



MENLO PARK PLANNING COMMISSION MINUTES

Regular Meeting
November 13, 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, Associate Planner, Arlinda Heineck, Director of Community Development, Thomas Rogers, Associate Planner, Justin Murphy, Development Services Manager

A. PUBLIC COMMENTS

There were none.

B. CONSENT

1. **Architectural Control/Rick Guidice/464 Sand Hill Circle**: Request for approval of architectural control to remodel the front elevation of a townhouse in the R-2(X) (Low Density Apartment - Conditional Development) zoning district.

Commission Action: M/S Deziel/Keith to approve as presented in the staff report.

1. Make a finding that the project is categorically exempt under Class 1 of the current CEQA Guidelines.
2. Make 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. Approve the architectural control subject to the following *standard* conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by Rick Guidice & Associates, consisting of four plan sheets dated October 16, 2006, and approved by the Planning Commission on November 13, 2006, except as modified by the conditions contained herein.
 - b. The applicant shall comply with all West Bay 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, Engineering Division, and Transportation Division that are directly applicable to the project.
 - d. Prior to issuance of a demolition permit or building permit, the applicants shall submit a plan for construction safety fences around the periphery of the construction area for review and approval of the Building Division. The fences shall be installed according to the plan prior to commencing construction.

Motion carried 7-0.

C. REGULAR BUSINESS #1

1. **Possible Reconsideration of Use Permit, Architectural Control, Heritage Tree Permit, and Environmental Review/ Pollock Financial Group/321 Middlefield Road:** Request for a use permit and architectural control for the conversion of an existing 48,400-square-foot building from administrative to medical office use and the associated exterior modifications to the building and site located in the C-1 (Administrative and Professional District, Restrictive) zoning district. Request for Heritage Tree Permit for the removal of 8 heritage trees, relocation of 3 heritage trees, and planting of replacement trees. The proposal requires the preparation of an Environmental Impact Report. ***This item was conditionally approved at the October 23, 2006 Planning Commission meeting.***

Commissioner Deziel recused himself for this item and the next item for consistency with previous meetings.

Staff Comment: Planner Chow noted a letter received from Ms. Patti Fry that day regarding reconsideration of the proposed project, which had been distributed to the Commission. She said that page 3 of the staff report outlined the Commission's options for this item. She said the Commission should consider the merits of the letter received and allow for public comment. She said staff had reviewed the letter and did not find that new matters were raised by it. She said staff's recommendation was for the Commission to reaffirm its action of October 23, 2006.

Questions of Staff: Commissioner Keith said the last line of the staff report on page 1 said: that the Planning Commission recognize the potential for an increase in traffic and discussed possible ways to monitor traffic or reduce the amount of peak hour traffic by limiting hours of operation. She said that was not exactly what was said. She directed attention to page 7 of the October 23, 2006 draft excerpt minutes in the second paragraph that discussed what the Commission had said. She said her question had been about making findings and if there was something in the

approval regarding the trip generation between 7 and 9 a.m. and 4 to 6 p.m. so as to conform with the same number of trips as office use. She said she would like a change in the staff report to reflect the draft minutes. Chair Bims said that it would be difficult to recommend changing the staff report prior to approving the minutes. He said he thought that first the minutes should reflect what Commissioner Keith actually said. He asked staff as to the order to do this. Development Services Manager Murphy said there were two things: one was the minutes for October 23 which were later on this agenda. He said Commissioner Keith did not like staff's summary on the bottom of page 1. Commissioner Keith said that it was not accurate. Development Services Manager Murphy said that what Commissioner Keith was saying was now part of the public record in her reference to paragraph two on page 7 of the draft excerpt minutes being an accurate summation.

Public Comment: Mr. Jim Pollock, applicant, said all of the information about the project had been presented previously and he asked if there were any questions.

Commissioner Keith asked if there had been a traffic study for this project other than the one done cumulatively for this project and other projects. Mr. Pollock said there was a study specific to the project and referred to page B.3 of the staff report that showed the attachment for the draft EIR. Commissioner Keith said those pages referred to the LMW traffic study. Development Services Manager Murphy said there were no official traffic studies released by the City for this project prior to the LMW traffic study.

Chair Bims closed the public hearing.

Commission Comment: Chair Bims outlined the options listed in the staff report. Commissioner Sinnott moved to reaffirm as stated in Option 1 of the Planning Commission's October 23, 2006 actions. She said she read very carefully the letter received after the October 23, 2006 Commission action and had not found any new information and what was presented in the letter had already been thoroughly discussed by the Commission. She said the cumulative analysis of the traffic was more thorough and conservative than any specific traffic study. She said there was a lot of care taken with the trees; there was going to be a net gain of healthy trees on the project; the aesthetics and drainage would be improved; and a number of green building elements would be used in the project. She said there was a traffic management plan and she liked the idea of bringing doctors closer into town. Commissioner O'Malley seconded the motion.

Commissioner Keith asked if CEQA requires a project specific analysis or not. Ms. Elizabeth Purl of Impact Sciences said she had prepared the EIR and that CEQA requires a project specific analysis. She said the traffic analysis for the three projects included information specific to this project and to the other two projects sufficient to assess the impacts of each project individually. She said that the EIR prepared by them included a discussion of project specific impacts as well as the impacts of the three projects taken together.

Commissioner Riggs said regarding Ms. Fry's letter that the assets he sees the project providing included improved aesthetics, the need to respond to needed uses as opposed to just filling the space, a reinvigorated property through the re-use of an existing building without demolition. He said he thought the proposal was a good project.

Chair Bims said at the October 23, 2006 meeting a representative from DKS had been present who had indicated that he had done an individual traffic study as well as a cumulative study as part of his analysis, and he had found that the impacts were less than significant in both analyses. He said regarding trees being removed from the site that the applicant was planting new trees. He

said he thought there were a number of public benefits associated with the proposal and he had not found anything in the letter(s) that the Commission had not already deliberated upon.

Commissioner Keith asked whether voting in the affirmative to reaffirm the previous action also maintained the record of the votes of the October 23, 2006 meeting as some Commissioners had not supported the vote at that time.

Development Services Manager Murphy said voting unanimously to reaffirm the Commission's action of October 23, 2006 would not change the record of the vote for that meeting. He said that if the vote was not unanimous that might be differently interpreted.

Commissioner Keith said she was not voting to reaffirm the action if that meant individually her vote against the project was voided.

Commissioner Riggs suggested in the paragraph stating *The letter does not provide new substantial information* that the motion be made to that effect. He suggested clarifying the motion by moving that the Planning Commission believes that the additional letter does not provide new substantial information that would change its previous decision.

Development Services Manager Murphy said that if the vote was 6-0 tonight that was a reflection of a previous 4-2 vote on October 23, but if the vote was 5-1 tonight that might create confusion.

Commissioner Riggs asked whether the maker of the motion and the second accepted his friendly modification.

Commissioner Pagee asked if the vote on October 23, 2006 would remain. Staff indicated that was correct.

Commission Action: M/S Sinnott/O'Malley to reaffirm previous action (Option 1) of October 23, 2006 with clarification made by Commissioner Riggs.

Option 1: Motion to Reaffirm the Planning Commission's October 23, 2006 Action

The Planning Commission believes the additional letter does not provide new substantial information and voted unanimously to reaffirm its previous action of October 23, 2006 to approve the proposed project, including the Draft and Final EIRs.

Motion carried 6-0 with Commissioner Deziel recused and not present in the Council Chambers.

Commissioner Keith confirmed with staff that the Commissioner's vote on October 23, 2006 would be conveyed to the Council.

2. General Plan Amendment, Rezoning, Conditional Development Permit, Tentative Subdivision Map, Heritage Tree Permit, and Environmental Review/Summerhill Homes/75 Willow Road:

- 1) **General Plan Amendment:** Change from Professional and Administrative Offices land use designation to Medium Density Residential land use designation;
- 2) **Rezoning:** Change from C-1 (Administrative and Professional District, Restrictive) to R-3-X (Apartment – Conditional Development District);

- 3) **Conditional Development Permit:** Establish specific development regulations and architectural designs for the demolition of an existing 40,000-square-foot office building and the construction of 33 single-family residential dwelling units;
- 4) **Tentative Subdivision Map:** Create 33 lots and associated common areas;
- 5) **Heritage Tree Permit:** Remove 46 heritage trees, relocate 3 heritage trees, and plant new trees; and
- 6) **Environmental Review** of the proposed project in the form of an Environmental Impact Report.

Staff Comment: Planner Chow said that a letter received today from Ms. Patti Fry regarding the potential reconsideration for the proposed project had been provided to the Commission. She highlighted page 3 of the staff report, which outlined the Commission's options. She said the Commission should focus on the merit of the letter and receive public comment. She said the Commission could 1) reaffirm the Commission's action on October 23, 2006; or 2) make a motion to reconsider the Commission's October 23, 2006 action. She said staff had reviewed the letter and did not find that new matters were raised by it. She said staff's recommendation was for the Commission to reaffirm its action of October 23, 2006.

Public Comment: Ms. Elaine Breeze, SummerHill Homes, said they had reviewed the letter(s) and the staff report. She said that they did not believe the letters raised any new issues and requested that the Planning Commission uphold its action of October 23, 2006 to recommend approval.

Mr. Frank Carney, Menlo Park, said he hoped the Commission would reconsider its approval of this project and oppose the project. He said he was unable to attend October 23, 2006 but had sent an e-mail. He said the project did not make any sense to the residents in the area as the existing property was an elegant business office in good shape that had never been vacant until a few months prior and that the building of 33 million dollar - plus homes would not address Menlo Park's need for affordable housing. He said he hoped that the residents would not have to go to a referendum or petition to stop the project.

Mr. Don Brawner, Menlo Park, said that the presenters on projects were allowed as much time as they wanted to address the Commission, but residents who pay the taxes are not allowed to speak longer than 3 minutes. He said the 25 medical condominiums and 33 substandard residences would impact all of the intersections and traffic in the area significantly. He said the traffic impact analysis was limited on purpose so as to lower the total impact of the projects on the streets. He said that housing was not an urgent need and the City has other urgent needs. He said he would reserve the right to appeal the Commission's decision.

Chair Bims closed the public hearing.

Commission Comment: Commissioner Keith moved to reaffirm the action the Commission took on October 23, 2006 and noted that the vote had been unanimously in favor of the project at that time. She said regarding the last speaker that she thought 321 Middlefield would impact traffic and that was why she had voted against it because there had been no restraints on peak hour trips placed in the conditions. She said however that the traffic analysis study showed changing the use from office to residential would reduce the amount of traffic at 75 Willow Road. Commissioner Sinnott seconded the motion.

Commissioner Pagee said she voted in support of this project because it lowered traffic impact and the residences proposed were superior to those proposed for Linfield Drive.

Commissioner Riggs referred to Mr. Gaffney's letter on page B.5 in which he stated that "this project addresses an improvement of the stability and character of the individual neighborhood; is compatible with Menlo Park's residential character. " Commissioner Riggs said that this proposal was one of the most attractive projects the City has had the good fortune to see. He noted Mr. Gaffney's letter in which he referred to criteria used for specific references for traffic. He said the criteria seemed to be designated by a local jurisdiction and the City of Menlo Park has established criteria used by DKS in its traffic analysis. Planner Chow said the City of Menlo Park has its own traffic impact guidelines against which staff reviews the traffic study. Commissioner Riggs noted that Ms. Fry's letter raised the issue of replacing commercial property with residential and a speaker's comment about housing not being needed in Menlo Park. To respond, he said the General Plan encourages housing and most specifically the Housing Element encourages housing, denser housing and the provision of below market rate housing. He said the proposed project accomplished all of this. He said that no new information had been provided.

Commission Action: M/S Keith/Sinnott to reaffirm the Commission's previous action of October 23, 2006 to recommend approval of the proposed project, including the Draft and Final EIRs, to the City Council.

Motion carried 6-0 with Commissioner Deziel recused and not present in the Council Chambers.

D. PUBLIC HEARING

1. **Use Permit/Jonathan Jang/1760 Oakdell Drive**: 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-S (Single Family Suburban) zoning district.

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

Public Comment: Mr. Jon Jang said he was the architect for the project. He noted the ground floor footprint was not increasing; the upper floor addition was located 12-feet from the front setback, nine-feet from the right-hand setback, 25-feet from the rear setback, and 15-feet from the left hand setback, and was quite centered within the building envelope. He said that the staff report indicated no comments had been received; he noted they have support for the project from eight neighbors, which information he provided Planner Rogers. At Chair Bims' request, Planner Rogers read the names and addresses of the project supporters and noted that the immediate property to the left had provided support.

Mr. Tom Weeks, property owner, said the property on the right side had been vacant and was now tenanted. Regarding the Poppy Street project supporter, Ms. Erin Stevenson, co-owner, said that property was to the rear of the subject property one or two homes down. She said the letters of support had been mailed to the City before November 1, 2006.

Commissioner Pagee asked if the plate height was being lowered on the side of the roof being removed. Mr. Jang said because the roof slope was being increased that they would need to lower the plates and the top of the shed roofs would be in line. Commissioner Pagee said that the foundation would remain intact, the wall would be removed and the plate would be cut. Mr. Jang confirmed that was correct. Commissioner Pagee asked about the windows on the side that look directly into the neighbor's property and if the neighbors had complained. Mr. Jang said that

he was not aware of any complaints. Commissioner Pagee said the windows on the front and rear were egress windows and asked if the windows on the side were unnecessary for egress. Mr. Jang said the sills were too high for egress on the right and left side upper story windows.

Commissioner Keith asked if staff had received any letters in opposition. Planner Rogers said there had been no opposition to the plans received. He said he had received phone calls from neighbors to the rear early in the projects before they had seen the plans.

Ms. Lisa Stahr, Menlo Park, said that she and her husband had not received the plans and theirs was the residence immediately to the rear. She said page A.1.1 of the plans did not accurately show their setback. She said there also is a heritage redwood tree in their backyard. She said their patio spans the entire rear of their home and their house has lots of glass. She said she objected to the proposal as she believed it would impact the morning sun to her home and even more concern with how it would impact their privacy because of the amount of glass on the rear of their home and their use of their backyard. She said because of the heritage redwood tree there was not much sun in the backyard and she had not been successful in planting additional trees for landscape screening because of the amount of shade. She said the other property on Poppy Drive that had signed the support letter was three doors down from her home and the owner who recently inherited the home does not live in the area, and that house is empty.

Mr. Phillip Friedly, Menlo Park, said he had the same concerns as the previous speaker because of the openness of their home with glass walls and he concurred with all of her remarks.

Mr. Brian Sublett, Menlo Park, said that Ms. Stahr was his wife and he wanted to reiterate that the setbacks on his property were 10-feet on the left side and greater than 10-feet on the other side. He said their main concern was the loss of privacy. He noted when he received the plans just this morning from Planner Rogers that the proposed master bath on the second floor would face their yard and was shown with some kind of balcony as well. He said a big part of their lifestyle was their deck in their backyard and with this project the neighbors would be looking directly down into that space. He said when he sits on his deck now he can see the entire roof of the existing structure as there are not trees to block the view. He said when the second story was built, he would then look directly into the second story bedroom windows.

Commissioner Keith confirmed with Mr. Sublett that although he had known a second-story design was proposed, he had not been provided with the dimensions by the applicant. Commissioner Pagee asked Mr. Sublett if he had received the project plans. Mr. Sublett said they had received preliminary plans through the mail. Ms. Stahr said the plans they received had not shown a rear elevation.

Mr. Tom Weeks, property owner, said that the plans had been made available in an open house that he and his wife had held. Ms. Erin Stevenson, wife and co-property owner, said they moved into the house in June 2006 and began work with an architect right away. She said they were advised to send preliminary plans so the neighbors would have a chance to see them and comment before the final plans were submitted. She said in August they had delivered preliminary plans to all of the homes within a 300-foot radius and held an open house about a week after that. She said they then got letters of support and submitted the final plans.

Chair Bims closed the public hearing.

Commission Comment: Commissioner Deziel moved as recommended by staff, and Commissioner Sinnott seconded the motion. Commissioner Deziel said that the project proposal

was for a standard lot and hypothetically if the project was denied the applicants could build by right a two-story house that could possibly be anywhere within the building envelope, or they could remodel so the five-foot encroachment in the setback could be eliminated. He said he understood neighbors' concerns about privacy but he thought that there was also a somewhat unreasonable desire of all to have a completely unrestricted view of the sky.

Commissioner Pagee said that there were some discrepancies on the side setbacks so it was possible that the dimensions on the plans that showed a difference between the rear neighbors' house and the rear of this house might be incorrect. She said the Commission has previously required applicants to plant trees on their property to provide privacy screening for neighboring properties. She suggested requiring some slow growth trees in the rear yard. She suggested that the floor to ceiling French doors and the balcony were not necessary.

Commissioner Sinnott asked if the balcony were ornamental or functional. Mr. Jang said it was a foot-deep ornamental balcony. She agreed that landscape screening should be used as much as possible to help the view but not to the extent to block the neighbor's sun.

Commissioner Riggs said the project was a two-story residence in a predominantly one-story neighborhood. He said however that there was good distance between this proposed residence and the home to the rear on Poppy Drive. He said he strongly supported landscape screening to mitigate privacy concerns noting the two homes on either side would also be impacted because of the large windowed bathroom. He said perhaps there should be clarification of the glass to be used in the bathroom.

Chair Bims asked Mr. Jang to address window placement and the glass for the bathroom on the second story addition. Commissioner Riggs said the north-facing windows looked to the 1750 property and on the right-side elevation one window was very tall. He asked if the windows were obscure glass. Mr. Jang said for the windows cited by Commissioner Riggs that he could not see how there was a direct view to the neighbor on the right. Mr. Jang looked at Commissioner Riggs' markup. Mr. Jang said they could use landscape screening or obscure glass. Commissioner Riggs said he thought there should be screening or the use of temporary obscure glass until the screening could reach maturity. He said he would like to see screening to the rear, northwest, and to the right, northeast, and perhaps even directly to the west.

Commissioner Deziel said that screening on the property for the rear facing property would need to be larger than what would be needed if the screening was on the rear facing property. He noted that the owners of that property were concerned with existing shade. He said he thought requiring all of the screening on this property was not necessary as he anticipated that there would be other second-story additions in the neighborhood.

Chair Bims said that perhaps a continuance would be useful so that issues could be resolved, noting the one neighbor who had only seen preliminary plans.

Commissioner Keith said she agreed with the need for landscape screening but suggested that a plan involve the neighbors and for there to be opportunities for plantings on neighboring properties if desired. She asked Mr. Jang about page A.4.1 and the height of the window sill between the bathtub and the sink. Mr. Jang said the sill height was three to three-and-a-half feet from the floor in the area of the toilet. She asked about the sill height on the window on the left elevation. Mr. Jang said that was 20 to 24-inches. Commissioner Riggs said the bathtub window was about two-and-a-half-feet. Mr. Jang said he thought that was a bit high. Commissioner Keith asked whether there was glazing or texture in the window over the bathtub. Mr. Jang said they

had planned clear glass but the property owners would be willing to address the glass type to mitigate privacy concerns. He said they could also raise window sill heights.

Commissioner Pagee asked about the planned fireplaces and chimneys. Mr. Jang said there was a chimney for ornament. Commissioner Pagee said it was missing on the rear elevation.

Chair Bims said his inclination would be a continuance to allow the 1675 Poppy Drive neighbors to comment on the rear elevation; there were also corrections to the architectural plans for clarification on sill heights and glass texturing for the bathroom windows. He moved a substitute motion to continue the item for revisions to the plans, clarifications on sill heights and window types, and privacy mitigations for the adjacent neighbors. Commissioner Pagee seconded the substitute motion.

Commissioner Deziel said he would like to see the Commission set a landscape plan and tweak the window placement and materials. He said he would like to make yet a third motion with modifications. He said the window sill by the toilet should be raised to five-feet or it should be opaque to five-feet. He said the bathtub area window would surely be curtained. He said regarding landscaping he would like the rear neighbor to have a say on the location, size and species of trees and whether those should be on the subject or neighboring property. He said that would be for staff review and approval. Commissioner Sinnott said she agreed with Commissioner Deziel that these were very specific concerns regarding privacy and sun and there could be specific conditions to address those.

Commissioner Pagee said she did not have faith in the accuracy of the plans as presented and thought the applicants should work with the neighbor and that the architect should cleanup the plans and present those to the neighbors.

Commissioner Riggs said landscape screening coordinated with the neighbors could be a solution and addressing the windows that have a view to adjacent yards could be done in at least three different ways. He asked whether a condition could be worded so that the windows would not impact privacy to adjacent yards. He said the plans were done on an aerial photo and that was how adjacent site plans were provided. He said he was not terribly concerned about the drawings. He said the project was attractive and the second story was massed very well.

Commissioner Keith said the view from the window on the left side was probably blocked by the garage. She asked regarding the three, 24-inch box hedges suggested whether those would also be for the right neighbor as well. Commissioner Deziel said that he was open to that; he noted that the left neighbor had issued a letter of support. He said the rear neighbor had received a notice and an invitation to an open house to review the plans. He said he could see requiring landscape screening for the rear. Commissioner Keith confirmed that Commissioner Deziel was open to the option of offering three, 24-inch box hedges to the neighbors to the rear, left and right to be on the neighbors' property. She said that perhaps screening could be provided on the subject property to the rear.

Chair Bims withdrew his substitute motion. He suggested returning to the original motion and adding modifications.

Commissioner Keith asked about the sill heights for the bathtub and toilet. Commissioner Riggs suggested that staff work with the applicants on landscape screening and windows to either use obscure glazing, a shutter, and/or changing sill heights.

Commissioner Deziel said that he thought there needed to be more specifics for staff. In response to Chair Bims, Development Services Manager Murphy said that staff would appreciate standards from the Commission. Commissioner Deziel said the motion should include that the rear, left, and right neighbors could specify up to three, 24-inch box trees on the neighbors' property at a location or on the fence line on either side as part of an overall landscape plan subject to staff review and approval with the objective of screening the rear neighbors' glass windows façade for privacy and the right neighbors' rear yard for privacy, and the left neighbors' rear yard for privacy. He said there were three windows in the master bathroom on the second floor but he did not think they should require that all three windows were obscured.

After discussion related to windows in the master bath, Commissioner Deziel summarized the modification to the motion to include, with all subject to staff review and approval, that the window in the master bathroom by the toilet should have the sill raised to at least five feet or make the glass obscure to at least five feet; for the three windows around the bathtub, there should be a method of addressing privacy concerns by neighbors to include options, used at least five feet above the floor line, to raise the sill height, use obscured glass, and/or other permanent screening method. Commissioner Keith said those should be options that could be used in combination. Commissioner Deziel summarized the other modification which was for a revised landscape plan with the objective of increasing privacy screening for the rear, left and right side neighbors; each of the three neighbors might request up to three 24-inch box trees, to be placed along the fence line on either the applicant's or the requesting neighbor's property.

Chair Bims asked the architect if the applicant would prefer a continuation or the revisions as outlined. Mr. Jang said he would prefer the option for revisions and a landscape screening. Mr. Weeks said there was a large tree in the rear on his property and he would request that any plantings would keep the health of that tree.

Commission Deziel said a further modification should be that staff would use its discretion to protect existing trees' health within the addition of plantings.

Commission Action: M/S Deziel/Sinnott to approve with the following modifications.

1. Make a finding that the project is categorically exempt under Class 1 of the current 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 Jonathan Jang Architect, AIA, consisting of 11 plan sheets, dated received November 1, 2006, and approved by the Planning Commission on November 13, 2006, except as modified by the conditions contained herein.
 - b. Prior to building permit issuance, the applicants shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.

- c. Prior to building permit issuance, the applicants shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
 - d. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval of the Planning, Engineering and Building Divisions. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
4. Approve the use permit subject to the following *project-specific* condition:
- a. Prior to building permit issuance, the applicant shall submit a detailed demolition plan for the area of the structure within the left side setback, showing the precise amount of wall framing to remain. This plan will be subject to review and approval of the Building and Planning Divisions.
 - b. Prior to issuance of a building permit, the applicant shall submit revised plans with a total floor area not to exceed 3,628 square feet that would not materially change the exterior appearance of the house. The revised plans shall be subject to review and approval of the Planning Division.
 - c. ***Prior to issuance of a building permit, the applicant shall submit revised plans with the following revisions, subject to review and approval of the Planning Division:***
 - (i) ***The right side master bath window (between the sink and the commode shall be raised to a sill height of at least five feet, or incorporate obscured glass to a point at least five feet above the floor line.***
 - (ii) ***The three windows around the master bath's bathtub shall be modified with the overall objective of privacy screening for adjacent neighbors. Options for modification include any combination of the following, used to a level at least five feet above the floor line.***
 - ***Raising the windows' sill height***
 - ***Use of obscured glass***
 - ***Other permanent screening methods***
 - (iii) ***The applicant shall submit a revised landscape plan with the objective of increasing privacy screening for the rear, left, and right side neighbors. Each of these three neighbors may request that the applicant install up to three 24-inch box trees, to be placed along the fence line on either the applicant's or the requesting neighbor's property. Placement of the trees should not compromise the health of existing trees.***

Motion carried 5-2 with Commissioners Keith and Pagee opposed.

2. **Use Permit/Mahin Shafai/325 Sharon Park Drive, Ste D4:** Request for a use permit to include massage services as part of a relocated day spa business in the C-2 (Neighborhood Shopping) zoning district.

Staff Comment: Planner Rogers said staff had no additional comments,.

Public Comment: Ms. Mahin Shafai, applicant, said the business was being relocated.

Commissioner Pagee asked if Ms. Shafai had had a business with massage elsewhere in Menlo Park. Ms. Shafai said that she had thought she had all of the paperwork done previously to allow for massage but when she decided to relocate she found out that more documentation was needed. She said that all of the documentation was now complete for 12 employees and her.

Mr. Tom Scott, Cambridge Management, said they managed the Sharon Heights shopping center. He said that Ms. Shafai had purchased a traditional beauty shop in 2000 in the center and over time developed a more expansive line of spa services. He said they helped her move into a larger space and it was a very successful business. He said that he hoped the Commission would approve the use permit.

Ms. Margaret Gunn, San Francisco, said she grew up in Menlo Park and found Ms. Shafai's business a couple of years prior when her mother lived in Sharon Heights. She said she has used the spa services since 2001. She hoped that the Commission would approve the use permit.

Ms. Heather Rafter, Ladera, said she wanted to offer her support and praise for the spa services provided by Ms. Shafai; she noted that many of her friends also used the salon. She said that Ms. Shafai had a loyal following.

Ms. Violet Ramazano, Menlo Park, said she lived directly across the street from Ms. Shafai's shop and she highly recommended all of the services provided by Ms. Shafai.

Chair Bims closed the public hearing.

Commission Action: M/S Pagee/Riggs to approve as presented in the staff report.

1. Make a finding that the project is categorically exempt under Class 1 of the current 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* condition:
 - a. Development of the project shall be substantially in conformance with the plans prepared by Kazuo Yamasaki, Architect, consisting of two plan sheets, dated received June 1, 2006, and approved by the Planning Commission on November 13, 2006, except as modified by the conditions contained herein.

4. Approve the use permit subject to the following *ongoing, project-specific* condition:
 - a. All massage therapists shall hold a valid permit from the Menlo Park Police Department, per the requirements of Municipal Code Section 5.28.060.

Motion carried 7-0.

3. **Use Permit Revision/Elite Musketeers Fencers' Club/160 Constitution Drive**: Request for a use permit revision to include massage services and fitness and stretching programs as part of an existing private recreational facility in the M-2 (General Industrial) zoning district.

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

Public Comment: Ms. Valerie Rosenblat said she was the owner of the Elite Musketeers Fencers' Club and that the additional services were being requested for the current members of the club.

Commissioner Keith asked about the area for the massage services. Ms. Rosenblat said that the locker room had not been used since they opened as members used bathrooms to change or came dressed to fence.

Commissioner Deziel said he thought the wall between the coaches' room and the locker room was not located correctly on the plans. Ms. Rosenblat said that she would be happy to revise the plans. Commissioner Deziel asked staff if something had to be done. Planner Rogers said he thought that the difference could be viewed as being substantially in conformance unless the Commission wanted to make a change.

Chair Bims closed the public hearing.

Commission Action: Commission Action: M/S Pagee/Keith to approve as presented in the staff report.

1. Make a finding that the project is categorically exempt under Class 1 of the current 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 subject to the following *standard* conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by EMFC, consisting of two plan sheets, dated received June 19, 2006, and approved by the Planning Commission on November 13, 2006, except as modified by the conditions contained herein.
4. Approve the use permit revision subject to the following *ongoing, project-specific* conditions:
 - a. The applicant shall offer a fencing program through the City of Menlo Park Community Services Department.

- b. All massage therapists shall hold a valid permit from the Menlo Park Police Department, per the requirements of Municipal Code Section 5.28.060.

Motion carried 7-0.

4. **Architectural Control/Bill Hagman/626 Santa Cruz Avenue**: Request for approval of architectural control to remodel the front elevation of a commercial building in the C-3 (Central Commercial) zoning district.

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

Questions of Staff: Commissioner Deziel said the item was listed as a public hearing but architectural control did not require a public hearing. He said that he was concerned this would create precedent, which would create unnecessary cost for commercial building owners who might want to make architectural improvements.

Planner Fisher said that that there was no intent to set a precedent rather that the item had been noticed as a public hearing so it was agendized to be consistent. She said it could have been agendized as "Regular Business." Development Services Manager Murphy said this was not, and would not be, construed as a precedent.

Commissioner Riggs recused himself and left the Council Chambers noting a potential conflict of interest as he represents a client in a neighboring business.

Public Comment: Mr. Hagman, project architect, said they had worked with staff closely.

Commissioner Pagee asked Mr. Hagman a number of questions about colors and materials. She confirmed that the HVAC equipment would be screened and would meet noise requirements because of the potential of a residence next door, and that access was up the back of the building. Mr. Hagman said they had received approval from Allied Waste Management.

Chair Bims closed the public hearing.

Commission Action: M/S Keith/Pagee to approve as presented in the staff report.

1. Make a finding that the project is categorically exempt under Class 1 of the current 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. Approve the architectural control request subject to the following ***standard*** conditions of approval:
- a. Development of the project shall be substantially in conformance with the plans prepared by The Hagman Group, dated November 3, 2006, consisting of eight plan sheets and approved by the Planning Commission on November 13, 2006, except as modified by the conditions contained herein.
 - b. The applicant shall comply with all West Bay 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, Engineering Division, and Transportation Division that are directly applicable to the project.
 - d. Prior to issuance of a demolition permit or building permit, the applicants shall submit a plan for construction safety fences around the periphery of the construction area for review and approval of the Building Division. The fences shall be installed according to the plan prior to commencing construction.
 - e. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval of the Planning, Engineering and Building Divisions. Landscaping shall properly screen all utility equipment that is installed outside of a building and that cannot be placed underground. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
4. Approve the architectural control request subject to the following ***project specific*** conditions of approval:
- a. Prior to building permit issuance, the applicant shall apply for an encroachment permit for the metal awning, subject to review and approval by the Public Works Department.
 - b. Prior to building permit issuance, the applicant shall submit a trash storage plan, already approved by Allied Waste, for review and approval by the Planning Division and Public Works Department.
 - c. Prior to building permit issuance, the applicant shall repaint the rear elevation of the building and install new doors that swing inwards to match the doors proposed for the front elevation, subject to review and approval by the Planning Division.

- d. Prior to building permit issuance, a plan shall be provided that details that all on-site stationary noise sources shall comply with the residential standards listed in Section 08.06.030 of the City's Noise Ordinance, subject to review by the Building and Planning Divisions.

Motion carried 6-0 with Commissioner Riggs recused and not present in the Council Chambers.

E. REGULAR BUSINESS #2

1. **Zoning Ordinance Amendment Review/City of Menlo Park:** One-year review of Zoning Ordinance Amendments Relative to Single-Family Residential Developments

Staff Comment: Director Heineck said that the staff report was informational and would be sent to the City Council. She said the Commission might make comments on any elements in the report.

Commissioner Sinnott said that in her office they had confusion regarding a definition of development of two or more stories and referred to page A.9 (16.67.020 Daylight Plane Definition in R-1-S and R-1-U zoning districts) versus just calling it standard development. She said they had a situation with a house that wanted to stay single-story and go through the regular process but was forced to stay within the guidelines of the single-story development and go through the use permit process. She suggested that standard development be substituted for development of two or more stories. She said if an applicant wanted to go outside the standard single-story guidelines that it should not be a variance request.

Commissioner Pagee asked with the projects that used the process how many were affected as mentioned by Commissioner Sinnott. Director Heineck said that out of 25 new houses and 78 additions that two projects had been affected. She said the discussion was about a distinct change in the intent of the ordinance. She said initially through the three cycles through adoption and rescission of various versions of ordinances related to single-family residential development that at one point the option suggested by Commissioner Sinnott was discussed and was ultimately rescinded. She said the intent of this ordinance was to have the tighter daylight plane restrictions on one-story developments because there were other process changes related to one-story development that allowed more flexibility. She said any change in the ordinance would require reconsideration of the project priority for the upcoming fiscal year unless the Council decided to consider it as priority this fiscal year. In response to a question from Commissioner Pagee, Director Heineck said there were existing single-story residences that were rendered non-conforming because of the adoption of the ordinance. She said when work needed to be done on one of those homes that there was difficulty. She said there were a number of ways to adjust and one of those might be to add back in some degree of exception for gables and dormers. In response to suggestions from Commissioners Deziel and Riggs regarding the resolution of the problem, Director Heineck said it was preferable to have the solution in the language of the ordinance rather than in interpretation. Commissioner Deziel said that he thought that a use permit application would be preferable to a variance request. Director Heineck said that would have to be written into the ordinance.

Commissioner Riggs said this ordinance was not what was envisioned by Lorelei Manor residents. Director Heineck said that there were separate daylight plane regulations for Lorelei Manor and Felton Gables.

Chair Bims said reviewing the tables in the staff report of the one-stories that it appeared when the existing substandard lots were re-designated as standard lots because of the square footage

requirement that there was only one of those properties that did not go through the use permit process. Director Heineck said that was correct. Chair Bims said that the changes did not seem to indicate a streamlining of the process for these single-story residences.

Commissioner Deziel provided a handout that he thought summarized the results more effectively and suggested showing more information related to the differences between the 45 projects on lots re-designated as standard lots. He said he could calculate a 26 percent reduction in use permits. He explained his methodology. He said also just a little less than one-fourth of the projects used the new rule and across the City about 14 percent of large development was coming through without use permit process with the single-story rules.

Commissioner Riggs said the reduction of seven use permit applications meant two less Planning Commission meetings.

Commissioner Deziel said the change in coverage helped 25 percent of the applicants and eliminated the need for variances.

Commissioner Pagee asked about the cost savings for those who did not have to get a use permit. Director Heineck said the amount was about \$1,500 for an application but on a controversial project the cost could be \$20,000. Commissioner Deziel noted that was only the City's fees.

Chair Bims said that before Ordinance 938 approximately 38 percent of projects did not need use permits and with 938 that over half of the projects do not require a use permit.

2. Consideration of Minutes from the October 23, 2006 Planning Commission Meeting

Commission Action: Unanimous consent to approve the minutes as modified.

- Page 1, Remove "Not in Attendance" from roll call after Commissioner "Deziel."
- Page 1, Add in before item C-1 "Commissioner Deziel recused himself from items C1 and C2 for consistency with previous meetings."
- Page 3, 2nd paragraph, 17th line replace the word "of" with "up."
- Page 6, 4th paragraph, 11th line add in "1,000" between the "per" and "square."
- Page 6, 4th paragraph, 14th line remove the "s" from the word "makers."
- Page 7, 2nd paragraph, 5th line, add a comma after 6 p.m. and replace "instead" with "as."
- Page 7, 2nd paragraph, 6th line, add "Commissioner Keith said yes" as a new sentence at the end of the paragraph.
- Page 8, 4th paragraph, 5th line, add the word "on" after the word "impact."

F. COMMISSION BUSINESS, REPORTS, AND ANNOUNCEMENTS

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

Planner Chow provided a review of upcoming planning items on the City Council agenda

ADJOURNMENT

The meeting adjourned at 10:38 p.m.

Staff Liaison: Justin Murphy, Development Services Manager

Prepared by: Brenda Bennett, Recording Secretary

Approved by Planning Commission on February 5, 2007.