



## MENLO PARK PLANNING COMMISSION MINUTES

Regular Meeting

April 10, 2006

7:00 p.m.

City Council Chambers

701 Laurel Street, Menlo Park, CA 94025

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Teleconference with participation by Commissioner Keith from: **CANCELLED**

13073 Northwoods Blvd.  
Truckee, CA.  
(Posted April 7, 2006)

**CALL TO ORDER** – 7:00 p.m.

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

**INTRODUCTION OF STAFF** – Deanna Chow, Senior 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. **Use Permit/Team Sheepier, LLC/501 Laurel Street**: Request for a use permit to allow Team Sheepier, LLC to operate a swimming and aquatics program and physical fitness training business in an existing aquatics center (Burgess Pool) owned by the City of Menlo Park at 501 Laurel Street in the P-F Public Facilities zoning district.

Staff Comment: Development Services Manager Murphy made two clarifications to the staff report. He read into the record a correction about the sequencing of Menlo Masters at the Burgess Pool. *Menlo Park Masters was at the Burgess Pool from September 1994 to April 1998, but in 1998, it moved to Sacred Heart and changed the name to Menlo Masters, and in August 2003 moved to the Herkner Memorial Pool in Redwood City.* He said that an addition to the staff recommendation was desired under Item 2 of the staff recommendation. He said the words "the same as" would be replaced with "comparable to" and after the word "facility" the phrase "and/or contemplated in the design and approval of the Aquatic Center in 2003" would be added.

Questions of Staff: Commissioner Deziel confirmed with staff that the lease had been developed after public hearings before the City Council and the lease was not under the Commission's purview; the Commission was being asked to review the use permit request. He

also confirmed with staff that the program details considered in public hearings before the Parks and Recreation Commission were not subject to change. Staff indicated that the lease and program details had been provided for information for the Commission in its consideration of the use permit application.

Public Comment: Mr. Tim Sheeper, the applicant, provided a presentation to the Commission on the mission and the programming of the pool. He said the intent was to offer a high level of professional service to the public with professional instructors and diverse quality programming that would serve all ages of the population. He said they would offer instructional, recreational and performance services to the public. He said regarding the agreement that the City would have the ability to terminate for dissatisfaction in respect to public access to the facility, or noise and parking. He said they were looking forward to making the Aquatic Center a tremendous asset to the City.

Commissioner Deziel asked why the lockers were indicated as non-exclusive. Development Services Manager Murphy said the lockers were also for gymnasium users. Mr. Sheeper said that they were still looking into how the maintenance and the costs would be divided.

Commissioner Keith asked if the programs described were existing programs provided by the applicant elsewhere. Mr. Sheeper said some were but others would be new, such as the year round swim schools, water exercise, water running, the SEAL training, water polo and the summer swim team. He said in response to further query from Commissioner Keith that programs would be adjusted once they were up and running and there was data to analyze. He said also there would be information provided as to where users should park.

In response to a question from Commissioner Pagee, Mr. Sheeper said when there were family swim nights that the lifeguards would also rotate through the restrooms as a way to provide for security of children using the restrooms and unattended by an adult or parent.

Mr. Doug Marks, Menlo Park, said his family and children loved living in Menlo Park. He said both he and his wife had participated in several of Mr. Sheeper's programs and found them to be very positive and excellent. He indicated his satisfaction that the Menlo Masters would return to Menlo Park from Redwood City.

Mr. Trueblood Ward, Menlo Park, said he was a 67-year old semi-retired surgeon and had become a member of the Menlo Masters in January. He said that exercise was fundamental to good health. He said he had been in other Masters groups and really appreciated Mr. Sheeper's good leadership and coaching.

Ms. Anne Long, Menlo Park, said she represented Menlo Master in a swimming meeting recently in Pleasanton and did the 1650. She said she took 32 seconds off her time from two years prior. She said she is 64 years old and is faster today than she was when she was 62 years old. She said Menlo Park was very fortunate to get the programs offered by Mr. Sheeper.

Mr. Albert Carlsen, Oakland, said he was representing SEIU Local 715 and that it was not clear to him whether operation of the pool by a private company was going to add more members to the facility. He said in the mitigated negative declaration there had not been analysis of the use by a private facility and whether there would be impacts on the area. He said analysis was important primarily because of potential traffic and parking impacts. He asked what the traffic and parking impacts would be, or if there were cumulative impacts and whether those were being addressed. He said with increased membership that there would probably be impacts on

pedestrians and bicyclists. He said staff had indicated that the pools were too small to be used for competition, but comments made seemed to indicate that there would be and he asked for clarification about that as such use would add to traffic and parking.

Mr. Sam Sinnott, Menlo Park, said he had been on the Master Planning committee for the entire park eight or nine years prior. He said it had been decided to not use programmatic analysis of the parking, trips and number of people as the basis for the neighborhood impacts. He said that rather they used the surface area of the water which is a standard used in planning to analyze the parking, trips and number of people. He said the surface area of the pool had not changed since it had been designed and that analysis was still accurate.

Mr. Heyward Robinson, Menlo Park, Menlo Park Parks and Recreation Commission, said the staff report indicated the Parks and Recreation Commission had approved the project 6 to 1, but the vote had been 5 to 1 as one Commissioner had been absent. He said he was one of the Commissioners who voted in support of the project; he noted that the plan they reviewed had been very preliminary and had only been a summer plan. He said the Parks and Recreation Commission would continue to look at the use and plan as it progressed.

Chair Bims closed the public hearing.

Commission Comments: Commissioner Pagee moved to approve as recommended by staff and with the modifications made by staff this evening to the staff report and item 2. Commissioner Deziel seconded the motion.

Commissioner Sinnott said she is a member of Mr. Sheeper's Menlo Masters and would abstain on the vote, but she thought bringing these programs to Menlo Park was a fantastic thing for the City.

Commissioner Riggs said he was excited to have an organization like Mr. Sheeper's with such public support to take over the City's facility. He said Mr. Sinnott's comment about water surface area and staff's additional comments made it possible for him to make the findings.

Chair Bims said that the City's ability to review compliance with the use permit and take mitigating action increased his level of satisfaction with the project as well as the applicant's intent to adjust programs as need was shown.

Commission Action: M/S Pagee/Deziel to approve as recommended by staff and with the clarification to the staff report and modification to item 2 as made by staff at the meeting.

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 given the types of programs, hours of operation and intensity of use are ~~the same as~~ **comparable to** those historically conducted at the facility **and/or contemplated in the design and approval of the Aquatic Center in 2003**, and that the lease includes requirements addressing noise and parking, the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.

3. Approve the use permit request subject to the following conditions of approval:
  - a. If the use of the site changes, the characteristics of the new use shall be reviewed by the Community Development Director. If the Director determines that the new use is not in substantial compliance with the use permit, then a use permit revision shall be required.

Motion carried 6-0-1 with Commissioner Sinnott abstaining.

Chair Bims introduced Mr. Jack O'Malley, new Planning Commissioner.

Commissioner Sinnott recused herself from consideration of the next agenda item because of a potential conflict of interest.

2. **Use Permit Revision/Edward Rubinstein/848 Oak Grove Avenue**: Request for a use permit revision to convert a 335-square-foot residential unit located within a mixed-use building containing office and spa uses into additional commercial space for the spa and office use in the R-C (Mixed-Use) district.

Staff Comment: Planner Rogers said that there was one additional graphic presented to the Commission this evening and it showed the proposed landscape plan in more detail, in particular the two landscape reserve areas. He said the applicant had also mentioned to him a possible discrepancy in the total floor area of 1,131 square foot listed in the staff report. He said that he did not have a scalable plan to measure at this time, but noted this had been the number used in several iterations. He said the applicant said his records showed 1,031 square feet. Planner Rogers said regarding the action before the Commission that this difference of 100 square feet would not change the parking ratio.

Public Comment: Dr. Edward Rubenstein, applicant, said that since the prior consideration of this item by the Planning Commission on January 9 that they had complied with the Commission's direction. He said they converted the closed carport back to an open carport. He said they installed a small shed, 7-foot by 7-foot, on the side and he understood that outdoor storage units under 50 square foot were allowable. He said their desire was to reconvert a residential unit of 375 square foot back to commercial use. He noted the residential unit had never been occupied.

Mr. Chip Jessup, Palo Alto, project architect, said they had worked with Dr. and Mrs. Rubenstein on the original plan. He said if there was any site work or additional ramp work that needed to be done they would do that.

Commissioner Deziel said he sympathized with people's desire for additional storage; he confirmed with staff that as part of the discretionary review the Commission could consider the storage unit.

Commissioner Riggs said he shared Commissioner Deziel's concerns. He said the staff report noted that outdoor storage was not allowable. He asked if there was another corner of the building that could be extended for storage. Mr. Jessup said it might be possible. Commissioner Riggs said it was not the Commission's charge to solve the problem, but it would be unfortunate if the applicant had to return later to request an addition 50 square feet.

Commission Action: M/S Deziel/Bims to recess for five minutes to allow the architect and applicant time to discuss a possible addition for storage.

Motion passed by consensus.

Chair Bims reopened the meeting. Mr. Jessup said that Dr. Rubenstein and he discussed a small addition to the back corner of the building where there were steps and a gate to a picnic area. He said they could do a small shed accessible from both sides that would not encroach into the landscape reserve, would not exceed 50 square feet or encroach in the setback. Discussion ensued and it seemed that perhaps 30 square feet would be the maximum size.

Planner Rogers said that staff's concerns would be the integration of the design of the addition with the existing building as well as the integration of materials and quality.

In response to Commissioner Deziel, Dr. Rubenstein indicated he understood Planner Rogers' direction and could accomplish an addition within those parameters.

Chair Bims closed the public hearing.

Commission Comment: Commissioner Pagee moved to approve as recommended by staff with an additional bullet point to state that the applicant would be allowed to design an addition at the back of the building to be used solely for storage with matching architecture regarding the design and materials. Commissioner Riggs suggested in seconding the motion to also allow staff to clarify that the addition would be within setbacks, meet building regulations and match existing architecture. There was consensus to support this modification to the motion.

Commissioner Deziel suggested adding a second bullet to 4.a to state that the prefabricated storage unit would be removed. Commissioner Riggs noted that per the staff report outdoor storage was not allowed; he suggested that be added under 4.a, the second bullet. This was accepted by consensus.

Commission Action: M/S Pagee/Riggs to approve as recommended by staff 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 M. Designs Architects consisting of three plan sheets, dated received April 4, 2006, and approved by the Planning Commission on April 10, 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. 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. Within 60 days of the effective date of the Planning Commission action, the applicant shall:
    - Remove the carport and stripe the resulting uncovered parking space.
    - Remove the prefabricated storage unit and any other materials stored outdoors; additionally there will be new outdoor storage installed.
    - Remove the pavement from the two landscape reserve parking sections, and plant them with vegetation, in accordance with the original landscape plan.
    - **Allow the applicant to work with staff on an addition to the rear of the building to be used solely for storage and within setbacks, meet building regulations and match existing architecture.**

Compliance with these items shall be subject to review and approval of the Planning and Building Divisions. Failure to complete this work would result in non-compliance with the use permit and would be subject to review and potential revocation.

Motion carried 6-0-1 with Commissioner Sinnott abstaining.

3. **Rezoning/Planned Development Permit/Vesting Tentative Subdivision Map, and Environmental Review/1452 and 1460 El Camino Real and 1457 and 1473 San Antonio Street/Beltramo's Investment Company, Inc.**: Request for the following: 1) Rezoning from C-4 (General Commercial District, Applicable to El Camino Real) to P-D (Planned Development District); 2) Planned Development Permit to establish specific development regulations and review architectural designs for the construction of a new 26,800-square-foot, two-story commercial building with at-grade and subterranean parking and 16 two-story townhomes with partially submerged parking on an approximate 1.5-acre site; and 3) Vesting Tentative Subdivision Map for the creation of 16 residential lots with associated common areas and one commercial lot for condominium purposes not to exceed 40 commercial units. The proposal requires the preparation of an Environmental Impact Report (EIR).

This item was continued to the meeting of April 24, 2006.

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

1. **Consideration of the minutes from the February 13, 2006, Planning Commission meeting.**

No changes were indicated.

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

Commissioner Riggs noted page 94, line 24, showed a reference to “sequel” and that should read “CEQA.” Commissioner Keith noted page 80, line 1 should read “property that Sunset helped in the development of across 101 in Belle Haven.”

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

Commissioner Riggs said on page 3, the 4th paragraph, should read “***Commissioner Pagee asked for confirmation of....***” The change was acceptable to Commissioner Pagee.

Commissioner O'Malley said he would prefer to abstain voting on the minutes.

The Commission approved the minutes of the February 13, 2006, transcripts of the February 27, 2006, and minutes of the March 13, 2006 Planning Commission meetings with the modifications indicated.

Motion carried 5-0-1-1 with Commissioner O'Malley abstaining and Commissioner Sinnott no longer in attendance.

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

Development Services Manager Murphy provided the Commission with a brief review of upcoming planning items that will go before the City Council.

**ADJOURNMENT**

The meeting adjourned at 8:30 p.m.

Staff Liaison: Justin Murphy, Development Services Manager

Prepared by: Brenda Bennett, Recording Secretary

Approved by Planning Commission on May 8, 2006.