



MENLO PARK PLANNING COMMISSION MINUTES

Regular Meeting

April 24, 2006

7:00 p.m.

City Council Chambers

701 Laurel Street, Menlo Park, CA 94025

CALL TO ORDER – 7:02 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

A. PUBLIC COMMENTS

There were none.

B. CONSENT CALENDAR

There were no items on the consent calendar.

C. PUBLIC HEARINGS

1. **Use Permit Revision/Steven Plyler/720 Hobart Street**: Request for a use permit revision to expand a basement from 889 square feet to 1,761 square feet on a previously approved new two-story, single-family residence on a substandard lot in regard to lot width in the R-1-S (Single-Family Suburban) residential zoning district.

Staff Comment: Planner Chow said that staff had nothing to add to the written report.

Public Comment: There was none.

Chair Bims closed the public hearing.

Commission Action: M/S Keith/Sinnott 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 revision for the expanded basement subject to the following *standard* condition:
 - a. Development of the project shall be substantially in conformance with the plans prepared by DeMattei Construction, consisting of nine plan sheets, dated April 17, 2006, and approved by the Planning Commission on April 24, 2006.

Motion carried 7-0.

2. **Use Permit, Variance, and Architectural Control/Yi-Ran Wu/1001 Santa Cruz Avenue:** Request for a use permit to demolish an existing single-family residence and to construct three new single-family residences on one parcel in the R-3 (Apartment) zoning district and architectural control for the associated exterior design of the proposed residential development. Request for a variance to reduce the minimum distance between adjacent buildings located at 993 Santa Cruz Avenue and 1027 Santa Cruz Avenue to less than 20 feet.

Commissioner Sinnott recused herself due to a potential conflict of interest.

Staff Comment: Planner Chow said that staff had no additional comments, but two comment letters had been received this evening; one from Ms. Jane Hinsdale and the other from Ms. Reyna Brown.

Questions of Staff: Commissioner Deziel asked about the relative merits of moving the house to the right five inches as that would constrain the driveway depth to under 25-feet. Planner Chow said staff had recommended a condition to move left-hand residence #1 to the right five-inches, which would eliminate the need for a variance. She said staff had worked with the Transportation Division and the loss of five-inches to the backup depth of the driveway was considered by staff to be an immaterial difference and would not have a negative impact. Development Services Manager Murphy said that staff could not make the finding for the variance, but if the Commission could make the finding they could do so.

In response to a series of questions raised by Commissioners Pagee, Deziel and Riggs, Development Services Manager Murphy directed the Commission's attention to sheet A.10. He said it was called the rear elevation, but the bay window projections on the side of the house were represented on the rear elevation. He said the bay windows on the sides of the house would encroach into the side setbacks. He said another question was whether the proposed bay windows were cantilevered. He said the intent was that they would be cantilevered. He said sheet A.12 showed that the cantilevered areas were not to count in the floor area calculation. He said if sheet A.10 was unclear that there could be a condition specifying that the bay windows were cantilevered.

Public Comment: Ms. Jin Quong, project architect, said the lot area was slightly more than 12,000 square feet and was zoned R-3. She said they were trying to Mediterranean style homes through architectural elements and materials. She said only one unit would be visible from Santa Cruz Avenue but none of the garage doors. She said the height of the project would be 26-feet, which she thought was conservative.

Commissioner Keith asked about the inclusion of an elevator in the design. Ms. Quong said they thought it would be an attractive feature for seniors. Commissioner Keith asked about the

oak trees and irrigation. Ms. Quong said that they would hire a landscape architect so the trees would be cared for by an expert.

Commissioner Deziel said page L.1 showed the pine tree on the neighboring property; he asked if they could set back the fence a couple of feet to give that pine tree some breathing space. Ms. Quong said they would consult with an arborist to do the best thing for the pine. Commissioner Deziel asked about three trees that were not shown on the plan. Ms. Quong said the intent was to save as many existing trees on the lot as possible. Commissioner Deziel said he thought one of the three trees might need to be removed and if that was the case, he suggested removal of the acacia tree. Ms. Quong said they could discuss with an arborist.

Commissioner Pagee asked about the bay windows; Ms. Quong said the bay windows were cantilevered. Commissioner Pagee asked about the two beams between the two units and their structural function. Ms. Quong said the intent was to reduce the amount of roof. Commissioner Pagee said she was concerned about the window placement and the amount of shadow the project would cast on the neighbor's yard. Ms. Quong said that was why she tried to break up the rear wall of the building. She said to one side of the subject property there was a two-story apartment building; on another adjacent parcel there were accessory buildings only in the rear of that parcel and the residence was some distance away. She also noted that a tall pine tree already shaded the yard. Commissioner Pagee asked about reducing the window size on the second floor; Ms. Quong said those could be reduced.

Ms. Reyna Brown, Menlo Park, said she lived to the rear of the subject property and thought the project was too dense. She said she was concerned about the construction noise as she worked at home. She said she had concerns about the position of the windows on the rear and with the fencing in that she expected there would be impacts on her privacy from the project. She said she would prefer higher fencing, additional landscaping screening and window placement so that her deck area would remain private.

Chair Bims closed the public hearing.

Commissioner Keith asked about the back windowsill height; Ms. Quong said the sill would be at three-feet. She said she could raise it six-inches. She said they could go the maximum height of a fence on the right and rear and plant trees to provide more privacy.

In response to a question from Commissioner Deziel, Development Services Manager Murphy said that there was an offset of about 30-feet between the speaker's property and the proposed project.

Chair Bims reopened the public hearing.

Public Comment: Ms. Reyna Brown said the beginning of her yard was adjacent to the subject property and her deck was located right at the pine tree.

Commissioner Riggs suggested that the property owner plant two trees in the rear two corners of the property.

Commissioner Pagee said there were four cantilevered sections that would encroach into the setbacks and questioned the allowance of that. Development Services Manager Murphy said there were no outright prohibitions against the number of encroachments in the setbacks or the number of cantilevers that would not count in calculations of floor area. He said with the use

permit process, the Commission could decide that the number of cantilevers and encroachments were appropriate or not. He said staff thought the proposal was reasonable in terms of encroachment in setbacks and floor area exemption.

Chair Bims closed the public hearing.

Commission Comment: Commissioner Riggs said the design was attractive and the Mediterranean style had been researched and done well. He moved to approve as recommended by staff. Commissioner Deziel seconded the motion but added he would like a requirement that the rear fence not get to within four feet of the pine tree. Commissioner Riggs said he would suggest that the fence would stop six-inches away from the trunk and no supporting posts would be used in the root zone closer than three-feet of the base of the tree. Commissioner Deziel agreed.

Commissioner Deziel said the windows that faced north on the second story looked into the density of three trees. He said he did not think a fence at seven-feet would help the privacy of the neighbor and would impact the rear two units. Commissioner Keith said she agreed with Commissioner Deziel about the fence height.

Commissioner Riggs said he would like to amend his motion to require raising the sill heights in bedroom #1 in Unit #3 so that the windows would be two foot by two foot and the sill height would be at five feet as offered by the architect. Commissioner Deziel accepted the amendment. He said although he would not make it a condition he would recommend a landscaping plan subject to staff review. He suggested that the three trees, the two oaks and acacia, be looked at for health and maintenance needs.

Commission Action: M/S Riggs/Deziel to amend the motion to require a reduced window size of two foot by two foot with a sill height of five feet in bedroom #1 on the right side of Unit #3.

Motion carried 6-0 with Commissioner Sinnott recused.

Commission Action: M/S Riggs/Deziel to approve with the following modification.

1. Adopt 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. 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.
- 4. Make the following findings as per Section 16.82.340 of the Zoning Ordinance pertaining to the granting of variances:
 - a. The nonconforming setback of the building on the adjacent right side property is a constraint to the design potential for the redevelopment of three residential units on the site without approval of the requested variance.
 - b. The proposed variance is necessary for the preservation and enjoyment of substantial property rights possessed by other conforming properties 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 variances, the construction of the three units 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 structures will provide adequate on-site parking, and meet the floor area ratio, height, building coverage and landscaping requirements per the R-3 zoning district.
 - d. The conditions upon which the requested variance is based would not be applicable, generally, to other properties within the same zoning classification since the variance is based on the configuration of existing buildings on the adjacent properties and the configuration of three residences on the subject property that enhances the street presence on Santa Cruz Avenue.
- 5. Approve the use permit, architectural control, and variance requests subject to the following *standard* conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by WEC Associates, updated and received on April 17, 2006 by the Planning Division, consisting of 14 plan sheets and approved by the Planning Commission on April 24, 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. Landscaping shall properly screen all utility equipment that is installed outside of a building and that cannot be placed underground. 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.
6. Approve the use permit and variance subject to the following *project specific* conditions:
- a. Prior to issuance of a building permit, the applicant shall submit revised plans to show the chimney height decreased by 30 inches on each of the units. Plans shall be subject to review and approval of the Planning Division.
 - b. Prior to the issuance of a building permit, the applicant shall submit a detailed landscape plan that shows the location, size, species and quantity of proposed trees, plants, and shrubs. The plan shall also correct the grass crete mislabel on the driveway, provide appropriate landscaping that would not be detrimental to the livelihood of the two new oak trees, and comply with the City's Water Efficient Landscape Ordinance. The plan shall be subject to review and approval of the Planning Division.
 - c. Prior to building permit issuance, the applicant shall submit revised plans showing a left side setback of 10 feet, five inches to increase the distance between the main building (Unit #1) on the subject site and the main building on the adjacent left side property to a minimum of 20 feet and decrease the right side setback by a corresponding amount. The plan shall be subject to review and approval of the Planning Division.
 - d. ***Prior to building permit issuance, revised plans shall be submitted showing that the rear fence shall be replaced with a six-foot wood fence and constructed such that no posts are located within three feet of the root crown of the pine tree located on the property at 974 Menlo Avenue and the fence shall have a six-inch minimum clear from the tree. The revised plan shall be subject to review and approval of the Planning Division.***
 - e. ***Prior to building permit issuance, revised plans shall be submitted to show a reduced window size of two foot by two foot with a sill height of five feet in bedroom #1 on the right side of Unit #3.***

The Planning Commission provided suggestions to staff on the review of the landscaping plan, which was itemized as condition 6.b. The Commission expressed interest in preserving the two oak trees, which may require pruning and removal of the acacia tree to allow room for growth.

Motion carried 6-0 with Commissioner Sinnott recused.

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 a future meeting.

D. STUDY ITEM

1. **General Plan Amendment, Rezoning, Conditional Development Permit, Tentative Subdivision Map, and Environmental Review/SummerHill Homes/75 Willow Road:** Requests for the following: 1) General Plan Amendment to change the existing Professional and Administrative Offices land use designations to Medium Density Residential, 2) Rezoning the properties from C-1 (Administrative and Professional District, Restrictive) to R-3-X (Apartment - Conditional Development District), 3) Conditional Development Permit to establish specific development regulations and review architectural designs for the demolition of the existing office building totaling approximately 40,000 square feet and the construction of 33 residential units, 4) Tentative Subdivision Map for the creation of 33 lots and associated common areas, and 5) environmental review of the proposed project.

Commissioner Deziel recused himself and left the chambers due to a potential conflict of interest.

Commission Action: Following a presentation by the applicant addressing questions raised at the previous Planning Commission study session and identifying changes made during the past few months, the Planning Commission provided feedback to the applicant. No members of the public spoke during the study session item. Overall, the Planning Commission liked the layout of the project, the mix and design of units, and the tree replacement plan mix of uses, but still raised concern about the appropriateness of the land use change and tandem parking spaces. No action was taken on the item. The following summarizes the general comments provided by individual Commissioners:

- Consider the creation of a sidewalk on the interior of the street to provide pedestrian connection throughout the neighborhood and to the park at the entry of the development.
- Tandem parking arrangement is an issue, particularly since all the BMR units have tandem spaces.
- The trade-off between two side-by-side parking stalls and the elimination of landscaping is something the Planning Commission would consider.
- BMR proposal has improved, but open to suggestions on further improvement to create units that are more similar to the market-rate units.
- The proposed development is good for the jobs/housing balance.
- The site plan takes into consideration the preservation of trees and proposes to install larger trees, which are good elements of the project.
- The CC&Rs for the project should enforce and contain similar restrictions for overnight on-street parking as Menlo Park's public streets.
- The proposed project will likely generate school-aged children that would need to be addressed.

E. REGULAR BUSINESS

1. Consideration of the minutes from the March 13, 2005, Planning Commission meeting.

Commission Action: M/S Pagee/Bims to approve as submitted.

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

2. Consideration of the minutes from the March 27, 2005, Planning Commission meeting.

Commission Action: M/S Bims/Sinnott to approve as submitted.

Motion carried 4-0-2-1 with Commissioners O'Malley and Riggs abstaining and Commissioner Deziel no longer in attendance.

3. Consideration of the excerpts from the March 27, 2005, Planning Commission meeting for the Derry Lane project at 580 Oak Grove Avenue.

Commission Action: M/S Bims/Sinnott to approve as submitted

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

F. COMMISSION BUSINESS, REPORTS, AND ANNOUNCEMENTS

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

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

ADJOURNMENT

The meeting adjourned at 10:04 p.m.

Staff Liaison: Justin Murphy, Development Services Manager

Prepared by: Brenda Bennett, Recording Secretary

Approved by Planning Commission on May 22, 2006.