



## **MENLO PARK PLANNING COMMISSION MINUTES**

**Regular Meeting  
December 18, 2006  
7:00 p.m.**

**City Council Chambers  
701 Laurel Street, Menlo Park, CA 94025**

**CALL TO ORDER** – 7:01 p.m.

**ROLL CALL** – Bims (Chair), Deziel, Keith (Vice-chair), O'Malley (Absent), Pagee, Riggs, Sinnott

**INTRODUCTION OF STAFF** – Deanna Chow, Senior Planner, Thomas Rogers, Associate Planner, Justin Murphy, Development Services Manager, Lorraine Weiss, Contract Planner

### **A. PUBLIC COMMENTS**

There were none.

### **B. CONSENT**

There were no consent items on the agenda.

### **C. PUBLIC HEARING**

1. **Use Permit/Stewart Associates/805 Evergreen 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 with regard to lot width in the R-1-S (Single-Family Suburban) zoning district, and for excavation into required side yard setbacks for lightwells and egress associated with a basement.

Staff Comment: Planner Rogers said staff had received a form letter of support from Mr. James Reilly of Stanford Avenue; an e-mail letter from Mr. Phil Friedly discussing the construction of a two-story on 1725 Stanford and photos of the impacts from that construction on neighboring homes; a shadow study prepared by the property owner; and a visual exhibit by Mr. Friedly of 825 Evergreen Street and projected impacts from the proposed project.

Public Comment: Ms. Sharon Hasslen, property owner, said she and her family bought the property in September 2005 after working with a realtor to find a lot on which they would be allowed to develop the home they desired, in particular a two-story home. She said they wanted a home that suited their needs but was sensitive to the neighbors. She said that they considered remodeling, but decided they would much rather build a green, two-story new home and recycle waste and debris. She said they had completed the County's Green Building checklist and they have gotten local expert advice on building "green." She said their proposal met or would exceed all setback requirements and regulations. She said they were asking to have lightwells in the setback to have light and ventilation and ingress/egress for the basement. She said the home would have a minimized second story that reduced the bulk of the home.

She said that they had conducted public outreach since September 2005 and 20 neighbors supported the project. She said the project was sensitive to privacy and light and its design would enhance the neighborhood.

Mr. Bob Hasslen, property owner, said he did a shadow study over the weekend. He said there were several aspects in the design to minimize impacts to neighbors during construction. He said the architect was working with a new manufacturer of homes in California using environmentally sensitive materials and home components manufactured offsite that would shorten the construction period.

Mr. John Stewart, Stewart and Associates, San Carlos, the project architect, said the property owners had talked to the neighbor on the right before they bought the property and when they hired him they had asked him to be particularly sensitive in the design he developed. He said the second story was proposed 30-feet from that property. He said the second story was small with only the two children's bedrooms and the master bedroom. He said the style chosen was similar to a farmhouse; materials would be natural; and he had a color board to show the Commission. He said that he met with his clients over the weekend to discuss other options and concessions. He said all of the windows on the left and right side could have five-foot sills; the windows in the stairway could be raised or one of the two windows could be eliminated in the stairwell as well in the laundry room with five-foot sills. He said on the left side the window in the shower could be moved to the end of the house. He said that the pitch of the roof could be reduced to four and twelve and that would make the height two-foot, nine-inches below the height limit. He said regarding the flat long wall on the second story that there could be a further setback of two feet even though there was a hedge that would screen that side, He said this two feet could be found in the vanity area in the children's bath and the toilet room in the master bathroom.

Commissioner Pagee asked if the architect had considered moving the length and bulk of the house to the front. Mr. Stewart said that they thought it was better as designed because of the existing landscaping which protected the house on the right. Commissioner Pagee said the shadow study indicated that shadows run to the front of the house. She said that solar access would be improved if the bulk of the house was moved to the front. Mr. Stewart said the house would then look bigger and the ridge line would look more massive from the street

Commissioner Sinnott said she was concerned with changing the roof pitch as it fit so well now and suggested the pitch be five on twelve rather than four on twelve.

Commissioner Deziel asked if the height reduction was from the pitch. Mr. Stewart said that it was.

Mr. Phillip Friedly, Menlo Park, said that some of his neighbors had given him their time to speak before the Commission. He said he and others were concerned about the injurious impacts from a two-story on the neighborhood's Eichler-style homes. He said the proposed house was out-of-scale with the neighborhood. He said sunlight and sky were important to the Eichler-style homes. He said that light from the proposed two-story's upstairs bedrooms would flood their patio at night and landscape screening would make the loss of light and sky worse because the screening would need to be 16-foot eight-inches to be effective. He said that they did a balloon study to show the impacts the proposed home would have on their property. He said the mass and size of the proposed home would impact the indoor/outdoor living character of the neighborhood and would create a canyon effect. He said he had photos of a two-story home at 1725 Stanford Street that was built and was very similar to this proposed design. He

said it was clear from the photos that the home towers over the neighboring property. He said there were design alternatives that would meet the needs of the applicants and the neighborhood including a one-story design. He said they provided nine photos of successful remodels in the neighborhood and that one of those was two-story. He said this two-story was moved to the front and away from the yards and patios of the surrounding one-story homes. He said that there should be meaningful compromise. He said the staff report recognized injurious impacts to the surrounding properties but seems to dismiss them. He presented a petition signed by 40 neighbors from 27 contiguous neighboring properties.

Commissioner Deziel asked if a circle was drawn around the subject property, how many of the 27 properties would be within that circle. Mr. Friedly said there were 21 Eichler homes immediately contiguous to the subject property and 60 percent of those property owners had signed the petition.

Commissioner Riggs said for a neighborhood issue the question was whether the petition would apply to the signers' properties as well and whether Mr. Friedly had discussed the concept of a neighborhood overlay. Mr. Friedly said that he had generally but because of the short time frame had only done preliminary discussion.

Commissioner Keith asked if Mr. Friedly had seen the shadow study and what he thought about Commissioner Pagee's suggestion to move the second-story to the front of the property. Mr. Friedly said he would not make comments on that idea, noting that he was not an architect or designer and did not know what impacts such a design might have. He said he would have to see the design.

Commissioner Keith said that the home to the right of Mr. Friedly's home was a two-story. Mr. Friedly said the second-story was built in the late 1950s and was set way to the front to the street away from his property and the screening need was only about 10-feet of height.

Mr. Al Heibin, Menlo Park, said he supported the project. He said that 705 Evergreen Street first remodeled to the maximum on the first floor and could only add a second story of the limited size because they had already maxed out on the first floor. He said it was a misrepresentation to say that the property owners at that address had built sensitively on the second floor. He said if the neighborhood felt so strongly about this they could put a restricting deed on their property. He said that property owners should be able to remodel or build to their needs if they meet the objective standards. He said if there were mitigations that protect the neighbors those should be implemented.

Ms. Diane Blake, Menlo Park, said she had opposed the building of a two-story at 710 Lemon Street. She said she was surprised the realtor had told the applicants that there was support for a two-story in this neighborhood. She said that she had not heard of the project until recently. She said "green" building was wonderful but the design was not good. She said they had looked at an overlay but it was so restrictive to keep future construction to a Eichler-style home.

Commissioner Deziel said Ms. Blake's home was some distance from the proposed project and asked if she was impacted by the project. She said that she was representing the contiguous Eichler-style block neighborhood.

Mr. Stephen Heller, Menlo Park, said he and his family had moved to this neighborhood the past year and were looking for an Eichler home as they wanted indoor/outdoor living. He said there was a second-story home adjacent to his Eichler home that did not impact their privacy. He

said the proposed project was out-of-scale and he did not want to live next to a wall or to have windows that looked into his living and sleeping quarters. He said he was not against two-stories, but only desired that it be designed sensitively to mitigate impacts to neighbors.

Ms. Baker Rice, Menlo Park, said their back property line was shared with the Hasslens. She said she had not signed either petition, and respected the cordial way the applicants and neighbors were trying to resolve and compromise. She said the proposed design would not impact her property. She said there was a second-story next to her property when she bought it and its windows look down into her garden and she had installed shutters all along one wall. She said she thought there was a compromise that could be made and she wanted the property owners who would be impacted by the project to be protected.

Ms. Patty Stone, Menlo Park, said her home was not contiguous but nearby. She said the scale of the home was out of proportion to this block of Eichlers and as people sold their homes, one-by-one these homes would be demolished and replaced with more massive homes that impact others' privacy. She said that people buying into the area should respect the uniqueness of the neighborhood.

Mr. Mark Martella, Menlo Park, said he had opposed 710 Lemon Street and this project would not impact him, but he was opposed to it. He said there was a possibility of compromise. He said the proposed project was out of scale with the neighborhood, and was at odds with the uniqueness of the Eichler structures with their openness to light and sky. He said there were other designs the applicant could have proposed with far less impact on the neighbors. He said there were standard lots the property owners could have bought and could have done this design there.

Mr. Oscar Salvatierre, Menlo Park, read a statement written by his wife entitled "Dreams." In summary, the statement related to the right of individuals to have dreams but that a new dream should not be forced upon a group with shared dreams they were living; a question was raised about the intent to replace the home and its impact to existing Eichlers. The Eichlers were well suited to long, narrow lots and maximized light and space to create a feeling of nature in the home while preserving privacy. To buy the property to demolish the Eichler and design a multi-story home was disrespectful of the property owners in the neighborhood. It was not fair to pursue one's dream at the expense of others. This design would impact the adjacent lot and lots two parcels away. Light from the second story would flood surrounding Eichler properties and eliminate the natural nighttime sky.

Ms. Kelly Brennan, Menlo Park, said she had been on both sides of this issue noting a neighboring development that was done without the need of a use permit and the impacts it had on their privacy in their home. She said previously she had come before the Commission for a use permit and found that process was difficult and put burdens on neighbors' relationships. She said that projects coming before the Commission had been contentious over the past year. She said she thought it was the City's system that was not working.

Mr. Stewart, project architect, said that many other communities were wrestling with the same problems and concepts of deed restriction and overlays. He said as an architect it was hard to balance all of the needs and desires in such areas. He said that balloons at the property line were deceptive rather than at 43 feet away. He said that indoor/outdoor living was desirable for others as well. He said the second-story design was better for green building. He said he took exception to the description of the design as a box or monster home.

Commissioner Pagee said that there would be six new trees on the lot and wondered where they would be. Mr. Hasslen said they proposed some plantings along the Friedlys property line that would grow 10 to 15 feet in height. He said that not all the homes on the block were Eichlers. Ms. Hasslen said their realtor had indicated that she had been totally unaware of the 710 Lemon Street controversy. She said their intent was to enhance the neighborhood and their design would integrate well. She said that they have strived to work with neighbors and would continue to do so.

Mr. Friedly said it was a specious argument about the deed restrictions in that there would have to be a percentage of property owners who wanted to do that. He said that the lots could be built out as one-story. He said the neighborhood wanted to reach a compromise with Hasslen that respected their Eichler homes and privacy.

Chair Bims closed the public hearing.

Commission Comment: In response to questions from Commissioner Pagee, Planner Rogers outlined the various actions and the appeal process that was possible and indicated that this lot could have 35-percent lot coverage for a one-story.

Commissioner Deziel asked if the applicants had the ability to do a remodel without the need for a use permit and if they could add 50-percent of their living space on the second story. Planner Rogers said that the Eichler structures were nonconforming and that a one-story was limited to 75 percent value replacement, and 50 percent value replacement for a two-story.

Commissioner Sinnott said there was lot of passion because of the Eichler homes and the neighbors' expectation that the applicants should have known about second-story issues. She said that the Commission should look at this project objectively. She said the applicants have worked with the neighbors, made compromises, and while she understood the Friedly's concerns, it was apparent they did not want a second story. She moved to approve as recommended in the staff report, noting condition 4.a for screening. Commissioner Deziel seconded the motion.

Commissioner Deziel said part of the story related to the contiguous Eichlers on the block and the other part of the story was about building on substandard lots. He said generally the comments were a desire to keep the Eichler designs but the Friedly's had legitimate concerns. He said that one of the speakers said 1-story Eichler living is our dream. But requiring the applicant to live someone else's dream is demoralizing. He said those signing the petition should hold their lots to the same standard as being required of new property owners. He said however that second stories were allowed in this zoning district. He said the proposal has 36 percent FAR on the second story, and this could be greater and square but it was not. He said he could make the finding that the proposal was not detrimental.

Commissioner Keith said the architect had laid out some concessions such as bringing the pitch down to five on twelve. Commissioner Sinnott said she did not think those concessions would appease any of the speakers and she did not want to see the design compromised for no value. Commissioner Keith said that there were some suggestions about increased sill heights.

Commissioner Deziel said the project was set back from the right side by 37 feet. He wanted to consider windows individually and not unilaterally. He said he would like to see some decrease in overall height. He said the second story window on the landing would not give a view of the

neighboring property. The Commission discussed increasing the window sills to five feet for the master bedroom side windows and the laundry room.

Commissioner Keith said it was a difficult situation and she hoped to come up with concessions to make the change feel less horrible feeling for the neighbors. She said that the applicants have the right to build a two-story as the area is zoned for two-story. She said the Commission had to treat applications fairly and equitably and hoped to come up with concessions such as screening and window placement. She said that was why she was looking at the roof pitch and sill height. She said that she appreciated the applicant and architect coming in with concessions.

Commissioner Riggs said this project was challenging as the neighborhood has backing for a one-story character. He said he had encouraged Mr. Friedly to do the overlay which would establish what was wanted and it would restrict their properties as well. He said he had spoken with Eichler's grandson about the Eichler's on Evergreen Street; the grandson said that Evergreen Street was not completely an Eichler neighborhood. Commissioner Riggs said five years ago with the neighborhood opposition to 710 Lemon Street that the neighborhood could have done a simple overlay such as that done by Felton Gables. He said it was hard to deny the application lacking unique standards for the neighborhood. He said the overlay was a process worth doing. He said there was evidence of sensitivity in the proposed design particularly with the setback toward the Friedly's properties. He said Mr. Friedly's home was most vulnerable and recommended higher sills in the laundry and master bedroom or the use of textured glass. He said changing the roof pitch would harm the appearance. He said he did not understand the benefit to the neighbor of moving the master shower room window and noted that it was a casement window that would prevent a view line. He said he thought the project deserved approval.

Commissioner Deziel asked about the additional two-foot setback on the long wall. Commissioner Riggs said that the wall was already attractive because of the materials, the band and placement of windows and other details.

Commissioner Pagee said some of the architect's concessions were nice but the use of story poles at the beginning would have addressed neighbors' concerns about the potential impacts of the project. She said the Commission was only making assumptions about what was best for the Friedly property and the other adjacent neighbor. She said the project could be made with more consideration to those neighbors. She said based on the opposition petition it was clear that there was a desire for an overlay in the neighborhood. She said the applicants did not need the second story. She said she would like to continue the project for redesign rather than to design on the dais.

Commissioner Deziel said that if the neighborhood was really interested in the overlay they could begin the process the following day and include the Hasslens. He said with a one-story design the Hasslens's would get additional 71 square feet.

Chair Bims said the property had been owned prior to the Hassle's and that owner had not put a deed restriction on the property to keep the residence as a one-story and there had not been unanimity in the neighborhood about communicating to new residents the desire for Eichler designs. He said the zoning regulation allowed for two-stories to be built and tastefully, but it did not say there was a moratorium on two-stories.

Commissioner Sinnott said the motion was to approve as recommended with moving the sill heights of the master bedroom right side window and laundry room right side window to five feet, and to have a five foot sill for the master water closet similar to the master shower.

Commissioner Deziel suggested adding to condition 4.a a requirement for up to two 36-inch box trees and with some limitation to height as noted by Mr. Friedly. Commissioner Riggs suggested noting that this was to block view from the rear master bedroom window into the Friedly's backyard.

Commissioner Keith said she was disappointed that the roof pitch was not going to be altered as the Friedlys had expressed a desire for the height to reduced about a foot and a half.

Commissioner Pagee suggested lowering the plate height on the first floor to lower the bulk perhaps to nine feet.

Commissioner Deziel said he was willing to bring the height down as it currently was at 27-foot, six-inches but not to specify on the first floor. He said rather specify a height reduction of a foot and a half and however that might be accomplished through staff review. Commissioner Pagee asked if they were talking about wall height or the roof pitch. Commissioner Deziel said the condition was to reduce the height of the house to 26-feet through staff review and approval and maintaining the six on twelve pitch. Commissioner Riggs said he thought the upper plate height was the visual impact at 20-foot, six-inches above grade.

Chair Bims asked the project architect to address the potential reduction of the plate height. Mr. Stewart said that at most the plate height could be reduced by one foot and they would want to take it out of the first floor so that there would not be a need for dormers on the second floor.

Commissioner Deziel moved to amend the main motion to stipulate a requirement that the second floor roof plate be reduced by one foot. Commissioner Keith said she thought the architect was saying he would reduce the first floor. Mr. Stewart said he would bring the roof ridge and eaves down by one foot. Commissioner Deziel moved to amend the main motion to reduce the eave and ridge line by one foot; this was accepted by unanimous consent. Planner Rogers clarified that the applicant would be required to reduce the plate height and overall height by one foot. He asked about A.8 on the left side elevation and whether the windowsill for the master commode should be at five-feet. The answer was affirmative. Commissioner Keith asked if the commode window in bathroom 2 would be at five feet. Mr. Stewart said the window in bathroom 2 should be at five foot sill as the window was over the tub.

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

1. Make a finding that the project is categorically exempt under Class 3 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 Stewart Associates, consisting of 11 plan sheets, dated received December 11, 2006, and approved by the Planning Commission on December 18, 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 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* condition:
- a. Concurrent with submittal of a complete building permit application, the applicant shall submit a revised landscaping plan, subject to review and approval of the Planning Division and City Arborist. The plan shall show landscape screening of semi-porous tree types, projected to have a limited mature height. The overall objective of the revisions shall be to both provide adequate privacy screening and allow sufficient transmission of light and wind, ***with a primary focus on limiting views between the master bedroom and the rear patio of the adjoining right side property. Up to two trees of a 36-inch box size may be required.***
  - b. ***Concurrent with submittal of a complete building permit application, the applicant shall submit revised plans subject to review and approval of the Planning Division. The plans shall incorporate the following modifications:***
    - 1. ***On the right side elevation, the sill height of the master bedroom and laundry windows shall be raised to five feet.***



- 2. On the left side elevation, the sill height of the master toilet and bath #2 toilet windows shall be raised to five feet.**
- 3. The second-floor plate height and the overall building height shall each be reduced by one foot.**

Motion carried 6-0 with Commissioner O'Malley not in attendance.

2. **Use Permit/Phil Giurlani/531 Pope Street:** Request for a use permit to demolish two existing single-story residential structures and construct a new two-story, single-family residence and detached accessory building on a substandard lot with regard to lot width in the R-1-U (Single Family Urban) zoning district.

Public Comment: Mr. Phil Giurlani, applicant, introduced Mr. Fred Fallah, the architect.

Mr. Fred Fallah, project architect, said the goal was to blend the proposed home with the existing Willows neighborhood and create a Craftsman bungalow style home that would create a gateway to the neighborhood. He said they tried to keep mass away from the neighbors. He said the porch helped to gradually step up the height of the house and keep massing to the back of the home with sensitive roof plates. He said the detached garage was at the back of the lot and they would use pervious pavers. He said they would use some recycled materials for construction.

Commissioner Pagee said she was concerned about safety for the residents and suggested security lights on the right wall because of pedestrian traffic at night in the area.

Mr. Kevin Ray (sp.?), Menlo Park, said his property was kitty-cornered to the subject project. He said he had sent an e-mail to the Commission over the weekend. Planner Rogers indicated that staff had not received that e-mail. He distributed the e-mail to staff for the Commission. He said he was not generally opposed to two-stories in the neighborhood but he had concerns about the aesthetics of the design and its impact on his property. He said the right, north facing façade was a two-story monolithic stucco wall with a continuous eave line and random fenestration. He said while this was an interior side of the lot in theory, in practice the lot was a corner lot because of the location of the school parking lot next to it. He said they would like modifications to make the façade more pleasing through the use of materials and possibly and dormers. He said the second concern were the windows associated with master bedroom 2 as those provided a direct view into his backyard. He said that currently from his backyard the ridge line of the existing home on the subject property was visible. He said his e-mail had more detailed information suggested that would benefit the overall aesthetic of the overall construction.

Commissioner Keith noted A.2.1 of the e-mail in which Mr. Ray was asking for more trees on the left front; she asked whether he would want more trees on the right front as well. Mr. Ray said that beginning with A.1 his e-mail contained comments on the overall design that his designer thought would improve the project for the neighborhood.

Mr. Brian McFail, Menlo Park, said he owned the home behind Mr. Ray's home. He said he did not think the project conformed to the spirit and tone of the neighborhood, which he characterized as having rich architectural detail, careful landscaping and heritage trees. He said the project was twice the size of most of the homes in the area. He said the finished characteristics of the windows were poorly conceived and while the front looked like a Craftsman, the sides were disappointing including the roof line on the north side. He said the

criteria followed for the project was to get the most square footage at the least cost. He asked the Commission to require this project to meet the quality of the existing homes in the neighborhood.

Chair Bims closed the public hearing.

Commission Comment: Commissioner Riggs said a good effort had been made with the massing and design style to work with the neighborhood, but needed other improvement to work. He said the right side was the most notable example as it was cut flat because it faced the school; however it would be visible to other residential properties. He said one of the window groupings, bedroom 3, could be made into a bay window for additional detail. He said the home was clearly Craftsman but the windows were modern casement style.

Commissioner Keith asked if Commissioner Riggs was asking for true divided lights. He said he was not requiring that type as it was more expensive and might not be wanted by the applicant.

In response to Commissioner Pagee, Mr. Giurlani said that originally he and his family planned to live in the home but since its purchase they had bought a different home as their residence. Commissioner Keith asked about windows. Mr. Giurlani said that he was willing to look at different style windows more in keeping with the Craftsman style. In response to Commissioner Keith, he indicated that they did not yet have a materials board.

Commissioner Pagee said the size of the trim and the eave materials, window type and placement were details that could be better defined to make the appearance richer. She said she was in favor of reducing the first story plate height.

Commissioner Sinnott said she had concerns with the materials, the windows and placement. She said the right-side elevation needed improvement and she was not ready to support the project.

Commissioner Deziel said extra space was needed on the right-hand side for landscape buffering and that created some constraint. He said he agreed with comments made by Commissioners thus far.

Commissioner Pagee moved to continue the project for re-design to have better definition of finished materials, trims, window locations and window types, bellyband articulation and possible lowering of the first floor height to nine foot. Commissioner Deziel said he did not subscribe to the last comment. Chair Bims said the redesign items were the windows type, sizes and location including windows on the right side and privacy issues related to bedroom 2 at the front of the house; proportions of the windows on all sides relative to the their walls. Commissioner Sinnott said there was a lack of symmetry on the rear elevation and on all of the windows around the house. Commissioner Deziel said the sides of the house did not look as well developed as the front and rear and he would like to see some full height windows.

Commissioner Riggs said he thought the rear elevation looked awkward but slightly moving the windows and slider door might help. He said that a bay window on the right side would help as well as some hedge planting. He seconded the motion.

Commissioner Deziel moved a substitute motion to approve subject to a subsequent architectural control review. Planner Rogers said staff's recommendation was to get specifics from the Commission about what was wanted with the project for the staff to review and

approve but general requests about redesign would need Commission review. Substitute motion died for the lack of a second.

Commissioner Riggs asked if there was a support for a substitute motion to have staff review and approve with specific requirements but if staff was not comfortable with revisions that the project would come back to the Commission. Commissioner Pagee asked if neighbor input would be required. Planner Rogers said that was voluntary. Chair Bims said that there might not be specifics as to the windows finishes, and the general sense of overall quality was not specific enough for staff.

Commissioner Keith said she thought the Commission was providing clear information and asked how long before the redesign would come back to the Commission. Planner Rogers said the first meeting in January was noticed and full. Development Services Manager Murphy said if the applicant performed, the item could come back as an consent item, and said that was his recommendation.

In response to Commissioner Deziel, Development Services Manager Murphy said the public hearing was closed and there was no need to re-notice.

Chair Bims confirmed there was no substitute motion on the table.

Commission Action: M/S Pagee/Riggs to continue the item to a future meeting with specific design direction. The Commission commented on issues including the following:

- The type, number, and sizes of the windows;
- Lack of articulation on the right elevation;
- Overall symmetry and proportion;
- Potential privacy issues from bedroom #2 windows; and
- General quality of finish materials

Motion carried 6-0 with Commissioner O'Malley not in attendance.

3. **Use Permit, Architectural Control, and Tentative Subdivision Map/Joe Colonna/1906 El Camino Real:** Request for a use permit, architectural control, and tentative subdivision map to demolish an existing one-story 5,750-square-foot commercial building and construct a new two-story 9,862 square foot office building for medical/dental use and related site improvements. The application includes a request for a tentative map to subdivide one parcel into five commercial condominium airspaces and a parking reduction to reduce the amount of required parking to 49 spaces based on the proposed uses where 60 parking spaces would otherwise be required in the C-4 (General Commercial applicable to El Camino Real) zoning district.

Staff Comment: Planner Weiss said that two additional e-mail messages were received after the staff report was published and those had been distributed to the Commissioners' this evening.

Public Comment: Mr. Joe Colonna, applicant, thanked staff for their thorough analysis of the project and agreed with the assessment that the building would mix traditional and modern elements and fit with the neighborhood; change of land use from restaurant to medical offices would have minimal impacts to surrounding areas, and the parking needs were met. He said

benefits to the City and neighborhood were the replacement of a dilapidated building and the reduction of high restaurant use impact. He said the project would improve onsite and offsite vehicle and pedestrian circulation; reduce the amount of impervious surfaces; there would be a new drainage system onsite; a landscape area and plantings with a larger building setback and street trees and sidewalk. He asked that condition 6.c regarding the implementation of El Camino Real (ECR) frontage improvements in the Caltrans right-of-way be eliminated as their site plan with onsite planting and sidewalk was better for safety in the bicycle lane/defacto right turn lane from ECR to Watkins.

Mr. Bob Peterson, project architect, Palo Alto, said the site was bounded on two sides by Menlo Park and Atherton. He said the building was placed for an easy and open access, with access from ECR and access and egress from Watkins (at the request of Atherton). He said the parking stalls would have pervious surfaces as part of onsite percolation and that drainage now goes from ECR across the lot to Watkins. He said that there would be percolation and a storage container to accept overflow onsite. He provided a PowerPoint presentation on the building design. He said they wanted the building to be architecturally quiet and make the entry to the site intuitive from ECR. He said the skylights would add a lot of daylight and the building would meet the strict and beneficial State energy requirements.

Chair Bims asked the architect to address the reduction of parking as questioned by a neighbor's e-mail as to whether it complied with zoning regulations. Mr. Colonna said they were following the requirement for medical/dental offices of five parking spaces per 1,000 square feet. Chair Bims said the thinking was the proposed use would need less parking than the existing spaces. Mr. Colonna said the restaurant had 40 spaces and they would have 49 spaces for a larger building. Chair Bims said a neighbor had a question as to a record of survey and their property line. Mr. Colonna said the survey established that the property line did not impact the neighbor's property and regarding the question of the parking use on the neighbor's property that was a civil matter. Chair Bims asked why Mr. Colonna wanted condition 6.a eliminated. Mr. Colonna said staff was concerned about future improvements along ECR to require the site to push out into the right-of-way for a sidewalk. He said pushing out into the right-of-way at this location created a safety problem as there were three lanes and an area for both pedestrians and bicyclists that was also used as a defacto turn lane to Watkins. He said placing the sidewalk and trees onsite would prevent that safety issue.

Commissioner Pagee asked about utility rooms in the offices that were not shown on the plans. Mr. Colonna said those were for the phones and utility rooms for each office as there would not be shared functions because these were condominiums. Commissioner Pagee said that the utility rooms were being excluded from gross floor area as well as the open stairs and elevator room which puts the space just under 10,000 square feet. Mr. Colonna said this was also restrained by the parking. Commissioner Pagee said the square footage precluded a traffic study and additional parking. Development Services Manager Murphy said the City defines gross floor area and what the applicant was proposing as exclusion was comparable to other projects developed in the past. He said the project was coming in at 38.4 percent and had up to 40 percent. He said the project met the parking guidelines and was exempt from the Traffic Analysis required by the City as the building was less than 10,000 square feet. Commissioner Pagee said the square footage was so close to 10,000 square feet and she questioned some of the spaces excluded.

Commissioner Keith said Commissioner Pagee had brought up an interesting point. She asked how often the generators would need to run. Mr. Colonna said that they were not sure they would have a backup generator and the addition of equipment to the building would need to

meet requirements. She asked about bike racks. Mr. Colonna said near the walkway at the bathroom on the first floor would be a good location and the walkway was 10-feet wide. Mr. Peterson noted that the sidewalk on ECR was proposed at five-feet. Commissioner Keith asked about a traffic study done by BKF. Mr. Colonna said he had asked for this informal study to back up his expectation that there would be less traffic impact. He said that they had considered the Acorn as a restaurant with higher turnover.

Commissioner Riggs asked Mr. Peterson to explain his rationale for the ECR façade as opposed to staff's recommendation to give the site an ECR presence. Mr. Peterson said that they had done other projects on ECR that recognized the ECR entrance but did not imply that there was an entrance into the building from ECR. He said that they did not think the building turned its back on ECR. Commissioner Riggs asked about trees to be used noting that ginkgos would be planted seven and a half feet from the building and that those tree trunks could become very large, and whether they could be trained to a size and shape. Mr. Peterson said that he had spoken with the landscape architect and believed it would work. Mr. Colonna said that the ginkgos were chosen because of their color value and in respect to overhead power lines. He said the landscape architect had indicated that the trees through trimming acquired a persistent shape without the need for constant trimming. Mr. Peterson said that if there was something more appropriate to use that would be fine. Commissioner Riggs said condition 6.c said the applicant would apply for the right-of-way encroachment but could proceed at this time with the plan. Development Services Manager Murphy said the condition did not explicitly say how the applicant should proceed with an onsite sidewalk and a sidewalk in the public right-of-way. Commissioner Riggs said it was not ideal to have the sidewalk at five feet against the building and trees that close to the building overhang. He asked if Caltrans were to give them a permit for a sidewalk in the right-of-way if they were willing to pursue that. Mr. Colonna said the question was what happened to money they might deposit for this and their frontage that they planned to install. He said that they would like to eliminate this condition as the process to get a permit from Caltrans might take years and would create safety issues. He said regarding the sidewalk that it could be moved a foot away from the building and a planting pocket added there. He said that there would not be much relief needed. Mr. Peterson said that putting the improvements into the right-of-way would create an island not related to other street features.

Commissioner Deziel said that he believed Caltrans had offered about eight feet of their right-of-way in the area. Mr. Colonna said he had initial discussions with Caltrans about Alternative B on page A.1.2, but it was not clear what would be permitted. Commissioner Deziel said he had an issue with the façade on ECR as it did not look like the front of a building. Mr. Peterson said that it was not an entrance.

Ms. Fran Dehn, Chamber of Commerce, said she would liken this building to Menlo Station. She said the tenants of that building often complain about not having signage for their clients to find them. She said that use was in the middle of retail and office use but clients needed to be able to find the proposed space. She said the project site only has two monument signs proposed; one for traffic going north on ECR and one on Watkins that was not visible from ECR. She said clients going south could not see where the entrance would be. She asked that signage be considered now rather than later.

Commissioner Keith asked if the monument sign on Watkins should be moved closer to ECR. . Ms. Dehn said if that was possible noting the use of banners on building walls at Menlo Station that were unattractive.

Mr. Jim Lewis, Menlo Park, said he occupied an office space adjacent to this site. He said on page seven of the staff report regarding number 2 as to a finding that the project would not be detrimental to neighboring properties that the property survey done by the applicant showed the property line to be inches from his roof. He said if the applicant wanted to build a fence it would impact his doors to the rears as well as PGE meters and telephone boxes. He said there was a transformer proposed along the side of his property and if there was utility access to that then there should also be access to the PGE meters, telephone boxes and three existing access doors on his property.

Chair Bims closed the public hearing.

Commission Comment: Commissioner Keith said regarding the landscaping proposal on ECR that she would like a one-foot planting buffer between the building and the sidewalk. She said she favored the applicant's proposal for sidewalk and trees over the use of the Caltrans' right-of-way. She moved to approve the project with that recommendation. She said the materials proposed were good quality, parking needs would be met and drainage onsite would be accomplished. Commissioner Deziel seconded the motion.

Commissioner Sinnott said the proposed building was beautiful but she wished the building would have more interplay with the ECR corridor. She said she was willing to support this project only because it was at the end of the City's ECR corridor.

Commissioner Pagee said that she could not approve the project because of the lack of frontage to ECR and her concerned question about the calculation of square footage. She said the parking should be kept to the six spaces per 1,000 square feet. She said there were ways to make the ECR façade more interesting without putting the entrance on that side, including the size, placement and type of windows such as bay windows; changing the horizontal roof line and perhaps adding an arch. She said she agreed with Ms. Dehn about signage. She said the problem with putting the back of the building to ECR was similar to Menlo Station's problem getting tenants because of a lack of a presence on ECR.

Commissioner Deziel said that the industrial district in San Carlos has a foot and a half between the building and the sidewalk. He said Caltrans has not been cooperative with the City for street improvements and he would not want to hold the applicant to that requirement. He said he was okay with the parking and square footage but he had a real problem with the building façade that would face ECR. Commissioner Keith asked if the Commission wanted to continue for redesign. Commissioner Sinnott said she agreed. Commissioner Keith said she would remove her motion to approve. Commissioner Deziel moved to continue for redesign to make the project pedestrian friendly and compatible with ECR being a celebrated corridor; the sidewalk should not abut the building with green between the building and on the other side of the sidewalk; and architectural detail on the front façade. Commissioner Sinnott said she would like sidewalk to continue around to Watkins Avenue but that Atherton did not want that. Commissioner Keith seconded the motion and requested that they also address signage. Chair Bims asked if this was to increase visibility from southbound ECR traffic. Commissioner Deziel said that he was not sure. Commissioner Riggs suggested having staff work with the applicant for more effective signage, a landscape strip at least one and a half foot between the building and sidewalk; and a façade that worked better with ECR. Commissioner Deziel said that he would allow Commissioner Riggs to move the substitute motion and he would second the motion. Development Services Manager Murphy said he did not understand the substitute motion and asked if it was a continuance for re-design. Chair Bims said it was. Development Services Manager Murphy said that there was mention of working with staff and that staff had

worked with the applicant on a number of these issues but that without more specific direction he had concerns with staff making the approval.

Recognized by the Chair, Mr. Colonna asked if the redesign would come back on consent, and if they could develop a program with staff on the elements the Commission had outlined, and then go to the City Council.

Commissioner Pagee said that if there were objections the item would be removed from the consent agenda. She confirmed that she was the only Commissioner objecting to the parking requirements.

Mr. Colonna said they would work to improve the ECR frontage and to work on ideas for signage.

Commission Action: M/S Riggs/Deziel to continue the item to a future meeting to allow the applicant to address the Commission's concerns and for redesign. The Commission commented on issues including the following:

- More articulation on the El Camino Real building façade;
- Provide a more pedestrian-friendly façade on El Camino Real; and
- Create signage that addresses drivers traveling southbound on El Camino Real.

Motion carried 6-0 with Commissioner O'Malley not in attendance.

Commissioner Riggs asked if there was time to initiate another project. Chair Bims said they were close to 11:30 p.m. as the Commission had not indicated it would stay later than that. Commissioner Riggs said he had to apologize to the applicants present from 7:00 p.m. Commissioner Pagee asked if they started an item before 11:30 p.m. whether they could continue until it was completed. Development Services Manager Murphy said there were policies, but not ordinances, and those said that no new Commission business would begin after 11:30 p.m. or the Commission needed to agree at 10:30 p.m. to continue past 11:30 p.m. He said item 5 had been noticed to the City Council.

Commissioner Pagee moved to continue item C.4 if Commissioner Riggs was in agreement. Commissioner Riggs said the applicant/owner had been at the meeting since 7:30 p.m. but this decision had to be made at the Chair level. Chair Bims said he would like to begin item C.5; and continue C.4 for a future meeting. Commissioner Riggs asked what this meant to item C.4 and whether it would be at the very least heard in January. Development Services Manager Murphy said items were set for January 8 but one item not yet noticed could be bumped based on activities tonight. Chair Bims apologized to the applicants for item C.4 for the delay in hearing the project. He requested that this item be C.1 on the January 8 agenda. Development Services Manager Murphy said that was fine.

Chair Bims opened item C.5.

4. **Use Permit and Architectural Control/Henry Riggs/622 Santa Cruz Avenue:** Request for a use permit and architectural control to demolish an existing, one-story, commercial structure and construct a new, two-story, mixed-use structure in the C-3 (Central Commercial) zoning district. The structure would have a Floor Area Ratio (FAR) greater

than 100 percent and a residential unit, both of which require use permit approval by the Planning Commission.

Commission Action: Unanimous Commission consensus to continue the item to the meeting of January 8, 2007 due to lack of time.

Motion carried 6-0 with Commissioner O'Malley not in attendance.

5. **Abandonment/Benchmark Homes - Twelve, LLC/996-1002 Willow Rd:** Planning Commission review for consistency with the General Plan related to the proposed Abandonment of the Public Utility Easement crossing the rear six feet of Lots 8, 9, 10, 11 and C and extending into the center of Lot 10 of the Heritage Oaks Major Subdivision located at 996-1002 Willow Road.

Staff Comment: Development Services Manager said that the Commission was being asked to review the abandonment consistent with the General Plan and recommend to the City Council.

Public Comment: There was none.

Chair Bims closed the public hearing.

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

1. Make a finding that the abandonment is Categorically Exempt under Class 5 of the current California Environmental Quality Act (CEQA) Guidelines.
2. Make a finding that the abandonment is consistent with the General Plan.
3. Recommend to the City Council that the existing Public Utility Easement (PUE) at 996-1002 Willow Road be abandoned, as shown in Exhibit A of the Resolution.

Motion carried 6-0 with Commissioner O'Malley not in attendance.

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

1. **Consideration of minutes from the September 18, 2006, Planning Commission meeting.**

Commission Action: Unanimous Commission consensus to continue the item to the meeting of January 8, 2007 due to lack of time.

Motion carried 6-0 with Commissioner O'Malley not in attendance.

2. **Draft Attendance report for Planning Commission review.**

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

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



## **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 February 5, 2007