



MENLO PARK PLANNING COMMISSION MINUTES

**Regular Meeting
December 11, 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) (absent), Deziel, Keith (Vice-chair), O'Malley, Pagee, Riggs, Sinnott

INTRODUCTION OF STAFF – Deanna Chow, Senior Planner, Megan Fisher, Associate Planner, Thomas Rogers, Associate Planner, Justin Murphy, Development Services Manager (arrived after item C.1)

A. PUBLIC COMMENTS

There were none.

B. CONSENT

There were no consent items on the agenda.

C. PUBLIC HEARING

1. **Use Permit Revision/AF Construction, Inc./426 Pope Street:** Request for a use permit revision to allow secondary access to a detached garage from an alley in the R-1-U (Single Family Urban) zoning district.

Staff Comment: Planner Rogers said an e-mail letter from Mr. Evan Williams, Elm Street, was received after the publication of the staff report. He said Mr. Williams indicated that access to the garage as proposed would encroach upon his property for turning in and out of the garage. Planner Rogers discussed Mr. Williams' concern with the Transportation Division Manager, who indicated that the five feet distance between the subject property and the alley in combination with the 15 feet of the alley itself should be sufficient for any turning maneuvers, and there was nothing further presented that would change his (Transportation Manager's) support of the project.

Questions of Staff: Commissioner Deziel asked Planner Rogers to show the Williams' property on the map. Planner Rogers indicated the property for the Commission. Commissioner Deziel asked if there was a fence on the neighbor's property. Planner Rogers said that there was not and the neighbor also has alley access to a garage. Commissioner Pagee asked if the property owner could install a fence on the right hand side of his property. Planner Rogers said that was possible within the City's fencing requirements.

Public Comment: Mr. Sadri, AF Construction, said that the property's existing driveway was 150-feet in length and it was hard for people to back vehicles up to the alley. Commissioner Deziel asked if they had considered switching the locations of the uncovered carport and the garage. Mr. Sadri said if the application was approved they would want to reduce the amount of hardscape and increase the amount of landscape. Commissioner Deziel asked why the applicant did not want access from the alley to the uncovered carport. Mr. Sadri said they wanted the fence to terminate at both sides of the garage.

Vice-chair Keith closed the public hearing.

Commission Comment: Vice-chair Keith asked about a comment in the staff report on page 3 indicating that the alley probably did not have an all-weather surface but appeared to be passable when dry. She asked if that meant the alley might not be passable when wet. Planner Rogers said that was certainly a possibility, however as there was all weather surface the length of the subject property's driveway to the public street, staff was not recommending requirement of an alley maintenance agreement. Commissioner O'Malley noted that there was stone in the alley and it was obvious neighbors were maintaining it.

Commissioner Pagee moved to approve as recommended by staff with an added condition that the applicant enter into an alley maintenance agreement and provide an all-weather surface as the Commission has consistently asked for that in similar applications.

Commissioner Riggs asked for confirmation that the City required all weather surface and a maintenance agreement when the alley access was intended as the primary access to a lot. Planner Rogers said that was required for primary access. Commissioner Riggs confirmed with Planner Rogers that when alley access was the secondary access the City has not required all weather surface and maintenance agreement.

Commissioner Pagee said that if a fence was installed on the front of the property that the alley access would become the primary access and the City would have lost an opportunity to require an all weather surface and a maintenance agreement. Planner Rogers noted that he had misunderstood Commissioner Pagee's question about fencing previously and that a fence which would block off access to the public street would require a use permit revision. He said that he thought Commissioner Pagee had been asking fencing at the back part of the property.

In response to a question from Commissioner O'Malley, Planner Rogers said that usually an alley maintenance agreement included the length of the alley from the point of entrance from the nearest public street to the entry of the property from the alley.

Commissioner Sinnott said that she could not support the motion.

Commissioner Deziel said that Commissioner Pagee had a good point and he said he could see that perhaps there might be an opportunity to require the property owner in the future to enter into a maintenance agreement should further use of the alley be requested from the City by other property owners.

Commissioner O'Malley said he could not support the motion as he believed it would be unfair to the applicant. Commissioner Riggs said the Commission should distinguish between primary and secondary alley access. He said there were numerous secondary accesses from this alley and he did not think there were any alley maintenance or improvement requirements on those

other properties. He said it would be inappropriate to require this property to enter into a maintenance agreement. Commissioner Deziel said that it would not be a requirement now but would become one in the future should there be increased maintenance and improvements made to the alley. Commissioner Riggs said that sounded like alley policy and questioned whether that could be applied to all other alley properties in the future.

Vice-chair Keith asked if there was second to the motion. Commissioner Pagee's motion died for the lack of a second.

Commissioner Sinnott moved to approve as recommended in the staff report; Commissioner Deziel seconded the motion.

Commission Action: M/S Sinnott/Deziel to approve the item 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 Glush Design Associates, consisting of one plan sheet, dated received September 20, 2006, and approved by the Planning Commission on December 11, 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 revision subject to the following *project-specific* conditions:
 - a. Concurrent with submittal of a building permit revision, the applicant shall submit a revised grading and drainage plan, subject to review and approval of the Building and Engineering Divisions.

Motion carried 5-1-0-1 with Commissioner Pagee opposed and Chair Bims not in attendance.

Commissioner Pagee said that she would vote against any alley access applications until the City developed a consistent alley access policy so that the Commission did not have to consider each such application on a case-by-case basis.

2. **Use Permit/Shanriar Amiri/865 Cotton Street**: Request for a use permit to demolish an existing single-story, single-family residence and construct a new two-story, single-family residence on a substandard lot in regard to lot width in the R-1-S (Single-Family Suburban) zoning district.

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

Public Comment: Mr. Ashrafi, the architect, said they were proposing to demolish an existing single-story, single-family residence and construct a new two-story, single-family residence. He noted that the neighborhood was in transition and there were a number of two-story homes.

Commissioner Deziel asked why bedroom number 3 did not have a window on the side. Mr. Ashrafi said he did not think one was needed because of the roof line detail.

Commissioner Riggs said the staff report suggested reducing the height of the chimney and that the applicant had agreed. He asked if the applicant wanted to keep the height. Mr. Ashrafi said that it was a gas-burning fireplace and not very visible from the street and he wanted to give the impression of a wood-burning fireplace by the height of the chimney.

Mr. Shan Amiri, applicant, said he preferred to keep the height of the chimney as designed.

Commissioner Riggs asked staff why they thought the chimney height would be obtrusive. Planner Fisher said that looking at the elevations the chimney seemed noticeably taller than the structure, but if the Commission had a preference they could certainly eliminate condition 4.a. Commissioner Deziel asked about the proposed height. Planner Fisher said scaling the plans she had estimated the height of the chimney at 30.5 feet. Mr. Ashrafi said that chimneys and antennas were permissible obtrusions beyond the building envelope.

Vice-chair Keith asked Mr. Ashrafi if they had discussed the project with neighbors. Mr. Ashrafi said the property owners took the site plan to the neighbors for review. Mr. Amiri said they made two attempts to visit all of the neighbors and were fairly successful. He said only one neighbor commented that most of the homes in the area were Craftsman-style whereas his proposal was Tuscan-style, but he said that the Craftsman-style was not the defining style in the neighborhood.

Commissioner Riggs said the roof over the garage would not prohibit a window next to the closet in bedroom number 3. Mr. Ashrafi said bedroom number 3 was in line with bedroom number 4 and they could introduce a window next to the closet. Commissioner Riggs said that the Commission could provide that option. Planner Rogers said that staff would not have any objection as long as the window was in scale with the other window for bedroom 4. Commissioner Deziel said that he felt the future owner of the home should be protected by the addition of a window for bedroom 3.

Vice-chair Keith closed the public hearing.

Commission Comment: Commissioner Sinnott moved to approve as recommended in the staff report with the elimination of condition 4.a and to provide the applicant an option to add a window for bedroom 3 in scale with other windows on the same side of the house. Commissioner Riggs seconded the motion.

Commissioner Pagee noted that they had not seen a colors and materials board. At the request of Vice-chair Keith, the project architect presented the colors and materials board, which the Commissioner reviewed.

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

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 Ashrafi Architect, consisting of 10 plan sheets, dated received November 13, 2006 and modified on November 22, 2006, and approved by the Planning Commission on December 11, 2006, except as modified by the conditions contained herein.
 - b. Prior to building permit issuance, the applicants shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.
 - c. Prior to building permit issuance, the applicants shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
 - d. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval of the Planning, Engineering and Building Divisions. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
 - e. Prior to building permit issuance, the applicant shall submit plans indicating that the applicant shall remove and replace any damaged and significantly worn sections of frontage improvements. These revised plans shall be submitted for the review and approval of the Engineering Division.
 - f. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a Grading and Drainage Plan for review and approval of the Engineering Division. The Grading and Drainage Plan shall be approved prior to issuance of a grading, demolition or building permit.

- g. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance. Prior to the building permit issuance, the applicant shall implement the tree protection plan and technique recommendations in the Arborist Report for all applicable heritage trees.
- 4. Approve the use permit subject to the following *project specific* conditions:
 - a. ~~**Concurrent with building permit submittal, the plans shall be modified to show the chimney no more than 30 feet tall, subject to review and approval by the Planning Division.**~~
 - b. Concurrent with building permit submittal, a landscape plan shall be submitted that includes a 24-inch-box tree to screen the proposed balconies from the view of the neighbor on the left side, subject to review and approval by the Planning Division.
 - c. **Concurrent with building permit submittal, the applicant shall have the option to add a second window to bedroom three on the left side elevation, subject to review and approval by the Planning Division.**

Motion carried 6-0-0-1 with Chair Bims not in attendance.

- 3. **Use Permit/Lisa Lindquist/2 Greenwood Place**: Request for a use permit to demolish an existing single-story, single-family residence and construct a new two-story, single-family residence on a substandard lot in regard to lot area and width in the R-1-U (Single-Family Urban) zoning district.

Staff Comment: Planner Fisher said she had just distributed to the Commission a letter of support for the project.

Public Comment: Mr. Eric Lindquist introduced his wife Lisa who would present their comments. Mrs. Lindquist said that they resided on Dunsmuir Way in Suburban Park and proposed to move to 2 Greenwood Place in Suburban Park. She said they have three children and had lived in Suburban Park for 14 years. She said that even before they bought the house, they had approached the neighbor at 3 Greenwood Place who would be mostly closely affected by their potential plans. She said the neighbors have been very involved in providing their design preferences from the beginning. She said midway through the process they did a larger neighbor canvassing and provided their floor plans for neighbor review. She said one neighbor was concerned with the noise during the construction process. She said there had been no negative comments related to the proposed house design. She said they hired an architect who had done other projects in Suburban Park and understood the lifestyle of the people in the neighborhood. She said they hired an arborist about the three heritage trees on the lot and his only concern was with the impact of the driveway on the roots of the oak tree. She said the tree was one of their favorite features of the lot and they were researching how to best protect the tree roots. She said thus far they had changed the design to curve the driveway to avoid the roots as much as possible. She said they had roof and stucco samples for the Commission's review.

Commissioner O'Malley asked if the applicants had talked to the neighbors on Greenwood Way as there was a one-story. Ms. Lindquist said they had talked to both of the one-story residence owners, who indicated that they were relieved with the proposed plan.

Commissioner Pagee said the second-story bedroom windows on the right-hand side would be approximately 24-feet from the approximated rear of the adjacent property. She asked if they had spoken with the neighbors regarding the view from those windows into the neighbors' yard. Mrs. Lindquist said that they would be able to look a little bit into the yard but not into the homes. She said the owner of the second-story was quite pleased with the plan and they had not heard anything of concern from the other property owners. Commissioner Pagee said that on a sunny day the shadow cast by the proposed home would be twice the height in the winter time and would cast a shadow on the adjacent yard and asked if they had talked to the neighbor about that. Mrs. Lindquist said they had worked with the neighbors all through the process and particularly with the owner of 3 Greenwood Place. Commissioner Pagee asked if they had considered flipping the house to move the driveway from the oak tree. Mrs. Lindquist said they had considered that but thought it was preferable to have the driveway away from the neighbor's house and to maximize the green space.

Commissioner Riggs said he thought 1039 Greenwood Drive would be most affected by the proposed design but it appeared that they had not come forward in response to the applicants' efforts to engage them in the review of the project. He said the living room and den windows have high sills and asked if that was to protect 3 Greenwood Place or a design choice. Ms. Lindquist said that it was to protect 3 Greenwood Place and was a choice with which they were comfortable. Commissioner Riggs asked if the belly band would be smooth. Mr. Hyland, JPH Management, said the finish would be smooth.

Mr. Scott Patterson, Menlo Park, said the proposed project would not impact him directly, but he and his wife had lived through many major and minor renovations in the area over the past decade. He said that he and his wife wanted to voice their support for the proposed project and noted the thoroughness of the applicants in acting with consideration of and involving neighbors in the development of the project.

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

1. Make a finding that the project is categorically exempt under Class 3 of the current State CEQA Guidelines.
2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
3. Approve the use permit subject to the following *standard* conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by JPH Design Management, consisting of seven plan sheets, dated received November 18, 2006, and approved by the Planning Commission on December 11, 2006, except as modified by the conditions contained herein.
 - b. Prior to building permit issuance, the applicants shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.

- c. Prior to building permit issuance, the applicants shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
- d. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval of the Planning, Engineering and Building Divisions. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
- e. Prior to building permit issuance, the applicant shall submit plans indicating that the applicant shall remove and replace any damaged and significantly worn sections of frontage improvements. These revised plans shall be submitted for the review and approval of the Engineering Division.
- f. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a Grading and Drainage Plan for review and approval of the Engineering Division. The Grading and Drainage Plan shall be approved prior to issuance of a grading, demolition or building permit.
- g. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance. Prior to the building permit issuance, the applicant shall implement the tree protection plan and technique recommendations in the Arborist Report for all applicable heritage trees.

Motion carried 6-0-0-1 with Chair Bims not in attendance.

4. **Use Permit/William Harris/511 Grace Drive:** Request for a use permit to demolish an existing single-story, single-family residence and construct a new two-story, single-family residence on a substandard lot with regard to lot depth in the R-1-S (Residential Single-Family Suburban) zoning district.

This item was continued at the request of the applicant to January 8, 2007.

D. REGULAR BUSINESS

1. **Consideration of Minutes from the September 11, 2006, Planning Commission Meeting.**

Commission Action: Unanimous consent to approve with the following modifications:

- Page 6, 3rd paragraph, 7th sentence: Delete the word “that” between the word “planters” and the word “had.”
- Page 11, 6th paragraph, 9th line: Add between the words “findings” and “he” the words “after noting a large number who spoke in support of the project,”.

Commissioner Deziel noted that the preparation of the minutes seemed to be falling behind schedule. Development Services Manager Murphy said that staff’s intent was to get the minutes on schedule again; he noted that numerous detailed excerpt minutes had needed to be prepared over the past couple of months, which threw the schedule off.

2. Commission Discussion of City Council Project Priorities for Fiscal Year 2007-08.

Commissioner Pagee voiced her appreciation for the detailed report. She asked about the status of the Police Service Center. Development Services Manager Murphy noted that the report had been created in September so some projects' status were not current as reported, but he thought the report in general was helpful for the Commission's discussion.

Commissioner Riggs said he had the impression that the Police Service Center had not progressed because the sponsor had not done plan check. Development Services Manager Murphy said the developer resubmitted plans the past Tuesday and the project was now in plan check.

Commissioner Sinnott asked about the Valparaiso Avenue resurfacing project; she said she had heard rumblings that the City would do one side and Atherton would do the other side and there would be differences in the height of the surface. Development Services Manager Murphy said there was disagreement between Atherton and Menlo Park about the standard to use and that Atherton was requiring something much more than Menlo Park's standard high quality.

Commissioner Deziel said he would like to go through the list. He said for some time it had been apparent that people wanted to work on an El Camino Real plan whereas he believed that the focus should be on a downtown plan. He said El Camino should be looked at but subordinate to the downtown. He said in December that people who shopped at Stanford Mall could take their receipts to Left Bank and get a free appetizer or soup. He said Stanford was using Menlo Park's hot spot (Left Bank) to suck in retail business. He said that Menlo Park was in ruthless competition with Redwood City, Palo Alto and the Stanford Mall. He said he recommended reinforcing the home furnishings sector of Santa Cruz Avenue as that would have a regional draw. He said however that Stanford Mall has picked up home furnishings again. He said there could be incentives for home furnishing development such as fast track permits. He said it would be nice to have a business directory and noted that was number 4 on the list. He said fine-tuning the downtown policy made a lot of sense, which was number 1 on the list. He said that some parking zones could be made three hour. He said he did not think there should be two hour parking on Santa Cruz Avenue, but perhaps one to two hours.

Commissioner Sinnott said that there was a great problem with vagrants and beggars in the downtown and at the Caltrans station, which she thought was hurting business downtown. She said that she and Ms. Dehn would begin discussions with the Police Commander regarding this problem. Commissioner Riggs said the City needed to enforce its quality of life ordinances.

Commissioner Deziel said one of his biggest concerns was "land-banking" by property owners in the downtown because of tax breaks created by vacancies; he said that there ought to be some fee required of property owners of vacant buildings.

Ms. Fran Dehn, representing the Chamber of Commerce, was asked by the Commission to speak about the downtown. Ms. Dehn said the Chamber would welcome the Planning Commission's involvement in developing a downtown that included an extension along El Camino Real that would add to the downtown, not detract. She said merchants had issues with Parking Plaza 5 as it created two-directional traffic right against parking with one-directional traffic and that the layout of the angle of the parking in Plaza 5 was not user-friendly to shoppers. She said Parking Plaza 2 was on the priority list for 2008 and she thought the

Planning Commission should be able to review the design and provide valuable input. She noted that there is no downtown merchant association. She said they have started a "downtown" section of the Chamber. She said they have gotten ideas from those "downtown" merchants on homeless, parking plazas, and parking in general. She said however that if traffic was eliminated there was no feed for retail. She said the downtown group looked at parking and sent out surveys. She said there was concern about inconsistency in parking times. She said they sent their recommendations to the Transportation Division and were asked to hold off on that until the MTC study was done. She said the draft MTC report was due in January and there should be useful information from that to gauge the need and public support for a parking garage, and what parking time limits and parking fees were needed. At the request of the Commission, Ms. Dehn indicated that the main issues with downtown related to parking (lack of spaces and presence of time limits), vacancy rates, and the need for a consistent vision/identity.

Commissioner Deziel suggested adding to the list to drop banner fees for citywide promotions.

Commissioner Pagee suggested some incentive to bring employees from Sand Hill Road to Santa Cruz for lunch and errands.

Commissioner Riggs said Caltrans had been given lead agency status to rebuild the railroad right-of-way to allow heavy freight over the bay. He said the proposed Dumbarton Rail Corridor would impact hundreds of Menlo Park residences. He said it would create noise and privacy issues. He said the existence of the freight rail required that the passenger trains also be constructed to freight rail standards. He said that this also created impacts at intersections. He said there would be much less impact from modern light rail system. He said the City of Menlo Park had to step up to protect the residents and he believed there was support for light rail. Commissioner Sinnott asked how to get light rail on the table. Commissioner Riggs said there was a member from the City on the MTC but the City had no policy regarding this. Commissioner Deziel said that heavy rail was needed on the peninsula to invigorate San Francisco. Commissioner Riggs said that light rail uses a different gauge of track. He said he did not want to put a lid on freight rail but there was already one freight rail and there was no freight demand. Commissioner Deziel said perhaps Commissioner Riggs could lobby to get a station at Marsh Road. Commissioner Riggs said that there were the impacts to the residences from the freight rail.

Vice-chair Keith suggested adding the question of the freight/light rail to the list noting that it was important to many people. She said there also seemed to be a consensus to have "Save Our Downtown" on the list. Commissioner Deziel suggested identifying opportunities for capital expense projects to minimize or recoup outlay for the maintenance of Bayfront Park.

The Planning Commission identified items from the 2006-2007 project priorities list to consolidate, ones that are in process or have been accomplished, and others that can be deemphasized. The Commission agreed that items 3, 9, 11 and 13 could be eliminated. Staff will take this input and create a framework for the Commission to consider and prioritize at its January 8, 2007 meeting.

3. Commission Review and Approval of 2007 Planning Commission Calendar.

Commission Action: Unanimous consent to approve as submitted with an understanding that the meeting schedule in July and August may be revisited in the future.

E. COMMISSION BUSINESS, REPORTS, AND ANNOUNCEMENTS

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

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

ADJOURNMENT

The meeting adjourned at 10:12 p.m.

Staff Liaison: Justin Murphy, Development Services Manager

Prepared by: Brenda Bennett, Recording Secretary

Approved by Planning Commission on February 26, 2007.