



MENLO PARK PLANNING COMMISSION MINUTES

Regular Meeting

June 26, 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, Justin Murphy, Development Services Manager; Thomas Rogers, Assistant Planner

A. PUBLIC COMMENTS

There were none.

B. CONSENT ITEMS

1. **Reconsideration of Use Permit /Judith Wasserman, Architect for William and Cheryl Fackler Hug/319 Barton Way:** Review of substantial compliance of use permit approval for modifications to the project plans with regard to a reduction in square footage, the placement and number of windows, and other minor changes to the exterior facade in association with a new residence at 319 Barton Way.

Commission Action: M/S Sinnott/Keith to approve a finding of substantial compliance as recommended by staff

Motion carried 7-0.

2. **2006-2007 Capital Improvement Program/General Plan Consistency:** Consideration of consistency of the 2006-2007 Capital Improvement Program with the General Plan.

Commissioner Deziel said that if staff were going to look at bicycle lanes going to Laurel School his request would be to look at other solutions than the street, bicycle lane and separate sidewalk configurations. He said many bicyclists ride on the sidewalk now.

Commissioner Keith said there were different classes of bicycle lanes and that she and others in the Willows had met with planners from the County about possible alternatives. She asked whether Transportation Division staff could address several options that had been prepared. Mr. Ken Steffens, City Public Works Director, said that he seen preliminary plans developed by people in the neighborhood promoting the project referenced by Commissioner Keith. He said for such a project a steering committee of stakeholders would form to try to develop the safest most effective plan. In response to Commissioner Keith, Mr. Steffens said he had not seen

plans developed by the County and that there was potentially some opposition to a sidewalk project along Coleman Avenue because of developed landscaping.

Commissioner Riggs said that he hoped flexibility on width standards for streets; bike lanes and sidewalks would be feasible along Coleman Avenue and other not particularly wide streets.

In response to Chair Bims, Director Steffens said regarding traffic mitigation fees that a nexus study would identify transportation improvements needed as a result of growth in Menlo Park and costs for those improvements would be calculated. He said staff would look at the difference between traffic conditions today and those at buildout of the General Plan; they would identify locations with existing congestion which possible could be resolved with improvements, and then develop a list of desired improvements, which would then be refined and the cost of the improvements estimated. He said staff would look at how much growth was possible that would provide support for that set of improvements. He said based on the study, the City Council would set a fee, or percentage, or no fee; but if a fee were set, it would be applied to projects that create traffic impacts.

In response to Commissioner Keith, Director Steffens said the City had not looked at a storm drain improvement fee. He said there had been a citywide drainage report that identified improvement needs in Menlo Park and to upgrade the system to 10-year storm capacity would require \$38 million, which did not include costs for any mitigations for local creeks. He said some other cities have storm drain improvement fee programs. He noted that new developments could not be charged for pre-existing conditions, and that developers were required to create projects that would not increase storm drain runoff.

Commission Action: M/S Deziel/Keith to adopt a finding that the Planning Commission has reviewed the 2006-2007 Capital Improvement Program and found it to be in consistent with the City's General Plan.

Motion carried 7-0.

C. PUBLIC HEARING

- 1. Use Permit/Glenn and Tracy Hansen/1058 Ringwood Avenue:** Request for a use permit to construct a second story addition to an existing single-story, single-family nonconforming residence that would exceed 50 percent of the replacement value of the existing structure in a 12-month period in the R-1-U (Single Family Urban) zoning district.

Staff Comment: Planner Rogers had no additional comments to the written staff report.

Public Comment: Mr. Glenn Hansen said he was the current property owner but indicated that the new property owners, who would take ownership on the 30th of the month, were also present. Commissioner Keith asked about the massing of the second story related to staff's comments on page three of the staff report. Mr. Hansen said regarding the two-story wall that the rear of the home was barely visible from any direction as there are large trees surrounding the property. In response to a question from Commissioner Deziel, Mr. Hansen indicated that the home was easily convertible to a three-bedroom.

Chair Bims closed the public hearing.

Commission Action: M/S Riggs/Sinnott to make the findings as recommended in the staff report and add a condition that would state "Applicant may retain existing two bedroom configurations and reorient the laundry area subject to staff review."

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 Steve Benzing Architect, consisting of seven plan sheets, dated received April 20, 2006, and approved by the Planning Commission on June 26, 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.
4. Approve the use permit subject to the following *specific* condition:
 - a. Applicant may retain existing two bedroom configurations and reorient the laundry area subject to staff review.

Motion carried 7-0.

2. **Use Permit/Partridge Oaks, LLC/800 Partridge Avenue:** Request for a use permit to demolish one single-family dwelling unit and to construct two single-family dwelling units and associated site improvements in the R-2 (Low Density Apartment) zoning district. The project would share a common driveway with the proposed development at 812 Partridge Avenue.

Staff Comment: Planner Fisher said she had received a phone call from a neighbor on College Avenue to the rear of the project. She said the neighbor's concerns were about existing

screening on both 800 and 812 Partridge Avenues as well as on her yard that the screening be retained and preserved through the construction period. She said that the property owners might want to install a gate so that children who might live in the rear units could easily play with children on College Avenue.

Public Comment: Development Services Manager Murphy noted that the applicants were aware of the meeting but were not yet present. He suggested hearing public comment first and to move the items later on the agenda if the applicants had not yet arrived after the public comment.

Mr. Greg McCandless said he was the owner of a project just north of the subject project and was concerned that the house at 800 Partridge was just a two-story box. He said the architect had provided articulation on other elevations but there was none on the façade facing his property across the property line. He asked the Commission to require the architect to redesign that elevation to provide more articulation.

Chair Bims closed the public hearing and continued C.2 and C.3 to follow C.6 on the agenda.

The Commission returned to further consideration of this item following C. 6 on the agenda.

Public Comment: Mr. Arthur Quizno said he was one of the partners with Partridge Oaks, LLC. He said that previously they had presented a project at 1950 and 1960 Menalto Avenue that he thought had been well received by the Commission. He said for these projects the lots would be kept separate with one single driveway, and that they were trying to preserve as many trees as possible. He said that they were addressing the front of the streets by adding porches to the homes with the garages to the rear of the homes. He said the homes would be Craftsman and they were trying to match the materials to the adjacent homes. He said that they were building within the ordinance and were not requesting any variances.

Commissioner Pagee said that a neighbor had concerns with the blank two-story walls that faced his property on the side and which would affect the other side as well. Mr. Quizno said that the constraints on size and proximity to the neighbor's property made articulation difficult. Commissioner Pagee asked if there was a landscaping plan and noted there were no trees on the side facing the neighbors. Mr. Quizno said there was a large tree on that side and the canopy of the tree when trimmed for construction would start at about 20 feet.

Commissioner Keith reiterated Mr. McCandless' concern to the project architect, Mr. Robert Steinberg. Mr. Steinberg said that the reason the neighbor put the driveway where they did on their property was the presence of a large oak tree which he thought provided a buffer between the properties. He said that if the neighbor wanted more articulation on that side they would add something.

Commissioner Riggs suggested confirming with Mr. McCandless as to whether screening and additional articulation would resolve his concerns. He asked Mr. Steinberg how privacy impacts could be addressed. Mr. Steinberg said they wanted to be good neighbors and they were willing to add landscaping and articulation. He said their thoughts on the design was that the oak tree over the driveway softened the two projects and their desire was to balance privacy with articulation. He said if they added a bay window on that side it would be his inclination to have a lot of glass in the bay. He said however that they were flexible about working with the neighbor. Commissioner Riggs suggested taking a larger existing window and make it a 12-inch bay, which was acceptable to Mr. Steinberg.

Commissioner O'Malley noted an unusual request from a neighbor on College Avenue to install a gate at the rear for children who moved in the home to go out and play with other children on College Avenue. Mr. Steinberg said that was an unusual request and a potential infringement on privacy but said the fence could have two solid posts in that area so that if the new resident wanted a gate there it would be easily accomplished.

Mr. Steinberg apologized for their lateness noting they had mistakenly thought their items were last on the agenda. He said they were willing to work with the neighbor on landscape treatment and architectural element. He said if that was the only concern he requested that approvals might be granted so that they could work with staff and the neighbors and resolve that concern.

Chair Bims opened public comment for both C.2 and C.3.

Mr. Greg McCandless said he appreciated the architect's willingness to work on the façade and he felt that working with staff and the applicant they would be able to find a resolution. He was concerned that the canopy on the oak would be trimmed to 20 feet, which might hurt the health of the tree and eliminate the screening it provided.

Chair Bims closed public comment for both C.2 and C.2.

Commission Comment: Commissioner Sinnott moved to approve as recommended by staff with a condition for the applicant to work with the neighbor on additional articulation on the side façade and develop landscape screening. Chair Bims seconded the motion.

Commissioner Keith asked Mr. Steinberg if he thought they could address Mr. McCandless' concerns. Mr. Steinberg said they could find a common ground to give the neighbor a handsome elevation that utilized both landscaping and some articulation on that façade. He said the problem was that there were heritage trees on the other side of the property.

Commissioner Deziel said the proposed design was similar to the Menalto Avenue design, but the lots were not, and the design was creating a problem for the neighbor as it did not fit on this site. He said that massive limbs would need to be removed from the oak tree to accommodate the structure. He made a substitute motion to continue for redesign for a better balance to both preserve the oak trees and present a better façade to the neighbor. Commissioner Pagee seconded the motion. Commissioner Deziel said that the center island was essentially paving around three oak trees and he thought there should be a look at types of permeable pavers and when those trees should be pruned.

Commissioner Riggs said an overriding concern in Menlo Park is for mature oak trees. He noted Mr. McCandless' concern that the second story really needed to be stepped back from the oak tree. He said that that plantings under oak trees were not recommended and the façade would need to be treated architecturally.

Commission Action: M/S Deziel/Pagee to approve a substitute motion to continue the project for redesign.

Motion carried 6-0-1 with Commissioner O'Malley abstaining.

Commission Action: M/S Deziel/Pagee to continue the project for redesign to preserve the oak tree and provide articulation on the north elevation.

Motion carried 6-0-1 with Commissioner O'Malley abstaining.

3. **Use Permit/Partridge Oaks, LLC/812 Partridge Avenue:** Request for a use permit to demolish one single-family dwelling unit and to construct two single-family dwelling units and associated site improvements in the R-2 (Low Density Apartment) zoning district. The project would share a common driveway with the proposed development at 800 Partridge Avenue.

Item to follow C.6 on the agenda.

Commission Comment: Commissioner Sinnott moved to continue for redesign for additional articulation on the blank two-story wall; Commissioner Pagee seconded the motion.

Commissioner Riggs said on the south side there was an apartment building and not a single-family residence. He said he did not have the same concerns with this design.

Commissioner Keith said that she did not think redesign was necessary.

Commissioner Riggs moved a substitute motion to approve as recommended by staff with two conditions that the applicant work with staff for some articulation on the south elevation of building A and the issue of construction parking on Partridge Avenue be addressed as there were neighbors on Partridge Avenue who have specially permitted handicapped parking. Commissioner Keith seconded the motion but asked about possible privacy impacts with windows added for articulation. Commissioner Riggs accepted the modification. Commissioner Deziel asked what would happen if the applicant decided they wanted to redesign this project after they redesigned the other project.

Chair Bims asked about the applicant's preference. Mr. Steinberg said it was their preference to get approval for this site.

Commission Action: M/S Riggs/Keith to make a substitute motion to approve as recommended by staff with a condition added that the applicant work with staff to provide articulation on the south elevation of building A and window placement to protect privacy, and to encourage construction parking that is sensitive to the needs of residents with permitted handicapped parking needs.

Motion carried 6-1 with Commissioner Pagee opposed.

Commission Action: M/S Riggs/Keith to approve as recommended by staff with a condition added that the applicant work with staff to provide articulation on the south elevation of building A and window placement to protect privacy, and to encourage construction parking that is sensitive to the needs of residents with permitted handicapped parking needs.

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 Steinberg Architects, consisting of 17 plan sheets, dated June 19, 2006, and approved by the Planning Commission on June 26, 2006, except as modified by the conditions contained herein.
 - b. Prior to building permit issuance, the applicant shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.
 - c. Prior to building permit issuance, the applicant shall comply with all requirements of the Building Division, Transportation Division, and Engineering 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 by the Planning, Engineering and Building Divisions. All utilities shall be placed underground. 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 for review and approval by the Engineering Division.
 - f. As part of the building permit application submittal, the applicant shall submit a Grading and Drainage Plan for review and approval by the Engineering Division. The Grading and Drainage Plan shall be approved prior to issuance of a grading or building permit.
 - g. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance.
4. Approve the use permit subject to the following *project-specific* conditions:
 - a. Prior to building permit issuance, the applicant shall submit recorded documentation of a shared access easement for the motor court area on the two parcels at 800 and 812 Partridge Avenue.
 - b. If the applicant desires to create a condominium map for new construction, the applicant shall submit a Tentative Parcel Map for review and approval by the Engineering Division, prior to building permit issuance.

- c. As part of the building permit application submittal, the applicant shall submit a final planting plan, similar to the revised plan provided as Attachment C that shows the location, species, and size of the existing and proposed trees, including replacement trees 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.
- d. ***Prior to building permit issuance, the applicant will work with staff to provide articulation on the south elevation of building A and window placement to protect privacy.***
- e. ***Encourage construction parking that is sensitive to the needs of residents with permitted handicapped parking needs.***

Motion carried 6-1 with Commissioner Pagee opposed.

(Agenda items taken out of sequence and the Commission after concluding consideration of C.3 returned to consideration of "D. Regular Business.")

- 4. **Tentative Parcel Subdivision/Donald Gerber II/2270-2272 Eastridge Avenue:** Request for a tentative parcel map to convert two residential dwelling units into two condominium units on one parcel in the R-2 (Low Density Apartment) zoning district.

Staff Comment: Planner Fisher said she had no additional comments to the staff report.

Public Comment: Mr. Alan Huntsinger said he was a civil engineer and had drawn up the tentative parcel subdivision. He noted that the property was for sale.

Chair Bims closed the public hearing.

Commission Comment: Commissioner Keith moved to approve as recommended in the staff report and Commissioner Deziel seconded the motion, but suggested adding that the parcels would share a percentage of FAL in the future for any zoning ordinance changes from the current allocation. After a brief discussion with input from staff, Commissioner Deziel suggested changing the parenthetical section of condition 4.a to read: "In case of Unit 1, one-half of allowed FAL plus four-square feet and in Unit 2, one-half of allowed FAL minus four-square feet." Commissioner Keith accepted the change.

Commission Action: M/S Keith/Deziel to approve as recommended in the staff report with one modification to condition 4.a.

- 1. Make findings that the project is categorically exempt under Class 15 of the current State CEQA Guidelines.
- 2. Make findings that the proposed minor subdivision is technically correct and in compliance with all applicable State regulations and City General Plan, Zoning and Subdivision Ordinances, and the State Subdivision Map Act.
- 3. Approve the minor subdivision subject to the following *standard* conditions:

- a. Development of the project shall be substantially in conformance with the plans prepared by A.C. & H – Civil Engineers, dated received June 22, 2006 consisting of one plan sheet and approved by the Planning Commission on June 26, 2006, except as modified by the conditions contained herein.
 - b. Prior to recordation of the parcel map, the applicant shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.
 - c. Prior to recordation of the parcel map, the applicant 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 construction shall be protected pursuant to the Heritage Tree Ordinance.
 - e. Within two years from the date of approval of the tentative map, the applicant shall submit a parcel map for review and approval of the City Engineer. The parcel map shall use a benchmark selected from the City of Menlo Park benchmark list as the project benchmark and the site benchmark.
 - f. Concurrent with parcel map submittal, the applicant shall submit covenants, conditions and restrictions (CC&Rs), if applicable, for the approval of the City Engineer and the City Attorney. The parcel map and the CC&Rs shall be recorded concurrently.
 - g. Concurrent with the parcel map submittal, the applicant shall submit a plan indicating all proposed modifications in the public right-of-way including frontage improvements and utility installations.
 - h. Prior to recordation of the parcel map, the applicant shall remove and replace all damaged, significantly worn, cracked, uplifted or depressed frontage improvement (e.g., curb, gutter, sidewalk) and install new improvements per City standards along the entire property frontage. The applicant shall obtain an encroachment permit prior to commencing any work with the City's right-of-way or public easements.
 - i. Prior to recordation of the parcel map, the applicant shall install new utilities to the point of service subject to review and approval of the City Engineer. All electric and communication lines servicing the project shall be placed underground. Each lot/unit shall have separate utility service connections.
4. Approve the minor subdivision subject to the following *project specific* conditions:
- a. Prior to recordation of the final map, the Conditions, Covenants and Restricts (CC & Rs) shall incorporate language to specify the FAL allocation between Unit 1 (**50 percent plus four 2,462** square feet) and Unit 2 (**50 percent minus four 2,454** square feet). The language shall be subject to review and approval of the City Attorney.

Motion carried 7-0.

5. Variance, Tentative Subdivision Map, and Use Permits/Filiberto Alvarez/510-520

Gilbert Avenue: Request to subdivide one parcel into two lots in the R-1-U (Single-Family Urban) zoning district, and a request for a variance to reduce the minimum lot width to 51.27 feet where 65 feet is the minimum. The parcel is currently developed with one single-family residence and one duplex, which are considered legal nonconforming uses. In addition, a request for use permits to demolish the existing residences, and construct two new, two-story single-family residences on two substandard lots with regard to lot width.

Staff Comment: Planner Rogers said that one letter had been received earlier in the day from Mr. Jay Bartels, a neighboring property owner to the left. He said Mr. Bartels was not objecting to the subdivision or variance requests but to the design and orientation of the house on 520 Gilbert Avenue.

Questions of Staff: Commissioner Pagee asked if there were any trees permitted for removal. Development Services Manager Murphy said there had not been any heritage tree removal permits. Planner Rogers said the Black acacia tree was dead and recommended for removal.

Public Comment: Mr. Stan Nielsen, architect for the project, asked to read Mr. Bartels' letter. He said that originally this was one parcel in the 1900s. He said all of the properties have approximately 50-feet of frontage. He said the intent of the design of the homes was to have a frontage that expressed itself in a one-story element and kept the garage back from the front of the house. He said there were some windows that he thought concerned the neighbor and he was willing to reduce the size of those windows.

Commissioner Pagee said that other properties in the area had detached garages. Mr. Nielsen said that the owners had requested attached garages for convenience. Commissioner Pagee said the garage also buffeted some of the noise from the playgrounds. Mr. Nielsen said they were thinking about building a sound wall. Commissioner Pagee said there were three affordable rental dwelling units that would be replaced with two homes to be purchased.

Commissioner Keith asked about the materials proposed for use on the project. Mr. Nielsen said they would use Hardy plank siding, Hardy panel, either clad or vinyl clad windows, and wood entry and garage doors. Commissioner Keith said the proposed structures looked a bit like tract homes and asked if the architect could address that concern. Mr. Nielsen said there were dormers for articulation in both structures and changes in materials that would accentuate the horizontality of one of the homes.

Chair Bims closed the public hearing.

Commission Comment: Commissioner Sinnott said she thought the subdivision was appropriate and was in keeping with the fabric of the neighborhood. She said she had some concerns with the architectural finishes. She moved to approve as recommended by staff. Commissioner O'Malley seconded the motion. Chair Bims asked if Commissioner Sinnott was open to an amendment to reduce the size of the windows facing 530 Gilbert. Commissioner Sinnott said she would add that modification to the motion and Commissioner O'Malley agreed. Commissioner Keith said she would like a higher quality material used for the finishes. Mr. Alvarez said he had finished two homes at 1420 Mills and 933 Valparaiso that used exactly the

same materials. He said the Hardy planking was termite proof and water resistant. Commissioner Sinnott said she was familiar with the one on Valparaiso and said it was attractive.

Commissioner Keith asked what the sales price would be. Mr. Alvarez said if the market remained at the same rate he expected the property would be about \$2 million. Commissioner Keith said that was why she thought higher quality materials should be used. Mr. Alvarez said he could provide photos of the two homes for which he used the same materials and could provide access to one of those properties if the Commissioners wished to look at them.

Commissioner Riggs said that the vinyl-clad windows were wood clad in vinyl and were better quality than just wood. He said regarding the siding proposed that once it was painted it looked like wood siding. He said he thought it was one of most ecologically sound materials. He said the 520 structure had a nice façade but the 510 structure was not as pleasing. He said he had no problem with the subdivision and was overall supportive of the project.

Commissioner Pagee said she was supportive of the subdivision but noted that the project site was along a busy street. She said she had hoped that the project would pick up more of the warmth and character of the neighborhood and thought that with a few changes the homes could be improved to do that.

Commissioner Deziel said he liked the project but had an issue with making the finding in that the hardship cited was that they could not otherwise retain two dwelling units on a lot in the R-1 district. He said it was not a hardship as only one residence was allowed in an R-1 district. He said he thought the hardship was that the homes (asset) had been built prior to the establishment of the zoning ordinance and had never used and then, after the zoning ordinance become effective, could not use the 50-foot width as used by other properties in the area.

Commissioner Keith said the subdivision was fine but she hoped the residences could be made warmer and more in keeping with the neighborhood. Mr. Nielsen said they were willing to work with staff on this if that was acceptable.

Commissioner Riggs said he thought the materials would be warm in appearance but that the colors were quite muted and suggested a change in hues to increase the feeling of warmth or to distinguish between the two residences.

Commissioner Riggs asked the applicant if he would be willing to plant a street tree. Mr. Alvarez said he was very willing to plant trees and did not like removing trees at all.

Commissioner Sinnott called for the vote. Commissioner Deziel said that he thought the fine-tuning of the façade should be up to staff review. Commissioner Riggs said he was quite comfortable with what was proposed for 520 Gilbert, but suggested the applicant might work with staff to take a second look at dormers or a clipped gable condition and choose an alternative color with a goal to make the structure look warmer in a cottage neighborhood.

Commissioner Keith asked the architect what other options of detailing they had looked at for the structures. Mr. Nielson said that they had looked at the detailing of gable ends in a more Victorian fashion. He said he thought the Commission would like that.

Commission Action: M/S Deziel/Riggs to limit the debate to five minutes.

Motion carried 5-2 with Commissioners Bims, Deziel, O'Malley, Riggs, and Sinnott voting in support and Commissioners Keith and Pagee voting against.

Commissioner Keith asked whether Mr. Nielson would be willing to do the Victorian detailing on the residence at 510 Gilbert. He indicated he was.

Commissioner Riggs asked about requiring a street tree. Commissioners Sinnott and O'Malley accepted the modification.

Commission Action: M/S Sinnott/O'Malley to approve as recommended by staff with the following modifications.

1. Make a finding that the project is categorically exempt under Class 15 and Class 3 of the current State CEQA Guidelines.
2. Make the following findings as per Section 16.82.340 of the Zoning Ordinance pertaining to the granting of the variance:
 - a. The existence of a legal single-family residence and duplex on this property present a hardship with regard to redevelopment and provision of any more than one single-family dwelling unit.
 - b. The proposed variance is necessary for the preservation and enjoyment of substantial property rights possessed by other conforming property in the same vicinity, and the variance would not constitute a special privilege of the recipient not enjoyed by neighbors. The majority of the lots in this area have lot widths of 50 or 55 feet.
 - c. Except for the requested variance, the subdivision 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 any future construction will meet the setback and daylight plane requirements per the R-1-U zoning district.
 - d. The conditions upon which the requested variance is based would not be applicable, generally, to other property within the same zoning classification since the variance is based on the existence of two legal dwelling units on a lot that is over twice the size of the R-1-U district minimum, a condition which is not common.
3. Make findings that the proposed minor subdivision is technically correct and in compliance with all applicable State regulations and City General Plan, Zoning and Subdivision Ordinances, and the State Subdivision Map Act.
4. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed uses 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.
 - a. Prior to building permit issuance, the applicant shall submit revised plans for the proposed residence at 510 Gilbert Avenue. The revisions shall have the general goal of making the residence appear warmer and more appropriate for a cottage neighborhood, with the specific goals of readdressing the residence's dormers

and colors. The revised plans shall be subject to review and approval of the Planning Division.

- b. Prior to building permit issuance, the applicant shall submit a revised landscape plan for 520 Gilbert Avenue that confirms that the Douglas fir will be replaced at approximately the same location with at least one tree from the heritage tree replacement list. This plan shall be subject to review and approval of the Planning Division.
5. Approve the variance, minor subdivision, and use permits subject to the following standard conditions:
- a. Development of the project shall be substantially in conformance with the plans prepared by Lea & Sung Engineering, Inc., dated received May 19, 2006 consisting three sheets and approved by the Planning Commission on June 26, 2006, except as modified by the conditions contained herein.
 - b. Prior to recordation of the parcel map, the applicant shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.
 - c. Prior to recordation of the parcel map, the applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
 - d. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval of the Planning, Engineering and Building Divisions. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
 - e. Heritage trees in the vicinity of construction shall be protected pursuant to the Heritage Tree Ordinance. Prior to issuance of a demolition permit, the applicant shall implement the tree protection plan and recommendations in the Arborist Report for all applicable heritage trees for review and approval by the Building Division.
 - f. Within two years from the date of approval of the tentative map, the applicant shall submit a parcel map for review and approval of the City Engineer. The parcel map shall use a benchmark selected from the City of Menlo Park benchmark list as the project benchmark and the site benchmark.
 - g. Concurrent with the parcel map submittal, the applicant shall submit a preliminary Grading and Drainage Plan for review and approval of the City Engineer. The Grading and Drainage Plan shall demonstrate that storm water shall not drain on adjacent properties. The Grading and Drainage Plan shall also indicate all proposed modifications in the public right-of-way including frontage improvements and utility installations.
 - h. Prior to recordation of the parcel map, the existing structures shall be demolished after obtaining a demolition permit.
 - i. Prior to recordation of the parcel map, the applicant shall remove and replace

all damaged, significantly worn, cracked, uplifted or depressed frontage improvements (e.g., curb, gutter, sidewalk) and install new improvements per City standards along the entire property frontage. The applicant shall obtain an encroachment permit prior to commencing any work with the City's right-of-way or public easements.

- j. Prior to recordation of the parcel map, the applicant shall install new utilities to the point of service subject to review and approval of the City Engineer. All electric and communication lines servicing the project shall be placed underground. Each lot/unit shall have separate utility service connections.
- k. Prior to building permit issuance for the construction of the new houses, the approved parcel map shall be recorded at the County Recorder's Office.
- l. Concurrent with the building permit submittal, the applicant shall submit a Grading and Drainage Plan, including an Erosion and Sedimentation Control Plan, for review and approval of the City Engineer. The Grading and Drainage Plan shall be prepared based on the City's Grading and Drainage Plan Guidelines and Checklist and the Project Applicant Checklist for the National Pollution Discharge Elimination System (NPDES) Permit Requirements. The Grading and Drainage Plan shall indicate all proposed modifications in the public right-of-way including frontage improvements and utility installations. The Grading and Drainage Plan shall be approved prior to issuance of a building permit.

Motion carried 5-2 with Commissioners Bims, Deziel, O'Malley, Riggs and Sinnott voting in favor and Commissioners Keith and Pagee voting against.

- 6. Variance and Tentative Subdivision Map/Satish Sandadi and Srineela Madadi/442-444 Gilbert Avenue:** Request to subdivide one parcel into two lots, in the R-1-U (Single-Family Urban) zoning district, and a request for a variance to reduce the minimum lot width to 51.32 feet where 65 feet is the minimum. The parcel is currently developed with two single-family residences, which are considered legal nonconforming uses.

Staff Comment: Planner Rogers said he had no additional comments to make on the item.

Public Comment: Mr. Bob Burmeister said he was representing the property owners as he had helped them prepare the application.

Commissioner Pagee said a driveway was proposed on the left hand side of the property close to the access to the park and suggested it be moved to the other side of the property for the safety of children running out of the park.

Commissioner Deziel said the map indicated the drainage would be running uphill. Planner Rogers said the map combined old conditions and new conditions and that the larger plan showed that the drainage was running from the rear to the front of the lot.

Chair Bims closed the public hearing.

Commission Comment: Commissioner Keith moved to approve as recommended by staff; Commissioner Pagee seconded the motion. Commissioner Deziel said he was uncomfortable with approving the map and not seeing any design.

Commission Action: M/S Keith/Pagee moved to limit debate to five minutes.

Motion carried 7-0.

Commissioner Riggs said regarding the Coast Live oak mentioned on page six of the staff report that its entanglement in power lines was not a reason to remove it.

Commission Action: M/S Keith/Pagee moved to approve as recommended by staff:

1. Make a finding that the project is categorically exempt under Class 15 of the current State CEQA Guidelines.
2. Make the following findings as per Section 16.82.340 of the Zoning Ordinance pertaining to the granting of the variance:
 - a. The existence of two legal single-family residences on this property present a hardship with regard to redevelopment and provision of the same number of equivalent dwelling units.
 - b. The proposed variance is necessary for the preservation and enjoyment of substantial property rights possessed by other conforming property in the same vicinity, and the variance would not constitute a special privilege of the recipient not enjoyed by neighbors. The majority of the lots in this area have lot widths of 50 or 55 feet.
 - c. Except for the requested variance, the subdivision 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 any future construction will meet the setback and daylight plane requirements per the R-1-U zoning district. In addition, construction of a two story house would be subject to discretionary review by the Planning Commission, which at that time will review the proposals and determine whether the use permit findings can be made.
 - d. The conditions upon which the requested variance is based would not be applicable, generally, to other property within the same zoning classification since the variance is based on the existence of two legal dwelling units on a lot that is over twice the size of the R-1-U district minimum, a condition which is not common.
3. Make findings that the proposed minor subdivision is technically correct and in compliance with all applicable State regulations and City General Plan, Zoning and Subdivision Ordinances, and the State Subdivision Map Act.
4. Approve the variance and minor subdivision subject to the following *standard* conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by Lea & Sung Engineering, Inc., dated received May 19, 2006 consisting three sheets and approved by the Planning Commission on June 26, 2006, except as modified by the conditions contained herein.
 - b. Prior to recordation of the parcel map, the applicant shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.
 - c. Prior to recordation of the parcel map, the applicant 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 construction shall be protected pursuant to the Heritage Tree Ordinance. Prior to issuance of a demolition permit, the applicant shall implement the tree protection plan and recommendations in the Arborist Report for all applicable heritage trees for review and approval by the Building Division.
 - e. Within two years from the date of approval of the tentative map, the applicant shall submit a parcel map for review and approval of the City Engineer. The parcel map shall use a benchmark selected from the City of Menlo Park benchmark list as the project benchmark and the site benchmark.
 - f. Concurrent with the parcel map submittal, the applicant shall submit a preliminary Grading and Drainage Plan for review and approval of the City Engineer. The Grading and Drainage Plan shall demonstrate that storm water shall not drain on adjacent properties. The Grading and Drainage Plan shall also indicate all proposed modifications in the public right-of-way including frontage improvements and utility installations.
 - g. Prior to recordation of the parcel map, the existing structures shall be demolished after obtaining a demolition permit.
 - h. Prior to recordation of the parcel map, the applicant shall remove and replace all damaged, significantly worn, cracked, uplifted or depressed frontage improvements (e.g., curb, gutter, sidewalk) and install new improvements per City standards along the entire property frontage. The applicant shall obtain an encroachment permit prior to commencing any work with the City's right-of-way or public easements.
 - i. Prior to recordation of the parcel map, the applicant shall install new utilities to the point of service subject to review and approval of the City Engineer. All electric and communication lines servicing the project shall be placed underground. Each lot/unit shall have separate utility service connections.
 - j. Prior to building permit issuance for the construction of new houses, the approved parcel map shall be recorded at the County Recorder's Office.
 - k. Concurrent with the building permit submittal for new houses, the applicant shall submit a Grading and Drainage Plan, including an Erosion and Sedimentation Control Plan, for review and approval of the City Engineer. The Grading and Drainage Plan shall be prepared based on the City's Grading and Drainage Plan Guidelines and Checklist and the Project Applicant Checklist for the National Pollution Discharge Elimination System (NPDES) Permit Requirements. The Grading and Drainage Plan shall indicate all proposed modifications in the public right-of-way including frontage improvements and utility installations. The Grading and Drainage Plan shall be approved prior to issuance of a building permit.
7. Approve the minor subdivision subject to the following *project-specific* conditions.
- a. Prior to recordation of the parcel map, the applicant shall obtain City Council acceptance of the proposed dedication of the Public Utility Easement (PUE).

Motion carried 6-1 with Commissioner Deziel voting against.

Chair Bims noted that the applicant for items C.2 and C.3 had arrived and the Commission returned to consideration of those two items.

D. REGULAR BUSINESS

Commissioner O'Malley suggested hearing item D.4 first.

Commission Action: M/S Pagee/Keith to not continue the meeting past 11:30 p.m.

Motion carried 7-0.

1. Consideration of minutes from the May 8, 2006, Planning Commission meeting.

Item D.1 and D.2 considered after item D. 4.

Commission Action: M/S Pagee/Deziel to approve as presented.

Motion carried 7-0.

2. Consideration of excerpts from the June 12, 2006, Planning Commission meeting regarding Lorelei Manor zoning amendment.

Commission Action: M/S Pagee/Deziel to approve as presented.

Motion carried 7-0.

3. Status Report on Commercial Zoning Ordinance Update.

Item continued to future meeting.

4. Reconsideration of 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). *This item was conditionally approved at the June 12, 2006 meeting.*

Commissioner O'Malley reviewed the events leading to his request that there be a reconsideration of the use permit. He said that Mrs. Cutright was requesting a setback of 15.5 feet and noted that staff was recommending that the Commission uphold the decision it had made at its June 12, 2006 meeting. He said he respected the decision of the Commission and the recommendation of staff on the use permit; however, he felt there was new information and the applicant should be allowed to present her findings.

Questions of Staff: Commissioner Deziel said in regard to the new information provided that the applicant had indicated that the City's right-of-way on the neighbor's property was only seven-feet and asked whether that was true or significant. Ms. Chow said the right-of-way on this block of Cambridge was 60 feet. Commissioner Deziel noted that the neighbor had installed a fence and whether that encroached into the right-of-way. Planner Chow said that the fence might be in the right-of-way and if so, an encroachment permit was needed, but the fence was easily removed if needed.

Commissioner Riggs moved to reconsider the use permit revision for 910 Cambridge Avenue and Commissioner Keith seconded the motion. Commissioner Deziel said he would like discussion before the vote as the Commission might not want to vote in favor of the motion after its discussion.

Commission Comment: Commissioner Deziel said he had researched public right-of-way standards and that staff's recommendation for an 18-foot setback was exactly appropriate. He said he studied the homes on the three blocks in the area and there was only one home with a 15 foot driveway drive and it was an older home.

Commission Action: M/S Riggs/Keith to limit the debate to reconsider the use permit revision to only five more minutes.

Motion failed 3 to 4 with Commissioners Keith, O'Malley and Riggs voting in favor and Commissioners Bims, Deziel, Pagee, and Sinnott voting against.

Commissioner Riggs said that the Commission exists to make exceptions to the broad rules. He said the applicant had thoroughly reviewed the regulations and was not an opportunist but was willing to spend money to move a structure recently built to make it even more attractive. He said there were hundreds of cars that were fifteen feet or less in length and could be accommodated within the proposed driveway length should a sidewalk be built in the future. He said the applicant fully understood that the use might be restricted in the future. He said he did not think traffic planning should be the overriding concern in how a neighborhood uses or defines itself.

Commissioner Sinnott said she understood the applicant's desire but her concerns were pedestrian access and parking. She said in this instance there is a conforming situation and the request is to make it nonconforming.

Commissioner Pagee questioned allowing an encroachment when it was not necessary. She said with a pattern of growth and expansion and the need to develop bike paths and sidewalks that it did not make sense to allow an encroachment.

Commissioner O'Malley said Mrs. Cutright had put together a partial map of Cambridge Avenue that showed that a number of residents' driveways encroached into the public right-of-way. He said she could present that information if permissible.

Public Comment: Ms. Cutright said she had some documentation that showed a number of properties that were doing exactly what they (applicants) were proposing. She said those properties use the City's right-of-way to make up the majority length of their driveway or at least a large portion of their driveway. She said the reason they were coming back to the Commission to ask for an additional 30 inches was their belief that they were not asking for anything different than what actually exists in the neighborhood and has come before the Commission previously and been approved. She said the most shocking case was 1030 Cambridge that has a one-car garage and a 20-foot driveway. She said this has to also accommodate the second parking space so that its literal driveway is five-feet. She said researching the setbacks on Cambridge Avenue was more difficult. She said their proposed placement was more favorable than most of the driveways in the neighborhood and would not impede pedestrian traffic no matter what type of sidewalk the City might want to install in the future.

Commissioner O'Malley said that if the City exercised its right and installed a sidewalk on both sides of Cambridge Avenue and took 12 feet eight inches on each side of the street for that installation that several of the homes' driveways between the garage and the sidewalk would be less than 15 and a half feet. He asked staff if that was true. Planner Chow said she did not have a count on how many of the driveways would be less than 15 and a half feet and there were discrepancies in the neighborhood as the right-of-way widths in the block vary - starting at Cambridge down to Arbor the right-of-way becomes 60 feet but prior to that it is 50 feet. She said she believes the right-of-way is also offset between the two sides of Cambridge as the applicant has greater right-of-way in front of her property than the property on the opposite side of the street. She said regarding right-of-way width and City standard details there are guidelines and there are variables for width of planters with five-foot sidewalks. She said she spoke with the Public Works Director who recommended that it was in the City's best interest to maintain conditions that allow for flexibility. She said there were trees adjacent to 910 and 900 Cambridge and flexibility was desirable for accommodating future needs for tree preservation, utilities and sidewalk and bicycle path placement.

Commissioner Riggs said 1060 Cambridge Avenue has a nine-foot legal driveway and a one-car garage and while it was the Engineering Division's role to support their rules it was also the Commission's role to interpret those rules and see how they apply. He said a theoretical sidewalk if 910 Cambridge Avenue was held to the stricter dimension would have to jig past 1060 Cambridge and he did not know if that was desirable. He said the possibility of a continuous sidewalk was highly improbable. He said 910 Cambridge Avenue has a two-car garage and was asking for a 15 and a half-foot driveway. He said that the applicant was trying for an aesthetic improvement and was only asking for a use permit and not a variance.

Commissioner Deziel said that 1060 Cambridge Avenue did not preclude any form of sidewalk that the City might want to put there simply because the garage is nine-feet from the public right-of-way, rather it would only preclude the off-street parking for 1060 Cambridge Avenue. He said that if the applicant pushed the garage back another foot-and-a-half approximately to 19 and a half feet then the face of the garage would line up with the edge of the sidewalk that enters the side of the house. He said with pavers there the applicant could have a very nice demarcation between the parking in the driveway and a three-foot sidewalk between the garage that leads to the house.

Chair Bims said that he saw in the documentation provided by the applicant a number of pre-existing conditions that predated any Commission actions and that ruled out about 10 of the properties. He said in essence there were pre-existing conditions that did not match the zoning ordinance overlay and it's now creating this conflict. He said the question was whether the Commission wanted to allow the pre-existing condition to remain or whether to have the zoning ordinance to prevail now as projects come through the Commission.

Commission Action: M/S Riggs/Keith to reconsider the use permit revision for 910 Cambridge Avenue.

Motion failed 3-4 with Commissioners Keith, O'Malley and Riggs voting in favor and Commissioners Bims, Deziel, Keith and Pagee voting against.

(The Commission returned to items D.1 and D.2. for consideration of the minutes – agenda taken out of sequence.)

ADJOURNMENT

The meeting adjourned at 11:30 p.m.

Staff Liaison: Justin Murphy, Development Services Manager

Prepared by: Brenda Bennett, Recording Secretary

Approved by Planning Commission on August 28, 2006.