



## MENLO PARK PLANNING COMMISSION MINUTES

Regular Meeting

January 8, 2007

7:00 p.m.

City Council Chambers

701 Laurel Street, Menlo Park, CA 94025

**CALL TO ORDER** – 7:02 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, Thomas Rogers, Associate Planner, Justin Murphy, Development Services Manager

### A. PUBLIC COMMENTS

There were none.

### B. CONSENT

There were no items on the consent calendar.

### C. PUBLIC HEARING

1. **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. *(Continued from the meeting of December 18, 2006).*

Commissioner Riggs recused himself from dais and did not participate as a Commissioner but was present in the Chambers as the project applicant.

Staff Comment: Planner Rogers said that the staff report had been reissued from the meeting of December 18, 2006, in order for a condition related to drainage to be revised.

Questions of Staff: Commissioner Pagee asked what information on the data table was incorrect. Planner Rogers said the previously prepared staff report indicated that the lot depth was 128.58 feet, which was incorrect, and should read 121.58-feet. Commissioner Pagee asked about the area indicated. Planner Rogers said the area was listed correctly at 3,039 square feet.

Public Comment: Mr. Henry Riggs, project applicant, said that the existing small building built in 1949 was out of compliance with the current building code. He said the owners of an eight-year old business located across the street from the subject property were looking for more square

footage and more ceiling height in this design. He said the applicants also liked the idea of living downtown and the proposal would be within the 200 percent Floor Area Ratio (FAR) maximum.

In response to questions from Commissioner Pagee, Mr. Riggs said the depth of the garage pit was eight feet, there was drainage to accommodate wet cars, the sump pump would be located near the front car bumper and that emergency space would be located at the rear of the hydraulic and pump area. He said only the parking pit needed a pump. Commissioner Pagee questioned the lack of outside living noting that there was not enough space to put a table or chairs outdoors to enjoy the climate. Mr. Riggs said that he personally agreed but it was his clients' desire to have as proposed.

Commissioner O'Malley asked how one would get out of the bottom pit. Mr. Riggs said there was a place to escape to. Commissioner O'Malley asked if there was a door from the garage to the residence. Mr. Riggs said there was, shown slightly ajar on the plans. Commissioner O'Malley asked how the garage door opened. Mr. Riggs said that the garage door would go straight up and that it couldn't curve due to the presence of the lift mechanism. Commissioner O'Malley asked about emergency exits, noting there was only one stair to the second floor. Mr. Riggs said that only one entrance/exit was required. He said that bedrooms have to face either the street or the side yard, which would be the case here. Commissioner O'Malley asked if this would be the first residential unit on Santa Cruz Avenue. Mr. Riggs said there were other mixed uses on side streets of Santa Cruz Avenue. Commissioner Sinnott pointed out that residences were located at 558 Santa Cruz Avenue, on the opposite side of El Camino Real.

Commissioner Keith commented on the idea for the parking lift and asked about the bedroom being in the front of the building and the living space in the rear. Mr. Riggs said that there was a preference to not have a stairway in front facing the public area and lose frontage.

Commissioner Sinnott asked how the parking lifts were different from those at University Towers. Mr. Riggs said that it was more expensive and was a higher end product, as opposed to a "car jack." He said the system had two levels and acted like a "car vend-o-matic" that allowed one to push a button to get to one's car. He said the lifts were sized for larger vehicles, like Suburbans.

Commissioner Pagee asked if the awning cleared the light standard. Mr. Riggs said that it did. She noted that the rear area of the existing project was not attractive, with refuse containers and other debris from the retail businesses. She asked where the residential and commercial debris containers for this structure would be located. Mr. Riggs said all of the waste containers would be in the same interior recessed area and the proposal had been approved by Allied Waste.

Commissioner Deziel asked about the type of door from the den to the deck. Mr. Riggs said it was a sliding door, similar to a patio door. Commissioner Deziel expressed concern about a future resident of this unit who wasn't affiliated with the commercial space below, and the potential for complaints about noise in the C-3 area after 8 p.m. Planner Rogers relayed staff's position that it would be largely self-enforcing, in that the type of person who is sensitive to noise would not choose to live in a retail district. Commissioner Deziel asked if there was only one bathroom required for the store. Mr. Riggs said that there was a need for two bathrooms, one for each sex, for the business, and that Ron Lafrance, Building Official, had reviewed and approved this aspect of the proposal.

Ms. Fran Dehn, Menlo Park Chamber of Commerce, said that she was enthused to see the proposal and that it was a nice mixed-use around a transit hub. She said that parking, while an issue, was addressed by condition 5.c, but she had concerns with safety as there was no sidewalk adjacent to the building next to plaza and that pedestrians would not be accustomed to vehicular access at that point. She said she would like to see signage regarding that.

Chair Bims closed the public hearing.

Commission Comment: Commissioner Pagee said she would move to approve with an added condition to require light and/or noise to warn pedestrians that a vehicle was entering/exiting the rear garage. Commissioner Deziel seconded the motion noting that the parking lift was a nice idea. Commissioner Keith said she would like to see both sound and light required for pedestrian safety. Commissioners Pagee and Deziel consented to this modification of the motion.

Commission Action: M/S Pagee/Deziel to approve with the following modification.

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. 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.
4. Approve the architectural control and use permit subject to the following *standard* conditions:
  - a. Development of the project shall be substantially in conformance with the plans prepared by Henry L. Riggs, AIA, consisting of seven plan sheets, dated received December 6, 2006, and approved by the Planning Commission on January 8, 2007, 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 demolition or building permit issuance, the applicant shall comply with the requirements of Chapter 12.48 (Salvaging and Recycling of Construction and Demolition Debris) of the City of Menlo Park Municipal Code, and is Concurrent with the submittal of a complete demolition permit application, the applicant shall submit a plan for 1) construction safety fences around the periphery of the construction area, 2) dust control, and 3) erosion and sedimentation control. The fences and erosion and sedimentation control measures shall be installed according to the plan prior to commencing construction. The plans shall be reviewed and approved by the Building and Engineering Divisions prior to issuance of a demolition permit.
  - e. Concurrent with the submittal of a complete building permit application, 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.
  - f. Concurrent with the submittal of a complete building permit application, the applicant shall submit documentation of approval from Allied Waste for the proposed garbage enclosure, subject to review and approval of the Planning Division.
  - g. Concurrent with the submittal of a complete building permit application, the applicant shall submit a lighting plan, providing the location, architectural details and specifications for all exterior lighting subject to review and approval of the Planning Division. The lighting plan shall minimize glare and spillover.
  - h. Prior to the building permit issuance, the applicant shall pay the applicable Building Construction Street Impact Fee.
5. Approve the architectural control and use permit subject to the following *project-specific* conditions:
- a. Concurrent with the submittal of a complete building permit application, the applicant shall submit plans indicating the following for review and approval of the Engineering and Planning Divisions:
    - i. Existing sections of significantly worn or damaged curb, gutter and sidewalk along the Santa Cruz Avenue frontage shall be replaced in kind with matching patterns and materials.
    - ii. A new curb, gutter, sidewalk and driveway apron shall be installed along the parking plaza frontage.
    - iii. All roof drainage shall connect to the City's stormwater drainage system via hard-pipe connections or gutters and inlets. No more than 50 percent of the roof area shall drain to the public parking plaza at the rear of the property. The plans shall show the complete drainage system from the roof to the storm drainage pipes, including rainwater leaders and on-site junction boxes. All construction in the public right-of-way or public parking plaza shall comply with City-standard details. Stormwater treatment measures shall be pursued to the maximum

extent practicable. Prior to building permit issuance, the applicant shall apply for encroachment permits for the awnings, subject to review and approval by the Public Works Department.

- b. Concurrent with the submittal of a complete building permit application, the applicant shall submit an advisory notice detailing the obligation of the property owner to maintain the parking lift equipment that serves the second-floor residential unit in working order, subject to review and approval of the Planning Division and City Attorney. The applicant shall record the notice and submit documentation of the recordation prior to building permit issuance.
- c. ***Concurrent with the submittal of a complete building permit application, the applicant shall submit revised plans that incorporate a safety device to warn pedestrians when an automobile will be exiting the rear garage, subject to review and approval of the Planning Division. The device shall employ a combination of light and sound.***

Motion carried 6-0-0-1 with Commissioner Riggs recused from the dais and not participating as a Commissioner, but present in the Chambers as the project applicant.

- 2. **Use Permit/Stanley F. Nielsen/442 Gilbert Avenue:** Request for a use permit to construct a new two-story, single-family residence on a substandard lot with regard to lot width in the R-1-U (Single Family Urban) zoning district.

This item was continued to the meeting of January 22, 2007 at the request of the applicant.

- 3. **Use Permit/Stanley F. Nielsen/444 Gilbert Avenue:** Request for a use permit to construct a new two-story, single-family residence on a substandard lot with regard to lot width in the R-1-U (Single Family Urban) zoning district.

Staff Comment: Planner Rogers distributed the color board and said that staff had no additional comments.

Public Comment: Mr. Stanley Nielsen, Nielsen Architects, Inc., in response to questions from Commissioner Pagee said that none of the six trees on the left side would be removed, and that the pathway to the front entrance was a walkway that would be illuminated, but there were no gates at the driveway. In response to a question from Commissioner O'Malley, Mr. Nielsen said that the fence between 442 and 444 Gilbert Avenue would be six feet in height and that the side entrance was a cultural preference of the current property owners, who are developing 444 Gilbert Avenue for their personal residence. In response to a question from Commissioner Deziel, Mr. Nielsen said that the sill height in the living room was above the television height and that both the owners and the neighbors wanted higher sills in the bedroom for privacy and the windows for cross ventilation.

Commissioner Pagee said regarding the new proposed fence that she was opposed to blocking the view from the driveway and left side because of children walking in that area, and would prefer a height limit of 36 inches in that area. Mr. Nielsen said that he and the property owners found that acceptable. Commissioner Sinnott asked about the possibility of a shared driveway. Mr. Nielsen said that the property owners preferred not to share the driveway between the two units as they were going to keep one of the units and sell the other. Commissioner Keith asked

about the arrangement of windows between 442 and 444 Gilbert Avenue, and Mr. Nielsen confirmed that they were scattered, and did not directly face one another.

Mr. George Tuma, Menlo Park, said that the proposal would create a precedent and was out of character with the neighborhood. He said that each residence was a total of 2,900 square feet and there were a total of eight bedrooms. He said that the additional vehicles would cause parking congestion problems with the nearby park. He said with another site down the street there would be two construction zones. He said the proposal residences would destroy the skyline in the neighborhood.

Chair Bims closed the public hearing.

Commission Comment: Commissioner Deziel moved to approve as recommended in the staff report and Commissioner Riggs seconded the motion. Commissioner Riggs noted that the proposal had nice forms and materials. Commissioner Keith recalled Commissioner Pagee's comment regarding the height of the fence near the park entrance. Commissioner Pagee suggested requiring that new fence should be limited to a height of three feet within the front 20 feet, for the safety of children.

Commissioners Deziel and Riggs as the maker of the motion and the second accepted Commissioner Pagee's modification to the motion.

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

1. Make a finding that the projects are 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 uses will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
3. Approve the use permits subject to the following *standard* conditions:
  - a. Development of the project shall be substantially in conformance with the plans prepared by Nielsen Architects, Inc., consisting of 10 plan sheets, dated received January 3, 2007, and approved by the Planning Commission on January 8, 2007, 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. Simultaneous with the submittal of a complete building permit application, the applicant shall submit plans indicating that the applicant shall remove and replace any damaged and significantly worn sections of frontage improvements. The 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 specific conditions.**

- a. Concurrent with the submittal of a complete building permit application, the applicant shall submit revised plans with a notation that any fence in the area between the left side property line and the side setback line shall not exceed a height of three feet within the front 20 feet of the property. The intent of this limitation is to enhance the safety of children on the Willow Oaks Park access path. The revised plans shall be subject to review and approval of the Planning Division.***
- b. Any fence in the area between the left side property line and the side setback line shall be limited to a height of three feet within the front 20 feet of the property. The intent of this limitation is to enhance the safety of children on the Willow Oaks Park access path.***

Motion carried 7-0.

- 4. Use Permit/Andrew and Noel Young/503 Concord 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 in regard to lot width located in the R-1-U (Single Family Urban) zoning district.

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

Public Comment: Mr. Andrew Young, property owner and applicant, said that he and his wife's desire was to remodel rather than rebuild, and noted that the property has a flood plain requirement. He said they invited their adjoining neighbors to review their proposed plans and based on that outreach revised the plans and did additional outreach. He said they would use wood windows and the same roofing material as existing. He mentioned the plans are similar to the recently constructed house at 210 Gilbert, and indicated he would consider a variance option for encroachment of the stairs into the garage.

In response to the lack of a connection between the garage and the living space, Commissioner Deziel indicated that the door could be placed on the left side of the garage so it

would exit to the porch and be closer to the front door. Ms. Angela Lee Ng-Quinn, project architect, said the door was possible but steps were needed.

Commissioner Riggs suggested there were options to move both garage doors forward or to cut into the mud room for the steps. Mr. Young said they did not want to encroach into the driveway and reduce the length of it. Commissioner Riggs noted that space could be found somewhere.

Chair Bims closed the public hearing.

Commission Comment: Commissioner Riggs said the proposal would build to the maximum FAR and that it was the applicants' choice to modify the stairs or build as is and adjust later. He said the proposal would be a fairly large house that would be visible but would have less impact in the future because of the changing neighborhood. He noted the project was similar to others that the Commission has approved.

Commissioner Deziel said he was uncomfortable with approving the project without direct or covered access from the garage to the living space, and thought the project should come back with a solution. Commissioner Riggs noted that there was a 30-foot difference between the detached garage and residence at 444 Gilbert and that the Commission was not responsible for making sure the access would be right for the next owner.

Commissioner Deziel said that 444 Gilbert Avenue was not a good benchmark and that with this proposal the City would accept the visual brunt of a wide two-car garage but with no benefit to the City. Commissioner Pagee said she agreed that there should be clear parking in the garage, which was a benefit for the cars and the property investment. She said that the mudroom was wasted space and could be used for the garage. She said she would leave it up to the applicant as to where to place the stairs. She moved to approve as recommended in the staff report. Commissioner Deziel asked if there were a requirement for stair connection. Commissioner Pagee said that it was not a requirement but would be a benefit.

Commissioner Keith seconded the motion but asked for a condition to require covered access and maintain 20-foot by 20-foot clear in the garage subject to staff approval. Commissioner Pagee accepted Commissioner Keith's modification to the motion.

Commissioner Riggs suggested flipping the bathroom and mudroom.. Commissioner O'Malley said that covered access would take care of all of the options mentioned. Commissioner Pagee said the applicants' options included a side door porch, a doorway into the mudroom recessed three-feet by two-feet, and to pull the garage forward and take square footage away from somewhere else. Commissioner Sinnott said it was not functional to have a garage without connection. Commissioner Deziel suggested that planning staff might report back to the Commission on the end result.

Commission Action: M/S Pagee/Keith to approve with the following modification.

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 Angela Lee Ng-Quinn, consisting of 4 plan sheets, dated received January 2, 2007, and approved by the Planning Commission on January 8, 2007, 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. Simultaneous with the submittal of a complete building permit application, the applicant shall submit plans indicating that the applicant shall remove and replace any damaged and significantly worn sections of frontage improvements. The 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 plan for the rear balcony showing a partition that is aesthetically integrated into the design of the house while providing visual screening for the rear yard of the neighbor at 505 Concord Drive. The plan shall include input from the owner at 505 Concord Drive and shall be subject to review and approval of the Planning Division.
  - b. ***Concurrent with the submittal of a building permit application, the applicant shall submit revised plans to include a covered connection between the garage and the main living area while maintaining a minimum 20-foot by 20-foot interior clearance in the garage. The plans shall be subject to review and approval of the Planning Division. The approved plan shall be forwarded to the Planning Commission as an informational item.***

Motion carried 7-0.

5. **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 (Single Family Suburban) zoning district, and for excavation into a required side yard setback for a light well associated with a basement.

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

Questions of Staff: Commissioners Keith and Pagee asked about the tree removals, possible fines, the size of trees and when the Heritage Tree ordinance had been adopted. Development Services Manager Murphy said that there were penalties associated with violations of the ordinance but fines were not prescribed and [no financial penalty had been imposed to date](#).

Public Comment: Mr. Bill Harris, applicant, said he was born and raised in Menlo Park, lived at 511 Grace Avenue for three years and rented it for the past 18 months, and grew up at 5 Pembroke. . He said the house had been designed with neighbor impacts in mind. He said that the oak trees on the property were mistakenly removed and he had misread the heritage tree ordinance. He said he wanted to make that right. He said the neighbors believed the trees were removed to allow development, but that this was not the case.

Commissioner Deziel asked if an arborist report was prepared prior to the removal of the trees. Mr. Harris said it was not, but an arborist had measured the trees when doing work at 521 Grace Drive. He said the trees were removed because of a rat problem and that an exterminator recommended removing all of the shrubbiest trees. Commissioner Deziel asked who the landscaper was who removed the trees. Commissioner Pagee asked if the landscape company was licensed and whether they worked in Menlo Park. Mr. Harris said the tree removal company had not been aware of the Heritage Tree ordinance, and he did not know if they had a Menlo Park business license.

Commissioner Riggs asked if the neighbors had been shown a site plan with the trees.. Mr. Harris said they had. He said that they had made every attempt to meet with neighbors, especially adjacent neighbors regarding the plans. He said that two of the neighbors' concerns had been addressed. He said that there had been much discussion back and forth between them and the owners at 521 Grace Drive. He noted the owners of that property had a list of concerns which had grown and that seemed to influence other neighbors. He said the part of the house that would be above/ground was less square footage than the neighbors. He said they wanted to have a full basement as they preferred a monolithic foundation. He noted that several neighbors had not wanted to meet to review the plans. He said they had tried to work with the neighbors and provide reasonable compromises.

Commissioner Deziel asked whether the applicant was willing to do the bump-in on the second story as requested. Mr. Harris said they were not interested in doing that.

Commissioner O'Malley said that he agreed with the comments made by the applicant and that many considerations had been made toward the neighbors.

Commissioner Pagee said that the proposal was for a six-bedroom home with no elevator potential. She said there should be more parking spaces. She said the proposed residence

was pushed to the right and could be shifted to the left. She asked about the excavation for the light well.

Mr. Gary Ahern, the project architect, said that the depth of the light well was to get high windows and that there would be an encroachment into the side yard if the house needed to be shifted. Commissioner Pagee said that perhaps the breakfast nook could be eliminated. Mr. Ahern said that the nook would be on the setback.

Mr. John O'Sullivan, Menlo Park, said the applicants owned a beautiful house on Bay Laurel and was surprised they would move back to this property. He said the applicants had made no real efforts to talk with neighbors and had stopped by at night unannounced. He said the heritage trees that were removed should be replaced before the project was allowed to move forward, and that there should be a full replacement of the trees lost. He said it set a precedent for other developers to take out trees illegally. He said the project was a massive building that was out of character with the neighborhood. He referenced a spreadsheet comparing the square footage of nearby houses and pointed out that only a few houses are comparatively larger, but that they have greater setbacks than 511 Grace Drive. He said that he did not think the house was stepped down except towards Mr. Bill Harris Sr.'s property. He said he had issues with both the size and context, and that he would like to see the second story smaller.

Mr. Spencer Allen, Menlo Park, said he e-mailed his opposition to the project to Chair Bims on December 19 and that he flew up from Palm Springs that morning so he could voice his concerns. He said that the project would negatively impact the character of the neighborhood and submitted a letter of concern to the Commission.

Mr. Loren Lyall, Menlo Park, said there were major problems with the subject proposal. He said the previous owners of the subject property had indicated that Mr. Harris wanted to buy the house, so it would be maintained as a one-story. He said they sold the property to Mr. Harris for that reason and the neighborhood had been happy with that. He said he was very disturbed with the proposed size of the house. He said that Mr. Harris, Jr., did not share the plans with him in September 2006. He said he first saw the plans at the end of November. He said the large house would cut off views of the trees and sky to the west. He said the shape of the lot meant that some of the lot was not usable. He said the trees removed were in the way of the proposed structure. He said the project needed to be scaled back and made more amenable to the neighbors, and should be designed as if the heritage trees were still there.

Mr. Art Schroeder, Menlo Park, said that the applicants had been very cooperative and he had no objections to the proposed project. He said that everyone has privacy concerns and noted that the home at 521 Grace Drive has a bedroom window that looks on his pool deck.

Mr. Nick Naclerio, Menlo Park, said in July that Mr. Harris had indicated he would tear down the existing home and build a "spec" home. He said that he had three major concerns with the project as indicated in his e-mail. He said he had contacted the City arborist and asked about protection of the elm tree and later learned while meeting with City staff that the removed oak trees were heritage trees. He said this new information resulted in additional concerns. He said the applicants had never agreed to any concessions. He talked about how the existing trees on his lot had dictated the placement of his house, resulting in an unusual placement, and asked that the existing conditions for his home be taken into account. He said small changes to the proposed design could be made to improve the situation. He suggested reducing the house by approximately 100 square feet, moving the house over and forward, and losing the top right portion of the second story.

Mr. Bill Harris, Sr., Menlo Park, said that the backyard of 511 Grace Drive was adjacent to his property and they had wanted to control what was built there. He said the existing structure at the property needs major work and he thought the architect had been sensitive to the neighbors with the proposed design. He said if 5 Pembroke ever sold, it would probably become a two-story house.

Ms. Christina Harris, applicant, said that she and her husband were building this house so they could move back to the cul-de-sac as they would like to live next to family and be closer to the school.

Mr. Gary Ahern, architect, said that originally, the proposed tree removal was related to the basement and not the second story. Commissioner Keith asked Mr. Ahern when excavation was discussed. Mr. Ahern said that was after the trees were removed.

Chair Bims closed the public hearing.

Commission Comments: Commissioner Sinnott said that there was a lack of trust on the neighbors' part as they felt they had not been communicated with or listened to. She said the applicants had made some concessions, including using obscured glass, more articulation on unbroken walls, and tree replacement. She said Mr. Naclerio's drawing of a proposed change in the design of the home made the structure appear more balanced but square footage would need to be removed. She said the windows were sensitive to the neighbors.

Commissioner Keith said that lack of trust was definitely an issue. She said she was concerned that an exterminating company would deal with the problem of rats by suggesting the removal of trees. She agreed with Commissioner Sinnott that Mr. Naclerio's suggested revision to the plans was good and that it would not be onerous on the applicants to lose 100 square feet on the second story.

Commissioner Deziel said the proposed design recognized the neighbors and had a distinctive taper toward the neighbors. He said that this house is similar to others the Planning Commission has approved, but he may be interested in seeing the house moved to the left. Commissioner Deziel said the skylight angle was at 34 degrees, which is below his maximum and favorable for the neighbors. He said would like to see if the two removed oak trees were fully mitigated; he noted that 72-inch root ball trees were available. He said the problem was the landscape company and they ought to be fined or punished to the maximum extent possible. He said the elm tree was in terrible shape and if the neighbor at 521 Grace was willing to remove the elm tree there would be room for two trees there. He said the methodology in the staff report was not appropriate as the replacement was cost based which did not necessarily address the real estate value of the oak trees.

Chair Bims asked if the Commission could require that the landscape company be fined. Development Services Manager Murphy said that the Commission could make a statement to that effect but that he would not like it to be a condition of approval as the Planning Commission did not have jurisdiction from the Municipal Code. He said that it would be a joint review by Public Works and Development Services, and that he would review with the directors of those departments and with the City's arborist.

Commissioner Pagee said that she agreed with Commissioner Keith that a reduction in the size of the second story would be good. She said she agreed with Commissioner Deziel that there

should be a more equal replacement of the trees that were removed. She said she would like to see the second floor revised and the streetscape potential developed as shown by Mr. Naclerio and that the oak tree removal be fully mitigated. She said she liked the 72-inch root ball tree replacement idea.

Chair Bims said the lot lacked 3.5-feet in depth and that was why the lot was considered substandard. He said regarding the removal of the heritage trees that the applicants had offered to do what they needed to do, including putting in a larger tree. He said the potential revision proposed by Mr. Naclerio has a more balanced appearance and that the square footage removed on the second story could be put elsewhere and that some step back of the second story on the right side needs to be provided.

Commissioner Riggs said the proposed home was well within the daylight plane. He agrees the house would look better if the right side was stepped back. He said the tree ordinance was very straight forward and the property owner had to take responsibility for the illegal removal of the trees. He moved to continue for redesign with added conditions for two oaks to be replaced at the exact sizes prior to construction and to work with staff on the locations. He said the redesign should reduce massing on the right side of the second story. He said receipts for the tree removal should be provided to staff and he recommended that the owners and tree company pay fines. Commissioner Pagee seconded the motion and added that if the house was moved over that the light well size would decrease by three feet. Commissioner Keith suggested requiring a landscape plan which was accepted. Commissioner Deziel said that there was not room for two trees. Commissioner Riggs said that they did not have to be planted in the same spot. Commissioner Deziel suggested making one of the tree sizes smaller. Commissioner Pagee said they want two trees with dbh's of 10 inches and 11.5 inches.

Mr. Ahern, architect, said it did not make sense to plant the trees prior to construction.

Commissioner Riggs discussed the motion that included the tree replacement. Commissioner Pagee said that if the tree replacement waited until after construction then the trees might not get planted in the right spot and that proper sequencing was needed to get the right size tree in the right location. Chair Bims suggested planting the trees prior to the aboveground construction. Commissioner Deziel said trees needed to be planted in the right time of year and that needed to be specified by the arborist.

The Commission discussed tree replacement, reduction of second story massing on right, getting tree removal company information, recommendation that tree removal company get fined, reduction in light well if house is moved over, and requirement for a landscape plan.

Mr. Ahern asked if they agreed to everything this evening whether the project could be approved. Commissioner Riggs asked if they were comfortable with Mr. Naclerio's suggested re-design. Mr. Ahern asked if a five-foot step back on the second-story was enough of a reduction. Commissioner O'Malley said he agreed with Mr. Ahern's idea.

Commissioner Deziel made a substitute motion to approve per earlier conditions but move second story massing in five feet, move house three-feet approximately and at least one-and-a-half feet to the left, and pull house forward to front setback as far as proposed. Commissioner Riggs asked if the windows on the right could be cantilevered bay. Commissioner Sinnott asked whether parking would be lost with this revision. Commissioner Pagee said she would like a cantilevered bay window. Commissioner Deziel withdrew his substitute motion.

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

- The removed heritage oak trees must be replaced with equal replacements sized at 11.5 inches and 10 inches at DBH. One of the trees should be placed in a location that will benefit the neighbors at 521 Grace Drive. The project arborist should provide information regarding appropriate locations and planting times. Construction scheduling should account for the planting and protection of the replacement oak trees prior to the commencement of above ground construction.
- The second story massing should be reduced on the right side.
- A receipt from the tree removal company should be provided to the City.
- The Planning Commission recommends that staff take measures to fine the tree removal company and applicant.
- Consider moving the house forward and to the left, and then reduce the size of the light well.
- Provide a landscape plan.

Motion carried 7-0.

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

1. **Sign Review/Barbara Ford for Grays Paint/717 Oak Grove Avenue:** Request for sign approval for a new internally illuminated sign with an illuminated background and a new sign containing the color red.

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

Questions of Staff: Commissioner Pagee asked if there were a time limitation on signage. Planner Fisher indicated there was not. Commissioner Riggs asked if the applicant agreed with the reverse lettering. Planner Fisher noted that the proposed plans reflected for the logo was the national standard for the company.

Public Comment: Mr. Al Ford, Menlo Park, said he was representing the applicant.

Commissioner Deziel asked if the logo was needed. Mr. Ford said that it was needed for the success of the business noting that the business was to the interior of the streetscape. He said the proposed sign was the national standard, but they could use a diffuser with a white color that would have less glare to it. Commissioner O'Malley said the sign looked much too large. Commissioner Keith said that the name "Benjamin Moore" in red was large and said that Menlo Park should be listed first and the other locations then alphabetized. Commissioner Deziel said that exceeding 25 percent red color would be a precedent in Menlo Park. Commissioner Pagee suggested the sign be smaller and that there be a curfew on the sign illumination to 8 or 9 p.m. She suggested a 3 by 3-foot sign with a filtered diffuser; that the name "Benjamin Moore" should be in smaller letters and "Gray's Paint" should be in larger letters and to list Menlo Park first.

Commissioner Keith moved to continue the application for redesign to have the whole sign reduced to a total of 16-foot width; possibly keep the size of the Grays lettering the same; put Menlo Park first in the list; use a diffuser box with a white background; have sign turnoff at 8 p.m. and to return the item on consent at a future meeting. Commissioner Pagee seconded the motion.

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

- Proportionally reduce the size of the sign to 16 feet wide. The “Gray’s Paint” portion of the sign can remain the same size, but a more prominent color for this portion of the sign should be considered.
- Add a filter to the white background of the logo cabinet sign.
- List Menlo Park as the first city.
- Add a condition to turn off the sign at 8 p.m. every night.

Motion carried 7-0.

The Commission took regular business item 6 at this point of the meeting.

2. **Consideration of minutes from the September 18, 2006, Planning Commission meeting.** *(Continued from the meeting of December 18, 2006)*

Commission Action: M/S Commission consensus to approve with the following modification.

- Page 4, 2<sup>nd</sup> paragraph, 1<sup>st</sup> sentence: replace the words “twiggy deadwood” with “small ends.”

Motion carried 5-0-2-0 with Commissioners Keith and O’Malley abstaining.

3. **Consideration of minutes from the October 2, 2006, Planning Commission meeting.**

Commission Action: M/S Commission consensus to approve with the following modification.

- Page 5, 7th paragraph, 1<sup>st</sup> sentence: replace the words “City Counsel” with “City Attorney William McClure.”

Motion carried 7-0.

4. **Consideration of minutes from the November 13, 2006, Planning Commission meeting.**

Commission Action: M/S Commission consensus to continue the item to the meeting of January 22, 2007 due to lack of time.

Motion carried 7-0.

5. **Commission discussion of City Council Project Priorities for Fiscal Year 2007-08.**

6. **Chair and Vice chair selection for 2007.**

The Commission took this item under consideration before Regular Business item #2.

Commission Action: M/S Riggs/Pagee to nominate Commissioner Keith for Chair.

Motion carried 6-0-1 with Commissioner Keith abstaining.

Commission Action: M/S Pagee/O'Malley to nominate Commissioner Sinnott for Vice Chair.

Commission Action: M/S Keith/Riggs to nominate Commissioner Deziel for Vice Chair.

Original motion carried 4-3 with Commissioners Deziel, Keith and Riggs opposed.

#### **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 March 26, 2007.