



## MENLO PARK PLANNING COMMISSION MINUTES

Regular Meeting

June 12, 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), O'Malley, Pagee, Riggs, Sinnott

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

### A. PUBLIC COMMENTS

There were none.

### B. CONSENT ITEMS

### C. PUBLIC HEARING

1. **Use Permit/Faramarz Tahery/504 O'Keefe Street:** Request for a use permit to demolish an existing single-story, single-family residence and construct a new two-story, single-family residence on a substandard lot in regard to lot area and width in the R-1-U (Single-Family Urban) zoning district. *Continued from the meeting of May 8, 2006.*

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

Public Comment: Ms. Rachel Framer (sp.?), said she was representing the property owner on behalf of Memarie Associates, the designer for the project. She said that the proposed structure was within the floor area limit and would meet or exceed setback and height requirements. She said the perception of the excessive bulk of the home had been reduced by the elimination of any unbroken two-story walls. She said additionally the structure would be built further forward than as proposed before to create more distance between it and the heritage tree in the rear of the lot. She said the plans had been revised to meet the direction of the Commission from the May 8, 2006 meeting.

Mr. Jon Mester, Menlo Park, said a statement was made after the public comment period on this item at the May 8, 2006 meeting that he wanted to respond to. He said it was indicated that because of the proximity of Hwy. 101 and Willow Road to this area that pretty much anything done would be an improvement. He wanted to voice his strong objection to that statement as he and his wife had chosen to buy in the Willows four years prior because they liked the scale of the homes and the lots and the character of the neighborhood. He said in principle he did not

object to the building of a new home on the lot but his concern had been the number of errors on the previous set of plans. He said he was happy to see the errors had been corrected.

Chair Bims closed the public hearing.

Commission Comment: Commissioner Keith moved to approve as recommended; she noted that the second floor design reduced the bulk of the massing and the errors had been corrected. Commissioner Sinnott seconded the motion. Commissioner Riggs said that he thought the home as designed would be an excellent addition to the neighborhood. He said that three decorative trees were to be planted on the street side of the property. He requested if the applicant would consider planting at least one canopy street tree. Ms. Frammer said that would be acceptable if stipulated by the Commission. Commissioner Riggs made a friendly amendment to have a canopy tree on the street frontage. Commissioners Keith and Sinnott accepted the friendly amendment.

Commission Action: M/S Keith/Sinnott 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 Memarie Associates, consisting of 11 plan sheets, dated received June 8, 2006, and approved by the Planning Commission on June 12, 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. Prior to the building permit issuance, the applicant shall consult with an arborist on tree protection measures to be taken to protect applicable heritage trees, and shall implement such measures.

**4. Approve the use permit subject to the following specific conditions:**

- a. ***Prior to building permit issuance, the applicant shall add one street tree, from the Menlo Park street tree list, to the landscaping plan for review approval by the Planning Division. The tree may be located in the public right-of-way, or on the applicant's property.***

Motion carried 7-0.

**2. 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 based on the specific use where 56 spaces would otherwise be required for a general office use. *Continued from the meeting of March 27, 2006.*

Staff Comment: Planner Roger said a letter from Mr. Douglas Park had been received since the printing of the staff report. He said the letter stated Mr. Park's objections to the project as proposed and revised.

Commissioner Sinnott said she was concerned with the parking as it was being tailored to West Bay's needs and asked what would occur should the property be sold to another user. Planner Rogers said that a condition of the use permit would require that upon the change of use for the site a review for possible revision of the use permit would occur.

Commissioner Pagee asked if there was a difference in the amount of parking between the one-story and two-story designs. Planner Rogers said he had discussed this with the applicant and neither design would increase parking.

Commissioner Deziel said that condition 5.A regarding a change in use was good; he asked if this would apply to West Bay should they expand their services. Planner Rogers said that it would.

Commissioner Keith asked about the neighbor's concern about lighting. Planner Rogers said some misconception about the lighting had arisen at the prior meeting; he said the proposed lighting was for the entry and low bollards in the plaza area that would be on timers to go on at dusk and off at 10:00 p.m. He said the lights for the flag needed to be on for flag etiquette and would be low-intensity up-lights. Commissioner Keith asked whether the flag could be lowered to obviate the need for lights. Planner Rogers said that was correct.

Mr. Ed Choi, the project architect, said they had looked at the project as a one-story since the previous two-story design had been considered by the Commission at the March 27, 2006 meeting. He said the one-story design did not seem to work as well as the two-story design as it would have a larger footprint and was more spread out which impacted circulation and usability. He said wrapping an addition around the first-floor created a core of area without windows for light or ventilation. He said the two-story design provided windows for light and

ventilation for all usable spaces. He said the one-story would remove the lawn area which the District would like to use as a plaza with a fountain and landscaping. He said they had made some significant changes to the second-story design in response to comments from the Commission and concerned neighbors.

In response to questions from Commissioner Riggs, Mr. Bill Kitajima, project manager for West Bay, said that the District's Board has five members, the Board meetings were public, and public attendance at those meeting ranged from one or two persons to a dozen dependent on the agenda. Commissioner Riggs said that the District and Mr. Choi had significantly improved the appearance of the proposed design and generally he thought it was harmonious with the neighborhood. He said he still questioned why the District would choose to do the more expensive two-story design over the one-story design. He said the one-story design proposed was also excellent and would avoid a stairwell and two bathrooms. He questioned why the District would want to remove the oak tree. He said it appeared that the District wanted a grand entry way to its offices. He said as a taxpayer he had to question this use of funds and the benefit to the City of a two-story design.

Mr. Choi said they consulted with a structural engineer who found that the existing footings and foundation could be used for a two-story design. He said they expected the budget to be at \$2.50 per square feet. He said it was going to cost about the same as a one-story building. He said the District wanted to keep the green open space and the two-story building would blend with the neighborhood.

Commissioner Riggs said if the \$2.50 per square foot was applied to a two-story design that would equal about \$1.2 million whereas a one-story design would be less.

Commissioner Deziel noted that the two-story design would have greater square footage than a one-story design. Mr. Choi said the difference was between 6,000 square feet and 5,500 square feet but an elevator and stairwells were part of the difference.

Commissioner Pagee said that the maintenance costs for a two-story building would be greater than for a one-story building.

In response to a question from Commissioner Keith, Mr. Choi said that years ago the oak tree had been examined by an arborist who determined that the life expectancy of the tree was limited to a few more years. Commissioner Keith said that it was clear the District wanted a two-story building but if a one-story design were approved she would want to see more extensive landscaping.

Commissioner Bims closed the public hearing.

Commission Comment: Commissioner Sinnott moved to approve Option 1 for a two-story building. She said that the materials would enhance the residential feeling of the area and neighbors would probably want to see an attractive entryway. Commissioner O'Malley said he thought the two-story design would be an asset to the neighborhood and seconded the motion.

Commissioner Deziel said he supported the two-story design and the attractive plaza and green open space.

Commissioner Riggs said he would support the proposal.

Chair Bims said he thought the two-story design would look more appealing with the architectural changes and the landscaping proposed than a one-story design.

Commission Action: M/S Sinnott/O'Malley to approve as per Option 1 in the memorandum.

1. Make a finding that the project is categorically exempt under Class 1 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 subject to the following *standard* conditions:
  - a. Development of the project shall be substantially in conformance with the plans prepared by Choi + Robles Architecture, consisting of five plan sheets, dated received June 1, 2005, and approved by the Planning Commission on June 12, 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. 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.
5. Approve the use permit subject to the following *project-specific* conditions:
- 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 5-2 with Commissioners Keith and Pagee opposed.

3. **Use Permit Revision/Sean Cutright/910 Cambridge Avenue**: Request for a use permit revision to relocate an existing detached garage and reduce the existing setback of 31.9 feet to 12.4 feet from the corner side property line (Cambridge Avenue).

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

Public Comment: Ms. Andrea Cutright, co-property owner, said they were trying to decrease the amount of hardscape and increase the amount of landscaping on the property by relocating the garage. She said that when she and her husband received the staff report they were surprised that staff was proposing to move the garage 13-feet forward rather than the 19-feet they had proposed. She said that would put the garage at an awkward position in relation to the house as it would not line up with any of the horizontal planes of the house. She said it would also put the garage in front of the front door and steps and the roof against a portico. She said staff had questioned whether the 19-feet would be better for the heritage tree on the lot. She said they had consulted with an arborist who was willing to write a letter that the 13-feet forward placement was not detrimental to the heritage tree. She said the City was concerned with having enough off street parking space in the driveway if it should install sidewalks in that area. She said most of the driveways in the neighborhood were about 20-feet but if sidewalks were installed there would be no corner houses that would have 20-feet for off street parking. She said regarding condition 4.b that they had previously consulted with an arborist about construction techniques and he had indicated that he had no additional techniques to recommend beyond what was listed in D.7 and D.8.

Commissioner Keith asked if the applicant would object to moving the garage back three feet. Ms. Cutright said that would align with a horizontal plane, not the dominant plane she would prefer, but she would accept the change.

Chair Bims closed the public hearing.

Commission Comment: Commissioner Deziel said staff had done an excellent job on the analysis and that in the future he expected the neighborhood would want sidewalks. He said he was willing to eliminate condition 4.b. He moved approval as recommended by staff with the elimination of condition 4.b. Commissioner Sinnott seconded the motion.

Commissioner Riggs said the applicant had tried to align planes and had a strong aesthetic sense. He said other properties on Cambridge Avenue would not have 20-foot space if there

were sidewalks and some people do not want their neighborhoods to have sidewalks. He said he would like to allow the applicant to build the garage where they proposed.

Commissioner Keith said that she would propose another location for the garage than that recommended by staff with discussion with the applicant.

Mr. O'Malley said the home, garage and driveway at the subject property were beautiful and if the garage were moved forward it would still be beautiful. He said however if staff's recommendation was ignored and sidewalks were installed later that the property owner would have to deal with the inconvenience of parking cars in a less than adequate space.

Commissioner Riggs moved a substitute motion to modify the driveway recommendation by three feet less. Commissioner Keith seconded the motion.

In response to a question from Commissioner Riggs, Planner Chow said that if a park strip was attached to the sidewalk it might be greater than five feet. She said the public right-of-way from the street to the property line was about 12-foot nine-inches.

Commissioner O'Malley asked staff if a five-foot sidewalk were built starting at curbside with the garage located as proposed by the applicant whether there would be a 21-foot driveway to the garage door. Planner Chow said the City's right-of-way was about 13-feet from the edge of pavement so if part of that right-of-way was used for the applicant's driveway it could be 21-feet.

Commissioner Riggs retracted his previous substitute motion. He made a new substitution motion to approve as requested by the applicant without conditions 4.a or 4.b. He said for the record the applicant would be at risk if the City should choose to put the sidewalk at the property line and at such time the applicant would need to deal with a shorter driveway. Commissioner Keith said she preferred the previous motion because it reserved three feet from the right-of-way. Commissioner Riggs retracted the last stated substitute motion and restated his original substitute motion to have a 15-foot setback and to eliminate condition 4.b; Commissioner Keith seconded the motion.

Commission Action: M/S Riggs/Keith for a substitute motion that the proposal would have a 15-foot setback and eliminate condition 4.b.

Motion carried 4 to 3 with Commissioners Bims, Keith, O'Malley, and Riggs supporting and Commissioners Deziel, Pagee and Sinnott opposing.

Commissioner Deziel said he would support the motion if the setback was moved closer to the 18-foot setback. Commissioner Sinnott said she measured from her garage door 18-feet and that came to the middle of the rear wheel of her husband's sedan. She said she would hold firm with her position. Commissioners Keith and O'Malley thought there was adequate space to do a sidewalk and to allow the applicants the use of the right-of-way for driveway. Commissioner Pagee said that the City's right-of-way should be preserved.

Commission Action: M/S Riggs/Keith to approve as recommended by staff with the modification for the requirement of a 15-foot setback in condition 4.a and elimination of condition 4.b.

Motion failed 3 to 4.

Commission Action: M/S Keith/Sinnott to approve as recommended in the staff report 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 revision for the relocated garage subject to the following *standard* condition:
  - a. Development of the project shall be substantially in conformance with the plans prepared by Sean and Andrea Cutright, consisting of five plan sheets, dated April 25, 2006, and approved by the Planning Commission on June 12, 2006.
4. Approve the use permit revision for the relocated garage subject to the following *project specific* condition:
  - a. Prior to building permit issuance, the applicant shall submit revised plans showing the garage with a minimum 18-foot setback from the corner side property line subject to review and approval of the Planning Division.
  - ~~b. Prior to building permit issuance, the applicant shall submit a revised arborist report identifying specific construction techniques for the garage to help preserve the health of the redwood tree. The revised arborist report shall also quantify the amount of pruning needed, if any, and if necessary, identify if any specific measures are needed to help maintain the longevity of the tree. The arborist report is subject to review and approval of the Planning Division and City Arborist.~~

Motion carried 5-1-1 with Commissioner Riggs opposed and Commissioner Keith abstaining.

4. **Use Permit/Marsha Converse/2005 Willow Road**: Request for a use permit to continue to operate a wireless communication facility consisting of antennas mounted on a monopole 70 feet in height and an equipment shelter located at the PG&E substation.

Staff Comment: Planner Fisher said staff had no additional comments.

Commissioner Deziel said on page 2 of the staff report the sentence "Federal law pre-empts local regulations and decisions cannot be grounded on concerns over radio frequency emissions *where* the proposed facility meets the Federal communications requirements." He said he felt that individual Commissioners were being held to this finding and he would like staff to indicate either immediately after the sentence he called out or somewhere else in the report that staff had determined the facility met the Federal communications requirements. He said he wanted the elimination of personal liability for Commissioners in making a finding. He said he would otherwise abstain from voting on these types of projects.

Development Services Manager Murphy said that staff did not weigh in on compliance with Federal communications requirements and were transmitting information from the applicant. He



said that staff and the Planning Commission had no role in reviewing for compliance with Federal communications requirements. He said the language was there to allow the Commission if they desired to deny the project on specific grounds on health. He said the Commissioners were not under any personal liability for voting approval. He said most of the decisions made by the Commission fell under the City's umbrella. He said there was nothing in the report that claimed the project complied with Federal communications requirements as it related to the City's decision.

In response to questions from Commissioner Pagee, Planner Fisher said that three other wireless providers in the City did not have expiration dates on their use permits and that looking through the minutes and staff reports an expiration date had not been imposed by the Commission for those carriers.

Ms. Marsha Converse said she was representing Cingular Wireless. She stated for the record that Cingular Wireless adheres and agrees to the policy set forth by the City for wireless communication. She said they were asking for an extended term or preferably for no term at all.

In response to a question from Commissioner Deziel, Ms. Converse said the site was fully compliant with FCC and City standards.

Chair Bims closed the public hearing.

Commission Comment: Commissioner Riggs moved and Commissioner Pagee seconded to approve as recommended in the staff report. Commissioner O'Malley asked why the expiration term would be removed from the use permit for the upgrade as he thought the five years should be left. He recommended adding the five years as a condition. Commissioner Deziel said that he was opposed to that condition. Commissioner Riggs said he did not think there was a need for an expiration date on the use permit.

Commission Action: M/S Riggs/Pagee to approve as recommended by staff.

1. Make a finding that the project is categorically exempt under Class 1 of the current State CEQA Guidelines.
2. Make necessary findings, pursuant to 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 safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of the proposed use, and will not be detrimental to property and improvements in the neighborhood or general welfare of the City. *(Due to the Federal Communications Commission (FCC) preemption over local law regarding concerns over health where the proposed facility meets FCC requirements, staff has eliminated the standard finding for "health" with respect to the subject use permit.)*
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 MSA, dated June 7, 2006 consisting of four plan sheets and approved by the Planning Commission on June 12, 2006, except as modified by the conditions contained herein.

4. Approve the use permit subject to the following *project specific* conditions:

- a. If the applicant desires to add antennas to this site, for total of no more than 15 antennas, the applicant shall explore and implement, to the extent feasible, the available technology to reduce the size and/or visibility of the antenna. New or replaced antennas shall be no larger than those shown on the plan sheets approved by the Planning Commission on June 12, 2006.

Motion carried 7-0.

**C-5 Excerpts approved 6/26/06**

**5. Zoning Ordinance Amendment, Rezoning and Negative Declaration/City of Menlo**

**Park:** Consideration of a Zoning Ordinance amendment and rezoning establishing a new zoning district titled R-1-U (LM) Single Family Urban Residential District (Lorelei Manor) and applying the new district to the Lorelei Manor single-family residential neighborhood. The new district would address the following development standards:

- Establishment of permitted and conditional uses;
- Establishment of a minimum lot size of 4,900 square feet, minimum lot width of 40 feet and minimum lot depth of 75 feet;
- Establishment of below ground, above ground and second floor setbacks and allowed encroachments;
- Establishment of maximum building coverage and impervious surface requirements;
- Establishment of a definition of “floor area” and “Floor Area Limits” (FAL) for properties within the neighborhood;
- Establishment of other development regulations including: horizontal wall length of second floor side walls; second floor window limitations; building height; daylight plane; mechanical equipment; and parking;
- Increase in the amount of new work that can be done on an existing, legal, nonconforming single-family residence before triggering a use permit; and
- Other modifications as necessary to implement the proposed new zoning district.
- A Negative Declaration will be reviewed with the proposed amendments.

Commissioner Riggs recused himself due to a conflict of interest since he resides in the Lorelei Manor neighborhood.

Staff Comment: Director Heineck said the item for consideration was the creation of a new zoning district applicable to the Lorelei Manor neighborhood. She said the Commission would specifically consider an amendment to the Zoning Ordinance to establish the new R-1-U (LM) Zoning District, a rezoning to apply the new district to the Lorelei Manor neighborhood, and a Negative Declaration prepared for the proposal. She said the Commission would act as a recommending body to the City Council and the Council would be the final decision-making body.

Director Heineck said the proposal was initiated in the spring of 2004 by the Neighborhood Association, who subsequently held numerous neighborhood meetings to refine the proposal. She said the Association attended two City Council meetings in April and November 2005 to present the proposal, submit a petition of support signed by 71 of the 89 properties in the Lorelei Manor neighborhood, and request that the Council provide direction to proceed with the work for the rezoning. She said at the November 2005 meeting, the Council directed staff to begin work on the proposal. She said staff had worked closely with representatives of the neighborhood to

develop the ordinance to insure it would meet the needs of the neighborhood and would allow for effective implementation by staff. She said the approach removed the need for a use permit for the redevelopment of property subject to the property adhering to a generally more restrictive set of development regulations. She said the proposal would allow for some added design flexibility by providing options for alternatives subject to approval of adjacent property owners or a use permit.

Director Heineck said the new zoning district would retain some of the elements of the existing R-1-U zoning district while modifying others to address the specific characteristics of the neighborhood. She said in general regulations related to minimum lot sizes, setbacks, impervious surface area, FAL, height, daylight plane, second floor design elements, parking, mechanical equipment and work on nonconforming structures would be modified. She said Ms. Fry submitted an e-mail to the Commission earlier that day raising questions on the proposal and the Negative Declaration. She said one of the questions raised was regarding the need for review or monitoring. She said the Lorelei Manor neighborhood had requested that staff review the results of the new zoning district within 60 days of substantial completion of four projects of 200 square feet or more, or after 18 months whichever occurred first.

Questions of Staff: Commissioner Pagee asked how much staff time was needed to put together this proposal and whether the neighborhood would bear the cost. Director Heineck said the Council had specified in November 2005 that this would be a city-sponsored project and the cost of preparing the document was not recoverable. She estimated that she had spent approximately 80 hours on the proposal. Commissioner Pagee asked if there was any provision for solar collectors on adjacent properties. Director Heineck said the Zoning Ordinance has a chapter on solar access and this would apply to all of the properties in the Lorelei Manor. She said that prior projects had shown that the daylight plane tended to be more restrictive than solar envelope and this proposal had more restrictive daylight plane requirements. Regarding emergency access, Director Heineck said the Fire District had not expressed any concern about the proposal. Regarding noticing of excavation, she said that the regulations of the Building Code relative to protection of adjacent property and notification of adjacent property owners would apply. Regarding identifying heritage trees on properties, she said site inspections by staff would continue.

Commissioner Keith asked about the allowance for granny units. Director Heineck said for granny units there needed to be a minimum 7,000 square feet of lot area and this area had only a few parcels that had greater than 7,000 square feet. Development of a granny unit on a parcel smaller than 7,000 square feet would require a variance.

Public Comment: Mr. Bob Stosz, a member of the neighborhood task force, said the impetus for the proposal was the fact that under the existing Zoning Ordinance nearly all of the lots in the neighborhood were considered substandard and in many instances would require a use permit for redevelopment. He said they were trying to give property owners a mechanism to do an addition, stay in the neighborhood and do it without aggravation and extra cost.

Mr. Henry Riggs, Menlo Park, said he was representing himself and was present as a member of the Lorelei Manor Neighborhood Association. He thanked staff for a thorough effort on behalf of the Neighborhood Association. He said most of the questions asked by Ms. Fry were about elements that the neighborhood had discussed and taken into consideration. In reference to Ms. Fry's question about the property line at three feet, he said it had not been their intention to have the daylight plane moved two-feet closer to the property line. He said he had asked Director Heineck to help with language so the daylight plane would not be tied to the setback

but to five feet. He said the daylight plane was crucial to their effort. He said they wanted to make it simpler for families to develop their lots but to protect neighbors from potential impacts resulting from windows, daylight plane and shadows. He said that was why they lowered the daylight plane from 19-foot six-inches to 15-foot six-inches. He said the zoning would allow a higher roof for one-stories as they did not want to prejudice peaked roofs. He requested the support of the Commission for the proposal.

Commissioner Pagee asked why they raised the one-story from 12-foot six inch to a 15-foot six-inch daylight plane. Mr. Riggs said they wanted to encourage one-stories and to allow for space that was roomier and more dramatic. Commissioner Pagee said it seemed that they were trying to make their neighborhood denser. Mr. Riggs noted that one-stories built to three-foot property lines were subject to adjacent neighbor approval. Commissioner Pagee asked why tandem parking was being encouraged. Mr. Riggs said he did not see it as encouragement but as an alternative. He said on tight plans sometimes the garage governed the first floor plan and a two-car garage could take up more than 50 percent of the frontage and much of Lorelei Manor was built like that. He said if someone should propose that they would like to park back to back because they found the predominant garage layout ugly, they thought the proposal should be entertained as an option.

Commissioner Deziel said he had forwarded some comments about reformatting the Zoning Ordinance. Mr. Riggs said the concept of reformatting would not affect the neighborhood, but was a matter of the utility of the code.

Chair Bims asked about the 18 properties that had not voted in the affirmative. Mr. Riggs said that 73 families were asked for their vote, 71 of which voted in the affirmative, one declined to vote and one voted against the proposal based on a general opposition to all two-story development. He said that the request for the votes was done by section leaders, one of whom was working long hours and had not been able to visit the property owners in her section. Chair Bims asked if there were any known property line disputes or fence location questions. Mr. Riggs said there were not to his knowledge.

Ms. Kitty Craven, Menlo Park, said they were requesting the overlay for the 89 homes in their neighborhood which would soon be 50 years old. She said many of the residents had been involved in prior zoning ordinance amendment efforts. She said that the issues of their neighborhood had not been addressed and the overlay would address those issues. She said that the proposal was developed through much discussion and consideration of each person in their neighborhood.

Chair Bims closed the public hearing.

Commission Comment: Chair Bims said in general he was in favor of the proposal redefining standard lot size and the requirements for two-story homes was generally more restrictive than the Zoning Ordinance to try to minimize impacts. He said it was questionable for him that the side setbacks could move from five feet to three feet but there was neighborhood support so he would accept it.

Commission Action: Commissioner Sinnott moved, and Commissioner Keith seconded, to recommend to the Council approval of the findings for the Negative Declaration and adoption of the Negative Declaration, items 1 and 3 of the recommendation outlined in the staff report.

Motion carried 6-0 with Commissioner Riggs recused.

Commissioner Deziel said he liked the proposal but there were some problems with its implementation in the text. He said the neighborhood had made the initiative, but it was a City investment, and the other 14,000 lots in the City should be represented by the Commission. He said that such a modification should not leave the Zoning Ordinance in a worse condition than existing and hopefully would pay something back to the community as the community had paid for the resource of staff time that went into the proposal. He proposed a return for that investment could be a clearer structuring in the text that would make it easier for another similar neighborhood to request an overlay. He said as proposed there were numerous instances of branching in sections caused by phrases such as “except this” and “excluding that” and that the branching extended to several levels. He said he considered all of the requests by the Lorelei Manor neighborhood and devised a way to make the Zoning Ordinance more readable. He said the spirit of his proposal was to make it easier for neighborhoods to come forward with their own requests and make the code easier for users to read. He moved to recommend the findings for approval of the proposal, item 2 of the recommendation in the staff, and approval of the proposal, items 4 and 5 of the recommendation in the staff report, subject to inclusion of his written recommended changes to the zoning ordinance amendment.

Chair Bims asked about the proposed change to the definition of story. Commissioner Deziel said that if the FAR definition was not changed as suggested then there was no need to change the definition of story. He said that in reference to the issue of creating a table to explain when a lot is standard or substandard, the benefit of the table would be if another neighborhood came in with a different answer to what was standard then there would just be another row added or be no change at all and fall under the definition of that particular zoning district. He said he thought there would be other neighborhoods such as Suburban Park with substandard lots that would pursue similar overlays.

Commissioner Sinnott asked for feedback from staff on Commissioner Deziel’s proposal. Director Heineck asked the Commission to consider whether the ordinance as written was clear and user friendly or whether Commissioner Deziel’s proposal would improve the readability. She said staff’s intent was to get a zoning ordinance that was as user-friendly as possible and as brief and efficient as possible. She said whether this was effective was a question for the Commission. She said it was not clear if the proposed changes would save time should another neighborhood choose to come in for an overlay – it was possible – but the three attempts for a neighborhood overlay that she had seen had been very different and any one could have required a different approach. She said that the table approach would work better for the nonconforming structures section of the ordinance because the regulation in that case had less complexity. She stated that the table approach would be more difficult for defining standard and substandard lots due to the complexity of multiple factors, including lot area, width and depth.

Chair Bims said that the readability of the zoning ordinance was of a bigger scope than what was being considered, but he understood Commissioner Deziel’s concerns to not make the ordinance less readable. He said he found Commissioner Deziel’s method of interest, as it would be good for different districts to be able to see immediately what their regulations were.

Discussion ensued as to whether the changes should be pursued and if so, when.

Director Heineck suggested that if the Commission wanted to see text format as proposed by Commissioner Deziel that an option would be for staff to develop it in the form of handouts. She said if it was found to be effective then at the next opportunity it could be added to the zoning ordinance.

Commissioner Deziel withdrew his motion and asked the Chair to open discussion on each section of the zoning ordinance.

Commissioner O'Malley said changing the style of the zoning ordinance would be a huge job, but Commissioner Deziel's proposal was a very good and sound approach. He said some people liked words and others liked charts; he noted he was in the latter category. He said he supported Commissioner Deziel's approach but it was not clear if it could be accomplished tonight. He said perhaps the option as suggested by Director Heineck was viable.

Commissioner Keith said that she also liked how Commissioner Deziel had presented the information and expressed her support for his approach. She asked whether the request for monitoring of the impacts of the proposal needed to be included in the ordinance. Director Heineck said it should be a recommendation by the Commission. She said the neighborhood had requested a review by staff 60 days after the completion of four redevelopment projects of greater than 200 square feet or after 18 months, whichever came first. She said the Commission might also want to consider whether the review would come back before the Commission. Commissioner Keith said she would like the number of projects to be five or after 18 months for Commission review.

Commissioner Pagee said that a longer period of time was needed to do a meaningful review because of the length of time needed to develop projects. Director Heineck said this request came from the neighborhood and she thought it was their interest to see what the impacts were and whether the ordinance should be revised. Chair Bims asked Mr. Stosz to comment. Mr. Stosz said the neighborhood wanted to see if they had done the right thing; he said they thought this would motivate property owners to improve their properties. He said a review between two years to four years would suffice.

Commissioner Deziel said that in the definition of Floor Area much of the new text was copied from the existing definition. He said he identified the five items causing those sections to be copied repeatedly. He said this extended the definition of Floor Area to three pages. He explained how his proposed changes would get this section into a more concise structure.

Director Heineck said that both Commissioner Deziel and Ms. Fry had raised the issue of the term "staircase" versus "stairwell." She said it was a typographical error and it would be corrected to stairwell. She said there were two points raised by Ms. Fry and addressed by Mr. Riggs that should be revised. She said one was the daylight plane section to specify that it would be measured from five-feet and not three feet if a neighbor was willing to allow a structure to be put at the three-foot setback. She said the second point was related to allowed architectural feature encroachments when there was a three-foot setback. She said that the proposed language would not allow an eave overhang on a three-foot setback and that this was not the intent of the neighborhood. She said that the ordinance could be modified to allow a 12-inch eave in those cases. Commissioner Deziel said that he thought it was fine as it was written and that eaves were not necessary into the three-foot setback. Commissioner Pagee expressed concern with emergency access with encroachments into the three-foot setback.

Commission Action: Commissioner Keith moved to recommend that the Council adopt a finding that the proposed Zoning Ordinance amendment and rezoning are consistent with the adopted General Plan land use designation of Low Density Residential. Commissioner Sinnott seconded the motion.

Motion carried 6-0 with Commissioner Riggs recused.

Commission Action: Commissioner Deziel moved to recommend approval of the ordinance amendment and rezoning subject to specific changes to the new zoning district as refined by the Planning Division to meet the intent of the Planning Commission. The changes include a table format for the section of the ordinance on nonconforming structures and changes to the definition of Floor Area. Commissioner Deziel added a recommendation that the Council direct staff to do a review and present it to the Planning Commission after four development projects or after two years whichever came first and add the daylight plane modification to tie it to a five-foot setback rather than a three-foot setback. Commissioner Keith seconded the motion.

Motion carried 6-0 with Commissioner Riggs recused.

Commission Action: Through a series of motions as noted previously, the Commission voted to make the following recommendations to the City Council.

1. Adopt the following findings relative to the environmental review of the proposal:
  - a. A Negative Declaration was prepared and circulated for public review pursuant to the current State CEQA Guidelines;
  - b. The Planning Commission has considered the Negative Declaration prepared for the proposal and any comments received during the public review period; and
  - c. Based on the Negative Declaration and any comments received, there is no substantial evidence that the proposal will have a significant effect on the environment.
2. Adopt a finding that the proposed Zoning Ordinance amendment and rezoning are consistent with the adopted General Plan land use designation of Low Density Residential.
3. Approve the Negative Declaration.
4. Adopt Ordinance No. \_\_\_\_ amending the Zoning Ordinance to establish the R-1-U (LM) zoning district and modifying other sections to allow for the establishment of the new district with modifications as stated previously.
5. Adopt Ordinance No. \_\_\_\_ rezoning the Lorelei Manor neighborhood from R-1-U to R-1-U (LM).

The Commission recommended that the City Council direct staff to perform a review of the zoning district after four development projects or two years whichever occurred first.

6. **Review of Update of the City of Menlo Park Zoning Map and General Plan Land Use Diagram**: The City of Menlo Park is considering an update of the representation of the City's Zoning Map and General Plan Land Use Diagram. The update would result in a combined Zoning Map and General Plan Land Use Diagram. No Rezoning or General Plan Amendments are associated with the update. The update is limited to the representation of existing zoning districts and land use designations.

Commission Action: M/S Keith/Riggs to recommend as presented in the staff report.

Staff recommends that the Planning Commission recommend that the City Council adopt the draft resolution as Attachment A.

Motion carried 7-0.

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

##### **1. Consideration of transcripts from the May 22, 2006, Planning Commission meeting.**

Commission Action: Approved 6-0-1 with Commissioner O'Malley abstaining and with the following modifications:

Page 21, Line 12	Replace "lead" with "LEED."
Page 22, Line 9	Replace "pull" with "pole" and delete "level."
Page 22, Line 10	Replace "volar" with "voltage."
Page 22, Line 17	Replace "bio soils" with "bioswales."
Page 24, Line 8	Replace "and mentioning" with "dimensioning."
Page 24, Line 18	Replace "BOC" with "VOC."
Page 27, Line 8	Replace "antennas" with "parapets."
Page 35, Line 4	Delete "as opposed to the project."
Page 35, Line 24	Replace "there's a" with "for example, at the Claremont Hotel."
Page 35, Line 25	Delete "place" and "where."
Page 36, Line 1	Replace "that" with "the fitness center and pool."
Page 37, Line 15	Replace "Kristen" with "Kirsten."
Page 37, Line 21	Delete "and I wanted."
Page 37, Line 22	Delete "to ask you."
Page 38, Line 18	Replace the first "that" with "what."
Page 40, Line 8	Replace "Sand Hill" with "Stanford."
Page 41, Line 10	Replace "times" with "timed."
Page 41, Line 17	Replace "tale" with "deal."
Page 42, Line 9	Insert "per square foot" after "\$1.60."
Page 73, Line 17	Delete "In San Jose."
Page 85, Line 20	Insert "plan" between "we" and "to."
Page 86, Line 24	Delete "boarding of" and insert "board" after "material."
Page 88, Line 9	Replace "proverbing" with "providing."
Page 89, Line 5	Replace "is" with "of."
Page 92, Line 13	Replace "differential" with "deferential."
Page 92, Line 23	Replace "over" with "of."
Page 96, Line 1	Replace "Harry" with "Henry."
Page 97, Line 18	Replace "only" with "also."
Page 101, Line 1	Replace "3.2" with "3.3."
Page 101, Line 15	Replace "supporting the driving" with "providing."
Page 105, Line 21	Insert "funds" before "being."
Page 112, Line 11	Replace "TMV" with "TDM."
Page 123, Line 7	Replace "us" with "it."
Page 124, Line 15	Insert "\$" before "20,000."
Page 126, Line 9	Delete "and replenish."

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

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



Development Services Manager Murphy made a brief report.

## **ADJOURNMENT**

The meeting adjourned at 11:35 p.m.

Staff Liaison: Justin Murphy, Development Services Manager

Prepared by: Brenda Bennett, Recording Secretary

Approved by Planning Commission on July 10, 2006.