuance, the applicant may submit revised plans showing additional side windows for egress and ventilation in Bedroom 1, subject to review and approval of the Planning Division. Any windows on the left-hand side will require the consent of the adjoining property owner at 217 Lexington Drive.**

Motion carried 6-0.

3. **Use Permit/David D. Hernandez, Architect/330 Claremont Way:** Request for a use permit for a second story addition and remodeling of an existing single-story, nonconforming residence that would exceed 50 percent of the replacement of the existing structure in a 12-month period in the R-1-U (Single-Family Urban) zoning district, and a request for a six-foot fence in the front setback where four feet is the maximum allowed.

Staff Comment: Planner Fisher said that since the printing of the staff report staff had received one e-mail and two letters in \_\_\_\_\_ of the project.

Public Comment: Mr. David Hernandez, applicant and project architect, said that they found the 12-foot setback from Willow Road acceptable.

Commissioner Riggs confirmed with the applicant that the intent was to remove the existing six-foot fence and replace it with new six-foot fence as currently situated. Mr. Phillip Durden, property owner, said they would put plantings in front of the fence.

Mr. Shai Dallal, Menlo Park, said (notes said he made four points from his e-mail; don't have a copy of that.)

Mr. Frank Carney, Menlo Park, said he did not think there were privacy impacts from the project, but his one concern was the fence along Willow Road and he would like to see articulation along the Willow Road portion of the fence. .

Vice Chair Keith closed the public hearing.

Commission Comment: Commissioner Sinnott moved to approve as recommended by staff; Commissioner Riggs seconded the motion.

Vice Chair Keith moved to amend the motion to add a condition 4.b to require articulation on the Willow Road fence with five-foot of the fence being solid wood and one-foot being lattice with landscape screening with review and approval by Planning Division staff. Commissioner Pagee seconded the motion to amend.

Commissioner Riggs said regarding the findings that he could justify a 12-foot setback rather than a 20-foot setback. He said if the setback was at 11-foot there would need to be a community benefit. He said his inclination was to approve at 12-foot, but to request architectural review if the setback was desired at 11-foot. Commissioner Sinnott said that it was a burden on the applicant to come back to the Planning Commission for architectural review. Commissioner Pagee suggested that if the setback was 12-feet rather than 11-feet the applicant would not have to come back to the Planning Commission.

Commission Action: M/S Keith/Pagee to amend the motion to add a condition 4.b to require articulation on the Willow Road fence with five-foot of the fence being solid wood and one-foot of lattice with landscape screening to provide

Motion died 1-4-1 with Commissioner Keith in favor, Commissioners Bims, Deziel, Riggs, Pagee against, and Commissioner Sinnott abstaining.

Commission Action: M/S Riggs/Deziel to amend the motion to approve as recommended by staff with modifications to have the fence setback 12-foot from the Willow Road property line, or the applicant could prepare a revised plan for a fence at 11-foot setback, which would then require architectural review and in both instances there would be landscape plantings.

Motion carried 4-2 with Commissioners Bims and Sinnott opposed.

Development Services Manager Murphy asked the Commissioner to clarify whether the revised plan for a fence at an 11-foot setback would require a revised use permit. Discussion ensued with Development Services Manager Murphy clarifying that architectural review would be a consent item with no public notification; the Commission's consensus was that the architectural review would be a consent item with no public notification.

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

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 *standard* conditions:
  - a. Development of the project shall be substantially in conformance with the plans prepared by David Hernandez, consisting of 14 plan sheets, received December 13, 2005, and approved by the Planning Commission on January 23, 2006, 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, Engineering Division, and Transportation Division that are directly applicable to the project.
  - 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 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. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance. Prior to the building permit issuance, the applicant shall implement the tree protection plan and technique recommendations in the Arborist Report for all applicable heritage trees.
4. Approve the use permit subject to the following *project specific* conditions:
  - a. The maximum height of any fence located in the corner side yard between the driveway and the front yard shall be limited to a height of 4 feet, except for any fence in the 35 foot by 35 foot corner triangle shall be limited to a height of 3 feet.
  - b. ***Prior to building permit issuance for the house addition, the applicant shall submit revised plans for review and approval by the Planning Division. The revised plans shall show the fence with a 12-foot setback from the Willow Road property line, including landscaping along the street side of the fence. Alternatively, the applicant may submit revised plans with the fence setback 11 feet from the Willow Road property line for review and approval by the Planning Commission as a consent calendar item. The Planning Commission would review the alternative proposal for issues such as design, materials, articulation, and landscaping.***

Motion carried 6-0.

4. **Use Permit and Architectural Control/Bob Larson/638-640 Oak Grove Avenue:**

Request for use permit and architectural control for new construction of a 5,690 square foot two-story office building at 638-640 Oak Grove Avenue.

Staff Comment: Planner Chow said staff had received comments from neighbors at 1220 Crane Street; they raised concern about the reduction of privacy and light with the proposed two-story structure. She said the neighbors also expressed a desire to have new fencing with a buffer to keep cars from hitting the fence. She said the applicant was willing to install a new fence to replace the existing wood fence and staff had added a condition 4.p regarding that.

Mr. Ken Hayes, Redwood City, Hayes Group Architect, said he was representing the property owner Mr. Bob Larson. He said that they had last come before the Commission in July 2005 and received approval for the project. He said however that one of the conditions of approval was the relocation of a property line. He said they subsequently found that relocating the property line would create a nonconforming parcel on the El Camino property in that it would be less than 10,000 square feet. He said based on dialogue with staff there was an option to keep the lot configuration as was and reduce the building size or merge the parcels to create a larger parcel. He said the owner decided to merge the parcels; he noted that since approval of the project a zoning ordinance amendment changed Chapter 16.72 related to parking requirements.

Mr. Hayes provided a PowerPoint presentation on the proposed plan for the Commission. He noted that the mechanical units had been moved to the other side from the residential properties with an increase in the parapet height and now there were two skylights proposed instead of one skylight. He said that on the end of the building of what was the chiropractor's office they had originally proposed a fence, but neighbors seemed to think at that time that a fence and a wall were duplicative. He said thus they had proposed using the building wall as the demarcation with Boston ivy to screen the wall. He passed around the materials board. He said they also had done a solar study the past year and had since updated it; this he thought would address the concerns expressed by the rear neighbor. He went through the revised solar study with the Commission and indicated that shadow impact on the rear neighbor was minimal and there were no windows on the side of the building facing that neighbor.

Commissioner Pagee had Mr. Hayes explain the location of the three aluminums proposed for use in the structure. She said her concern had been reflection on the left side of the building, but that side would not be metal.

In response to a question from Vice Chair Keith, Mr. Hayes said he would consider metal structure on the sides for vine but he would like to confer with the arborist first as the arborist had recommended Boston ivy on the walls without lattice.

In response to a question from Commissioner Bims, Planner Chow said that it was her understanding that no businesses had yet been identified for the building, but there would be a limitation placed on the building to allow only professional and office uses; no medical uses would be allowed. Commissioner Deziel confirmed that an application for other uses could be made administratively and approved if the parking requirement was met.

Ms. Sarah Wilkin, Menlo Park, noted page B.4 of the plans. She said this showed where her apartment building and unit were located; she said that her only windows for the kitchen and

master bedroom would face the wall of the building and it would block light to her windows and her garden.

Mr. Ralph Luchenbach, Menlo Park, said there would be a minimum impact on their property from the building wall. He said however that he had a garage about two feet away from the existing fence, and was concerned that excavation might affect his garage foundation. He said there would be a loss of privacy for his property and 1234 Oak Grove because of the windows in the rear of the building. He said that there would be a severe visual impact on the neighboring apartment building from the proposed 27-foot wall.

Ms. Glenna Luchenback, Menlo Park, said she wanted a decent looking fence and to have a buffer to keep the cars from hitting the fence. She said she wanted the fence as high as possible to prevent persons from vaulting the fence to get to Oak Grove Avenue through her property and with cement barriers to keep cars from hitting the fence.

Vice Chair Keith closed the public hearing.

Commission Comment: Commissioner Deziel moved to approve as recommended by staff with the addition of 4.p to require the fence and to add the use of bollards or some other barrier to protect the fence. Mr. Hayes said he thought that there was room for bollards and raised curbs as well. Commissioner Sinnott seconded the motion. She said her main concern was to have something to soften the left wall. Mr. Hayes said they proposed to plant vine pockets for the Boston ivy six-foot on center.

Commissioner Riggs said he would like to amend the condition to require that the fence be seven-feet in height and that the Boston ivy should be placed on six-foot centers. Both Commissioners Deziel and Sinnott as the maker of the motion and second were amenable to Commissioner Riggs addition to condition 4.p. Commissioner Riggs said that Boston ivy climbed stucco walls easily and it was self-variegating and durable.

Commissioner Deziel said there was no detriment to the apartment building as that building was developed with the knowledge that the neighboring parcel was zoned C-4.

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

1. Make a finding that the project is categorically exempt under Class 3 of the current State CEQA Guidelines.
2. Adopt the following findings, as per Section 16.68.020 of the Zoning Ordinance, pertaining to architectural control approval:
  - a. The general appearance of the structure is in keeping with the character of the neighborhood.
  - b. The development will not be detrimental to the harmonious and orderly growth of the City.
  - c. The development will not impair the desirability of investment or occupation in the neighborhood.

- d. The development provides adequate parking as required in all applicable City Ordinances and has made adequate provisions for access to such parking.
3. 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 request subject to the following conditions:
- a. Development of the project shall be substantially in conformance with the plans prepared by Hayes Group Architects, dated received January 18, 2006, consisting of 12 plan sheets and approved by the Planning Commission on January 23, 2006 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. Prior to installation of landscaping in the City right-of-way, the applicant shall obtain an encroachment permit from the Engineering Division.
  - g. Prior to building permit issuance, the applicant shall submit revised plans indicating that the applicant shall remove and replace any damaged and significantly worn sections of curb, gutter, and sidewalk along Oak Grove Avenue and El Camino Real. These revised plans shall be submitted for the review and approval of the Building and Engineering Divisions.

- 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. 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 technique recommendations in the Arborist Report for all applicable heritage trees for review and approval by the Building Division.
- j. The applicant shall submit a detailed construction parking and staging plan prior to building permit issuance for the review and approval of the Engineering Division.
- k. Prior to building permit issuance, the project plans shall be revised to include a stone or similar cap on the sitting wall located at the front of the property. The plans shall be subject to review and approval of the Planning Division. (Item #2 incorporated into plans)
- l. The applicant is strongly encouraged to work with the owner of the adjacent apartment building to develop a plan for landscape screening between the two buildings. In order to encourage a viable landscape plan, the applicant may consider eliminating the fence between the two properties and replacing it with either vines on the subject building or tall, narrow plant materials. Any plan developed for landscape screening shall be subject to Planning Division review and approval.
- m. Prior to building permit issuance, a lot merger between 638-640 Oak Grove (APN 071-103-450) and the lot at 1225 El Camino Real (APN 071-103-430) shall be completed and recorded with the County Recorder's Office. Copies of the final lot merger shall be filed with the Planning and Engineering Divisions.
- n. Prior to building permit issuance, the applicant shall obtain the necessary approvals for a parking reduction from 1 space per 167 square feet to 1 space per 300 square feet for the new office building or reduce the size of the office building to 3,166 square feet for the proposed 19 parking spaces. The parking reduction shall be reviewed and approved by the Community Development Director through an Administrative Permit. A reduction in building size would be subject to Planning review and approval.
- o. Administrative and Professional Office uses (except medical office) are the only permitted uses within the new 5,690 square-foot building. All other uses would require a revision to the Administrative Permit for the parking reduction.

- p. Prior to building permit issuance, the applicant shall submit revised plans showing a new fence, constructed of wood or another quality material, at a height of 7 feet, along the left side property line extending from the rear of the building and along the rear property line (from Oak Grove Avenue). In addition, the applicant shall install bollards or another similar mechanism to stop cars along the left side parking stalls.*
- q. The proposed Boston ivy should be planted on six-foot centers along the left side of the building and shall be well maintained.*

Motion carried 6-0.

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

Commissioner Deziel said that he thought he would abstain from consideration of the minutes as there had been four to six month lag time in the preparation of the minutes. He said it was a burden on the Commissioners to make decisions on old minutes. Discussion ensued regarding the timeliness of the Commission meeting minutes, reasons for the backlog, and methods of remedying the backlog of meeting minutes. Development Services Manager Murphy suggested the Commission allow another month for staff to bring the minutes up to date as many of the fall meetings had large items for which excerpts were already done. He said he would report to the Commission at its next meeting on the progress of the minutes.

**1. Consideration of the minutes from the July 25, 2005 Planning Commission meeting.**

Commission Action: Commission consensus to approve with the following modification:

Page 11, 7<sup>th</sup> paragraph, 4<sup>th</sup> sentence. Change "very" to "every."

Motion carried 6-0.

**2. Consideration of the minutes from the August 8, 2005 Planning Commission meeting.**

Commission Action: Commission consensus to approve as presented.

Motion carried 6-0

**3. Consideration of the minutes from the August 29, 2005 Planning Commission meeting.**

Commission Action: Commission consensus to approve as presented.

Motion carried 6-0

**4. Consideration of the minutes from the September 12, 2005 Planning Commission meeting.**

Commission Action: Commission consensus to approve as presented.

Motion carried 6-0

**E. COMMISSION BUSINESS, REPORTS, AND ANNOUNCEMENTS**

- **Review of upcoming planning items on the City Council agenda.**

Development Services Manager Murphy provided the Commission with a review of upcoming planning items on the City Council agenda.

**ADJOURNMENT**

The meeting adjourned at 11:10 p.m.

Staff Liaison: Justin Murphy, Development Services Manager

Prepared by: Brenda Bennett, Recording Secretary

Approved by Planning Commission on March 27, 2006.