



MENLO PARK PLANNING COMMISSION MINUTES

Regular Meeting

March 27, 2006

7:00 p.m.

City Council Chambers

701 Laurel Street, Menlo Park, CA 94025

CALL TO ORDER – 7:00 p.m.

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

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

A. PUBLIC COMMENTS

Mr. Peter Colby, Menlo Park, commented on the status of the proposed relocation of the two oak trees in Downtown Parking Plaza No. 5 located between Evelyn Street and Crane Street that he thought it was a shame to relocate the rare, massive trees just to accommodate more parking spaces.

B. CONSENT CALENDAR

There were no items on the consent calendar.

C. REGULAR BUSINESS #1

1. **Use Permit/Laurel Homes/1175 Johnson Street:** Request for a use permit to construct a new two-story, single-family residence on a substandard lot with regard to lot width in the R-E (Residential Estate) zoning district, and for excavation into required side yard setbacks for lightwells and egress associated with a basement.

Commissioner Sinnott recused herself because of a potential conflict of interest.

Staff Comment: Planner Rogers said that staff had received two letters after the printing of the staff report. He said one letter was from the applicant Ms. Kim LeMieux that discussed why certain scenarios were not feasible and the second letter was from a neighbor, Mr. Paul Perret, restating his concerns about the massing of the proposed structure on his property line and requesting that the project be denied.

Public Comment: Ms. LeMieux said she had spent the last two weeks meeting with the designer, individual Commissioners and Council members to understand what the true issues were and address those with an open mind. She said the Commission's packet contained three designs they had prepared and considered prior to the design as presented at the previous meeting. She said those three designs had flaws that made them undesirable or unfeasible given the narrowness of the lot and the heritage trees in both the front and rear of the lot. She

said that Study A with the garage turned sideways elongated the garage from eight feet on the current plan to 30 feet thereby increasing the mass of the garage rather than decreasing as well as the need for more hardscape in the front yard rather than less. She said in their preferred design there were two heritage trees in front of the garage and the house was 84 feet from the street; she said that the garage would hardly be visible. She said Study B with the detached garage in the rear would use over 50 percent of the lot width for access to the garage including 15 feet of side setback and 23 feet of garage. She said that would leave a footprint of 1,836 square feet, which was not economically feasible for Menlo Park area. She said Study C with the garage located further back on the lot had the garage at 55 feet away from the house, which would not promote use of the garage. She said that while moving the garage did not make sense, she agreed that a house of this size needed a third parking space. She said in their original concept plan they had a third uncovered parking space to the right and they would be in favor of adding it back. She said there was concern that the proposed house would be huge. She said it was very similar in size to many homes in west Menlo Park on smaller lots. She said they also redesigned the elevation of the roof away from the daylight plane, but it was not acceptable because they would have to lose both a bedroom and a bathroom in the upstairs and that would leave only three bedrooms. She said they thought about moving the master bedroom downstairs but the location of the heritage tree in the back made that impossible. She said they considered doing a completely new redesign, but decided not to as there was no guarantee it would be a better plan, and the revision would substantially hurt a number of people such as the contractor, designer, structural engineer, and herself. She said regarding the neighbor's concern that the second story would block light to his property that she looked at the site and found that a dense grove of trees on that neighbor's property were substantially taller than the proposed second story and would block light more than the proposed structure. She reviewed the process and complexities of developing a new residence and the frustration of thinking that they were proceeding with staff's approval and recommendation to the Commission for approval and then having the project not approved. She requested that the Commission reconsider its previous decision with the addition of the third uncovered parking space.

Chair Bims closed the public hearing.

Commission Comment: Commissioner Keith said she would approve with the modification of the third uncovered parking space; Chair Bims seconded the motion.

Commissioner Riggs said that the proposed home would be a great addition to west Menlo Park. He said the design challenge was to place the residence on a lot that was half the standard width, which was challenging. He said his concern was that this RE-1 home on a lot that was half the standard width did not look quite right. He said there was an issue of relevant non-conformance, which is why it came before the Commission. He said in this instance the proposed residence would fill up the entire daylight plane in the front. He said to be consistent with previous actions on other projects, the Commission needed to ask that this project defer to the substandard width of the house. He said the proposed Williamsburg-type house would not fit on this lot and would look "squeezed-in."

Commissioner Pagee said that the predominant feature of the home was the garage in the front and that stepped the house up, rather than moved it back. She said the lot was 21,000 square feet with about 5,000 square feet on the first floor; she questioned the need for three emergency accesses from the basement. She noted that the neighbor's home has a three-car garage.

Commissioner Deziel said he did not have any objections to the size or massing of the proposed house and the amount of daylight plane it would occupy. He said it was deferring to

the narrowness of the lot by providing 15-foot setbacks on the side when only 10-foot was required. He said the design was not exciting but he did not think it should be held to a higher aesthetic standard than other projects in the City.

Chair Bims said the proposed residence had good architectural design so he had no concerns regarding architectural control. He said the other concern was whether the narrowness of the lot precluded this design type home. He said the narrowness of the lot, its configuration and heritage trees defined how big the home could be and that if it were to be bigger a tree would need to be removed either in the front or back. He said the proposed home was a house that could reasonably fit on the lot. He said the trees in front of the garage offset the visual impact of a garage. He said the third uncovered parking space dealt with the parking needs. He said one fence was constructed on the property, which was an additional constraint.

Commissioner Deziel said regarding the fence location that he was troubled that a neighbor had used the process to take property away from the applicant.

Commissioner Riggs said if the project was approved that any condition to keep the fence in its current location should be removed. He said that he hoped the applicant would design a house to the site, as this proposal did not fit the lot. He said that the design could be done better with the same square footage.

Commissioner Keith said there were 15-foot side setbacks being provided in this design. She noted that a previous Commission had approved a home on Oak Court that was built two-stories to the property line, and this proposal was much less egregious. She asked if the applicant could address the location of the fence.

Ms. LeMieux said she spoke with her attorney who said they had the right to put the fence on the property line. She said the neighbor when she conveyed this information to him said he would pursue his own property survey.

Commission Action: M/S Keith/Bims to approve with the following modification.

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 *standard* conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by Dan Thompson Inc, consisting of eleven plan sheets, dated received February 2, 2006, and approved by the Planning Commission on March 13, 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. Prior to building permit issuance, the applicant shall submit a revised site plan showing an uncovered parking space adjacent to the garage. This plan shall be subject to review and approval of the Planning Division.***

Motion carried 3-2-0-1 with Commissioners Bims, Deziel and Keith in support, Commissioners Pagee and Riggs opposed and Commissioner Sinnott recused. .

D. PUBLIC HEARINGS

1. **Use Permit/Margaret Wimmer/1042 Oakland Avenue:** 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 area in the R-1-U (Single-Family Urban) zoning district. In addition, the proposed project would exceed 50 percent of the replacement value of the existing structure in a 12-month period.

This project was determined to not require a use permit based on information clarified after the issuance of the public hearing notice and has been cancelled.

2. **Use Permit/Woodland Properties, Inc./1109-1111 Woodland Avenue:** Request for a use permit to demolish two existing single-story, single-family residences and construct two new two-story, single-family residences on a substandard lot in regard to lot width in the R-2 (Low Density Apartment) zoning district.

Commissioner Deziel recused himself and left the Chambers because of a potential perception of a conflict of interest.

Staff Comment: Planner Rogers said there was concern about the evaluation of an oak tree, and a supplemental arborist report had been submitted regarding the canopy needs and protection for the root system.

Public Comment: Ms. Danielle Paye, Woodland Properties, said they had done community outreach on the property and there had been no opposition expressed. She said there was a single-story home on the left of the subject site so they designed the structures away from that side.

In response to a question from Chair Pagee regarding the driveway and potential impact to the oak, Ms. Payne said that they would look at that. She noted that the house would be slab on grade with piers to reduce impact to the oak tree.

Ms. Ellen Hafner, Menlo Park, said her concern was the oak tree as her property was developed around that oak tree with greater setback than the standard setback required by the City. She said that it also provided her a nice view from her property so she would not want it harmed.

Chair Bims closed the public hearing.

Commission Comment: Commissioner Riggs said the proposed structures were designed well and good materials would be used. Commissioner Pagee said her only concerns were about the lack of permeable surface and the protection of the tree and the root structure because of the proximity of the house foundation to the tree. She said her preference would be to pull the house away and reduce the width of the driveway for Unit A to provide more room between the oak tree and the residence.

Commissioner Sinnott said the project was beautifully designed and the landscape screening provided a nice buffer for the neighbors. She said the arborist's report indicated that the oak tree with suggested process would be fine. Commissioner Riggs said the removal of the concrete over the oak's root system would be a benefit. He said the proposed pruning was conservative. Commissioner Sinnott moved to approve as recommended by staff; the motion was seconded by Commissioner Riggs.

Commission Action: M/S Sinnott/Riggs 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 *standard* conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by Robinson Architects, Inc., consisting of eleven plan sheets, dated received February 8, 2006, and approved by the Planning Commission on March 27, 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.
3. Approve the use permit subject to the following *project-specific* conditions:
- a. Prior to the issuance of a building permit, the applicant shall submit a planting plan that shows the location, species, and size of the replacement tree for the proposed heritage tree removal. This plan shall be part of the building permit plan set submittal. The plan shall be subject to review and approval of the Planning Division.

Motion carried 5-0 with Commissioner Deziel recused.

3. **Use Permit and Architectural Control/West Bay Sanitary District/500 Laurel Street:**
Request for a use permit and architectural control to add a second story to a professional office use in the C-1 (Administrative and Professional District, Restrictive) zoning district, and a request for a use permit to reduce the off-street parking requirement to 16 spaces where 56 spaces would otherwise be required.

Staff Comment: Commissioner Rogers said that staff had no additions to the written staff report.

Commissioner Sinnott asked if there was an overflow parking problem in the area on the residential area of the Classics. Planner Rogers said that staff had visited the site and there did not seem to be any daytime on-street parking problem in that area.

Public Comment: Mr. Ed Choi, Choi and Robles Architecture, the architect for the project, said they agreed with staff's report and recommendation. He said their intent was to redesign to keep with the neighborhood character. He said that they wanted to add a trellis entry and balconies to the second floor for architectural detail. He said there was a nice green space that was to be retained with a plaza to lead the customers into the business office. He said neighbors had written with concerns about parking. He said much of the desired additional square footage would increase the size of the boardroom and increase storage capacity and four more employees would be moved into this building. He said those employees were currently working at an office down the street rented by the District. He said that parking had always been more than sufficient and that the District had never received a complaint about parking from the neighbors. He said that neighbors had expressed concern that the business operated 24/7. He said the business office was open Monday through Friday, from 7:30 a.m. to 4:30 p.m. and there were two evening Board meetings per month.

In response to a question from Commissioner Keith, Mr. Choi said that they did not expect to add any additional exterior lighting and would keep the parking lot lighting as it was. He said the lights on the bollards would be on a timer and would be on from 6:00 p.m. to 5:00 a.m. He said it would be to light the pathways and would be low level lighting. Planner Rogers said he was under the impression through discussion with Mr. Tim Clayton, the District Manager, that the exterior lighting and the lights on the bollards would be timed to go out about an hour after the employees had left the building at the end of the business day.

Commissioner Keith asked if the applicant had considered solar panels. Mr. Choi said that they had not and the District would have to address that. Commissioner Keith asked if the District intended to increase the number of the employees. Mr. Choi said that the District expected its maximum employee count to be 25.

In response to a question from Commissioner Pagee, Mr. Choi said the second floor would be used by the District Manager and staff, and the first floor bathroom would be handicapped accessible. Commissioner Pagee asked if the four condensing units could be moved away from the side facing a residential area. Mr. Choi said that they could be moved to face the parking lot. Commissioner Pagee said there were a number of windows and she was concerned about impacts to the residence on the side. Mr. Choi said they had kept the windows small on the south side to address privacy concerns and could use glazed glass in the bathroom windows. Commissioner Riggs asked for verification of the need for a second story as it would have an impact in that it was a prominent location. He said the existing building was unattractive and needed maintenance. He said perhaps funds might be better served in improving materials rather than increasing square footage. He said constituents had an interest in the expenditure because of assessments paid to the District.

Commissioner Deziel said if the condensers could be turned off at night that would save money and mitigate noise impact for neighbors much more than moving the condensers further away. He said that there were two oaks in Parking Plaza 5 that needed a new home. Mr. Choi said he would check with the landscape architect and the arborist.

Commissioner Riggs asked why the District wanted a second floor as it was more expensive to build on the second story. He said the District had to be conserving of its budget and that he

understood that the District would no longer replace a lateral from the middle of the street to the property line, which indicated to him that the District had limited resources. He said a modest single-story addition would be more economical. He said there was a one-story Eichler home next door to the District's property and a two-story building next door would be a dramatic change. He said he would encourage a one-story alternative. Mr. Choi said that the structural engineer had indicated that the foundation has permanent footings and those could be reused for a second story. He said building a one-story would take most of the lawn area and the District did not want to lose the lawn area. Commissioner Riggs said that the question was which of the changes would have the most impact. He said he would encourage the first story alternative.

Commissioner Keith said the lot was about 37,000 square feet and they were only proposing a 3,000 square feet addition, so she agreed that a first-story alternative should be investigated. She did not see that the green lawn area was a benefit for the community as it was not actually used by the community.

Chair Bims closed the public hearing.

Commission Comment: Commissioner Sinnott said the site needed a cleanup and she liked keeping the green space. She said the design was good looking and she thought it was a good idea to move the condensers as well as turning them off when not needed. She asked if there was landscape screening on the side facing the Eichler. Mr. Choi said that there was a five-foot area in which they would use shrubs. Commissioner Deziel said that he thought it would be appropriate to request additional landscape screening. Mr. Choi said there were existing trees and tall shrubs along the fence in the back. Commissioner Sinnott moved to approve as recommended in the staff report. Commissioner Deziel seconded the motion. He said he thought the use of the green in the front was a visual benefit. He said the area was surrounded by an R-2 district that was mainly two-stories. He said that the District was only using 30 percent of its Floor Area Ratio (FAR). He said he would like an amendment to require a tree planting plan to provide screening for the apartment unit that faces the rear of the building. Commissioner Sinnott and the other Commissioners accepted Commissioner Deziel's amendment.

Commissioner Pagee asked about the driveway between the building and the neighboring Eichler. Mr. Bill Kitajima, West Bay Sanitary District, said the back driveway was mainly for the hydro-unit trucks as there was not enough of a radius for those units to enter from the other driveway.

Commissioner Riggs suggested that the AC condensers not be used after 6:00 p.m. unless there was an acoustic demonstration that the units were state of the art and quiet. He suggested it be specified that the only exterior lighting at the office building would be the bollards. Commissioner Sinnott said that she was okay with the lighting but she thought they might need the use of the condensers for Board meetings. Commissioner Deziel said that there is an automatic program to turn the units off at the end of the business day with a manual way to turn it on for Board meetings. Commissioner Sinnott said she would accept Commissioner Deziel's comment about the air conditioning as an amendment.

It was determined that the applicant accepted the proposed condition about the condensers.

Commissioner Riggs said that the proposal was an improvement over the existing building. He said however that a one-story addition would get a new roof and the building would be painted,

which would also be an improvement over the existing building. He said the improvement was to accommodate four employees and much of what was proposed was not needed to accomplish that goal. He said he would like to know what was driving the other changes.

Mr. Choi said the District was currently renting 2,600 square feet on Burgess Street for the four employees. He said the 3,000 square feet addition was legitimate programming.

Commissioner Deziel said on the topic of the current motion that 3,000 square feet was not that much square footage and with the condition of the building it was appropriate and prudent to build out to the allowable Floor Area Limit (FAL). Commissioner Sinnott said she would call for the vote as she did not think the Commission should be second-guessing what the District's needs were.

Commissioner Riggs said he would move a substitute motion to continue the item so the Commission could get additional information from the District regarding the program. He said it would also help the nine people who had written letters in objection to the project. He said it was appropriate to define the need, but there was no reason for the entity to overbuild. Motion died for lack of a second.

Commissioner Keith moved a substitute motion to continue the item for a redesign of a single-story project. She suggested neighbors might be more supportive if there was outreach made. Commissioner Pagee seconded the substitute motion.

Commissioner Deziel said that the green space was nice and that the area was R-2 which allowed for a second story.

Commission Action: M/S Keith/Pagee to substitute motion as stated.

Motion carried 4 to 2 with Commissioners Deziel and Sinnott opposed.

Commission Action: M/S Keith/Pagee to continue the item for redesign with a single-story alternative.

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

Both of the following items of D-4 and E-1 had separate transcripts of the items done by a court reporter.

4. **General Plan Amendment, Zoning Ordinance Amendment, Rezoning, Planned Development Permit, and Major Subdivision/O'Brien at Derry Lane, LLC/550 to 580 Oak Grove Avenue and 540 to 570 Derry Lane:** Requests for the following: 1) General Plan Amendment and Zoning Ordinance Amendment to allow residential uses at a maximum of 40 dwelling units per acre for properties zoned P-D District and in close proximity to the Caltrain Station, 2) Rezoning the properties from C-4 General Commercial District (Applicable to El Camino Real) to P-D District, 3) Planned Development Permit to establish specific development regulations and architectural designs for the demolition of five commercial structures and the construction of 135 residential units and 17,000 square feet of commercial space, 4) Major Subdivision to abandon the Derry Lane right-of-way, abandon a storm water sewer easement, merge the Derry Lane right-of-way and eight parcels, relocate a public utility easement, and subdivide the resulting parcel for

condominium purposes. The proposal requires the preparation of an Environmental Impact Report.

E. STUDY SESSION

1. **General Plan Amendment, Zoning Ordinance Amendment, Rezoning, Planned Development Permit, and Major Subdivision/O'Brien at Derry Lane, LLC/550 to 580 Oak Grove Avenue and 540 to 570 Derry Lane:** Requests for the following: 1) General Plan Amendment and Zoning Ordinance Amendment to allow residential uses at a maximum of 40 dwelling units per acre for properties zoned P-D District and in close proximity to the Caltrain Station, 2) Rezoning the properties from C-4 General Commercial District (Applicable to El Camino Real) to P-D District, 3) Planned Development Permit to establish specific development regulations and architectural designs for the demolition of five commercial structures and the construction of 135 residential units and 17,000 square feet of commercial space, 4) Major Subdivision to abandon the Derry Lane right-of-way, abandon a storm water sewer easement, merge the Derry Lane right-of-way and eight parcels, relocate a public utility easement, and subdivide the resulting parcel for condominium purposes. The proposal requires the preparation of an Environmental Impact Report.

F. REGULAR BUSINESS #2

1. **Consideration of the minutes from the December 12, 2005, Planning Commission meeting.**

Commission Action: Unanimously approved 6-0 with the following modifications:

- Page 13, second to last paragraph, first line: replace the word "Botiful " with "beautiful."
2. **Consideration of the minutes from the January 9, 2006, Planning Commission meeting.**

Commission Action: Unanimously approved 6-0 with the following modifications:

- Page 16, 6th paragraph, last line: delete the last sentence "Motion died for a lack of a second."
3. **Consideration of the minutes from the January 23, 2006, Planning Commission meeting.**

Commission Action: Unanimously approved 6-0 as presented.

4. **Consideration of the transcripts from the February 27, 2006, Planning Commission meeting.**

Commission Action: Unanimously continued to a future meeting.

5. **Consideration of the excerpts for 110-175 Linfield Drive from the March 13, 2006, Planning Commission meeting.**

Commission Action: Unanimously continued to a future meeting.

G. 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

- **Commercial Streamlining Working Group member selection.**

Commissioners Deziel and Sinnott volunteered.

- **Potential study meeting dates of April 17 or May 1, 2006.**

Both dates were added, and subsequently, the May 1 date was shifted to May 15.

ADJOURNMENT

The meeting adjourned at 11:33 p.m.

Staff Liaison: Justin Murphy, Development Services Manager

Prepared by: Brenda Bennett, Recording Secretary

Approved by Planning Commission on April 24, 2006.