



PLANNING COMMISSION APPROVED MINUTES

April 23, 2007

7:00 p.m.

City Council Chambers

701 Laurel Street, Menlo Park, CA 94025

CALL TO ORDER – 7:00 p.m.

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

INTRODUCTION OF STAFF – Deanna Chow, Senior Planner, Megan Fisher, Associate Planner

A. PUBLIC COMMENTS

There were none.

B. CONSENT

There were no items on the consent calendar.

C. PUBLIC HEARING

1. **Use Permit/Peter & Cindy Nathan/1044 Sonoma Avenue:** Request for a use permit to demolish an existing single-story, single-family residence and construct a new two-story, single-family residence on a substandard lot in regard to lot area and width in the R-1-U (Single-Family Urban) zoning district.

Staff Comment: Planner Fisher said there was a color materials board available. She noted two corrections in the staff report: the property is located in the Flood Triangle and not in Suburban Park as stated, and the roof was copper in color, not in material.

Mr. Peter Nathan, applicant and property owner, said he and his wife had owned the home since 1991, and their family needed more space.

Commissioner O'Malley noticed that on one side there were no windows in the kitchen area and asked about that. Mr. Kale, the project architect, said that they wanted as many cabinets as possible and noted that also there were no views on that side of the house.

Chair Keith asked about the need to reduce the square footage noting that it was determined the window seat and stairway should be counted as square footage. Mr.

Kale said that the amount of square footage was minimal and they would work through that issue within the building permit process. In response to Chair Keith, Planner Chow indicated that the amount of square footage in question was small and it was appropriate to resolve that during the building permit process.

Commissioner Riggs asked about the proposed outdoor location of the water heater and whether he would be able to lean on it. Mr. Kale said that it would be mounted outside and enclosed with a metal box, and would not be hot to the touch. Mr. Nathan said that they wanted as much of their space for living area as possible.

Chair Keith closed the public hearing.

Commission Comment: Commissioner O'Malley moved to approve as stated in the staff's recommendation, and Commissioner Bims seconded the motion.

Commissioner Riggs said that bedrooms three and four would have a panoramic view of at least four backyards. He said that the Commission often required landscape screening for two-story designs.

Mr. Nathan said that they had met with their neighbors and they would frost the stairwell window. He said they specifically discussed a window facing the neighbor's house with them; he said the neighbors did not have a problem with the window, and had written a letter of support for the project. Ms. Nathan said although the window in bedroom three would have a down view that the neighbors did not have a bedroom window on that side. Chair Keith asked about the owner of 1042 Sonoma. Ms. Nathan said the owner of the property had indicated that she did not use that side of her home.

Commissioner Riggs said his concern was with future owners of the surrounding properties and whether they would have privacy impacts from this proposal. He said currently there were seven-to-eight foot shrubs that provided some screening. He said that the second floor window would impact privacy of the neighbors' backyard and that landscape screening would be an asset.

Commissioner Riggs moved to amend the motion to require landscape screening using trees at the left rear of the lot, left rear corner of the house and right rear corner of the new house.

Commissioner Deziel said he agreed that they wanted to protect the future owners. He asked why Commissioner Riggs was not proposing to have the plantings closer to the windows of bedrooms two and three. Commissioner Riggs said that there were five windows to the rear or south side of the second story that would look out over 15 feet of roofs. Commissioner Deziel said he was talking about the side windows for bedrooms two and three. Commissioner Riggs said his concern with the bay windows and corner window of each bedroom. He said the spacing of the other windows in the bedrooms would not permit trees to screen all the windows.

In response to a question from Chair Keith, Commissioner Riggs said he would be more comfortable with a landscape architect determining the best location of trees for screening and he was only suggesting approximate locations for those trees. Commissioner Deziel said he would like agreement on what was desired to be screened. Commissioner Riggs said he wanted screening that would protect the yards of 1046 and 1042 Sonoma, and 1043 and 1041 Ringwood. He said he was less concerned with the view to a bedroom at 1046 Sonoma as even a fruit tree planted there would provide privacy. In response to a question from Commissioner Deziel, Commissioner Riggs said that 1044 Sonoma's backyard was restricted and rather than have tree in the center of the rear property line, he would suggest toward the left rear property line. Commissioner Deziel said he did not think it was the subject property owners' responsibility to provide screening for everyone. Commissioner Riggs said their proposal was for a two-story in a predominately one-story neighborhood and he was suggesting only three trees be planted.

Recognized by the Chair, Mr. Nathan said there were three other two-story homes in the neighborhood. Mr. Kale noted that the bedroom windowsill heights were purposely high to prevent privacy impacts.

Chair Keith asked if the applicants were amenable to planting three trees. Mr. Nathan said he would prefer to be allowed to plant shrub, noting some which easily reach 13 feet in height. Commissioner Riggs said that neighbors often do not like shrubs such as privet because of the annoyance of the seed making. Commissioner Sinnott said she would like to give the applicants the option of planting shrubs or trees, noting that a tree on a small lot could impact sunlight. Commissioner Riggs suggested trees in 15-inch boxes at seven feet in height at planting.

Mr. Nathan said the existing shrubs protect the neighbors' views and the neighbors had no issues with those types of shrubs. He said they would address the issue of protecting neighbors' views, but they wanted flexibility as to what would be planted. He said they had discussed the project with the existing neighbors and they were comfortable with the plans. He said since the goal was to protect possible future neighbors that he would like the option to plant a five-foot tree.

Commissioner Sinnott moved to amend Commissioner O'Malley's motion to require landscape screening to protect the privacy of the side and rear neighbors. Discussion ensued that there had not been a second to Commissioner Riggs' proposed amended motion. Chair Keith indicated that Commissioner Riggs' motion had died for the lack of a second.

Planner Fisher said it seemed the goal was to have landscaped screening that could reach a height that would protect the privacy of the rear and side neighbors and asked if three trees was still the goal. Chair Keith indicated that the properties to be screened were the focus, not the number of plantings, and the landscape plan would be subject to staff review. Commissioner Riggs said his motion was to protect the four particular lots, and asked if this would be included in Commissioner Sinnott's amendment.

Commissioner Sinnott said she was not as concerned about the property to the rear, because of existing screening. Commissioner Deziel said he could see a requirement to require landscape screening but does not see a need to screen 1043 Ringwood.

Chair Keith indicated that Commissioner Sinnott's amendment would include privacy screening with the potential to reach an effective screening height for the neighbors at 1041 and 1043 Ringwood Avenue and 1042 and 1046 Sonoma Avenue, to be reviewed and approved by the Planning Division. Commissioner Bims seconded the motion. The amendment was approved by general consent.

Commission Action: M/S O'Malley/Bims 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 Metropolis Architecture, consisting of five plan sheets, dated received April 6, 2007, and approved by the Planning Commission on April 23, 2007, except as modified by the conditions contained herein.
 - b. Prior to building permit issuance, the applicant shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.
 - c. Prior to building permit issuance, the applicant shall comply with all requirements of the Building Division, 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. Landscaping shall properly screen all utility equipment that is installed outside of a building and that cannot be placed underground. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
 - 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. 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.

- f. 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 tree protection measures for all applicable heritage trees.
4. Approve the use permit subject to the following ***project-specific*** conditions:
 - a. Simultaneous with the submittal of a complete building permit application, the applicant shall submit plans that show a reduction in the proposed square footage to 2,800 square feet or less. The exterior appearance of the house shall not be substantially changed by this revision. Detailed square footage calculations shall be included as part of this plan submittal, and shall be reviewed and approved by the Planning Division.
 - b. ***Simultaneous with the submittal of a complete building permit application, the applicant shall submit a landscape plan that provides privacy screening for the neighbors at 1041 and 1043 Ringwood Avenue and 1042 and 1046 Sonoma Avenue. The plantings shall have the potential to reach an effective screening height. This plan shall be reviewed and approved by the Planning Division.***

Motion carried 6-0 with Commissioner Pagee not in attendance.

D. REGULAR BUSINESS

1. **Sign Review/Ace Hardware/700 Santa Cruz Avenue:** Request for sign approval for a new sign containing the color red.

Staff Comments: Planner Fisher said that staff had no additional comments on the proposed application.

Public Comment: Mr. Oros said they were applying for an ACE Hardware sign.

Commissioner Riggs asked if he was comfortable with the size of the letters. Mr. Oros said that the lettering would look balanced.

Chair Keith closed the public hearing.

Commission Comment: Commissioner Deziel noted that the Commission had thought the lettering too large previously, but the proposed lettering with the revised application was too small he thought.

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

1. Make a finding that the project is categorically exempt under Class 1 of the current State CEQA Guidelines.
2. Make a finding that the signs are appropriate and compatible with the businesses and signage on Santa Cruz Avenue, and are consistent with the Design Guidelines for Signs.
3. Approve the sign review subject to the following ***standard*** condition:
 - a. Development of the project shall be substantially in conformance with the plans prepared by Fluoresco Lighting and Signs, consisting of three plan sheets dated received March 26, 2007, and approved by the Planning Commission on April 23, 2007.

Motion carried 6-0 with Commissioner Pagee not in attendance.

2. **Informational Item/503 Concord Drive:** Garage Connection.

Staff Comment: Planner Chow said this was an informational item only as the Commission had wanted to know when the plans had been revised to create a connection between the garage and house.

3. **Review of Process for Hazardous Materials Use Permits**

Commissioner Deziel said that Commissioner Riggs had suggested putting this review on the agenda. Commissioner Deziel said the proposal was to define a list of hazardous materials of prescribed quantities that would be the standard for administrative review and approval. He said that the list should be comprehensive enough to include the basic needs of most M-2 companies. He suggested drafting a letter to owners of an acre or more sized properties in the M-2 district to solicit the information to create this list.

Commissioner Bims said he understood the desire to expedite the process as the Commission had seen numerous applications for hazardous materials and storage that were deemed of no threat by health experts but which raised deep concern from the community. He noted however that there seemed to be the introduction of non-traditional uses in the M-2 District such as schools, which would place more stringent requirements on the types, quantities, handling and storage of hazardous materials used. He said if this was to be the trend that there might not be a prescribed list that would provide businesses what they needed to operate a typical M-2 company and the process would not be expedited.

Commissioner O'Malley said in his opinion that only 80 percent of the types and quantities of materials would be universally needed and that the other 20 percent would

create an exception and the need for discretionary review. He said the real problem with the last hazardous materials application was that the property owner had not educated the public as to what the impacts of the proposed materials were.

Commissioner Sinnott said this topic was ongoing and important. In response to a question from Commissioner Sinnott, Planner Chow said that commercial streamlining was on hold until the redevelopment of the El Camino Real corridor. Commissioner Sinnott said that really the owners of the properties in the M-2 district such as Mr. John Tarlton and Mr. David Bohannon should be part of the discussion.

Commissioner Riggs said that there seemed to be about 20 basic chemicals needed for businesses such as the last proposal the Commission had considered. He said that Mr. Tarlton had probably seen enough of these types of applications to be able to create such a basic list. He said he had some concerns related to the efficacy of educating the public as he has seen members of the public who do not open their mail, and react to hearsay. He said that perhaps a focus could be made on neighbors of the M-2 district.

Commissioner Deziel said the real issue with the community members who had attended the last meeting was the company Romic which apparently flagrantly disregards regulations. He said yet for some reason Mr. Tarlton, the City, and the community tolerates Romic.

Discussion ensued as to the best way to proceed. Planner Chow cautioned that immediate work by staff would require the Council to make this a project priority or to do an emergency ordinance. It was the consensus of the Commission that the process should begin and would take some time with an expectation that the soonest it might reach priority project level would be around September when new project priorities are set. Commissioner Deziel will draft a letter and questionnaire to be delivered or mail to the owners of properties of one-acre or more in the M-2 district; the letter would be from the Commission with responses being returned to City planning staff.

There was also discussion about improving noticing to residents or providing outreach and it was indicated that through the questionnaire some methodology to do that might emerge.

Commissioner Deziel suggested that staff contact the City of East Palo Alto and get the background on Romic Corporation and their failures to meet safety and health requirements. Chair Keith said that the City of East Palo Alto's Attorney had made statements at the prior meeting that the City had not noticed them regarding the application; however, such noticing was not required. Planner Fisher commented that at a recent staff meeting this had been discussed, and Ms. Beasley had communicated with City of East Palo Alto staff and invited them to sign up so they may access the Planning Commission agenda's on the Internet.

4. Consideration of minutes from the March 12, 2007, Planning Commission meeting.

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

- Page 8, 7th paragraph, 1st line, delete the word “in” before the word “was.”
- Page 8, 1st paragraph, 6th line, insert the word “said” after the word “He.”
- Page 16, 2nd paragraph, new line, add in the paragraph “Chairperson Keith no longer in attendance.”

Motion carried 6-0 with Commissioner Pagee not in attendance.

E. COMMISSION BUSINESS, REPORTS, AND ANNOUNCEMENTS

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

Planner Chow provided the Commission with a brief review of upcoming planning items on the City Council agenda.

ADJOURNMENT

The meeting adjourned at 8:39 p.m.

Staff Liaison: Deanna Chow, Senior Planner

Prepared by: Brenda Bennett, Recording Secretary

Approved by Planning Commission on June 18, 2007.