



PLANNING COMMISSION MINUTES

May 21, 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, Bressler (Arrived 7:02 p.m.), Deziel (Vice chair), Keith (Chair), O'Malley, Pagee, Riggs

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

A. PUBLIC COMMENTS

There was none.

(Commissioner Bressler arrived.)

B. CONSENT

There were no items on the consent calendar.

C. PUBLIC HEARING

1. **Use Permit/Lisa Williams/425 Claremont Way:** Request for a use permit to convert an existing accessory building into a detached secondary dwelling unit and to locate this unit's required off-street parking space within a required yard on a parcel in the R-1-U (Single-Family Urban) zoning district.

Staff Comment: Planner Rogers noted three letters that were received after the printing of the staff report but were included in the Planning Commissioners' packets. Ms. Carol Tribula, the property owner at 139 East Creek Drive, expressed concern with the potential increased density and potential negative impacts from a secondary dwelling unit at the project site. Ms. Gale Lane, the property owner at 140 East Creek Drive expressed similar concerns as Ms. Tribula and related to potential impacts of increased traffic, noise, school overcrowding. Ms. Lane opposed the proposal. Mr. Robin and Mrs. Karrin Meinhardt, 421 Claremont Way, expressed no objection to the proposal for a secondary dwelling unit, but were concerned about an option for a side parking space as it would require additional paving along their shared property line. They indicated they would prefer the primary option of a parking space in the front setback.

Planner Rogers said there were proposed revisions to the staff's recommendation including correction of the CEQA exemption from Class 1 (modifications to existing structures) to Class 3 (conversion of existing structures) that exempts secondary dwelling units. He said the Menlo Fire Protection District had concerns with the number of structures on the roof (solar panels) and that it was possible they would require that up to 50 percent of those be removed. He said staff's proposed condition 4.a would give the applicant the flexibility to with the Fire District on the number of panels and proposed condition 4.b related to the Fire District wanting something that would de-energize the solar panels in the instant of a fire emergency. He said the solar panels however were not electric but water based and were used to heat the pool. He said it was unlikely that water would need to be de-energized. He said staff's condition 4.b would require the applicant to resolve the concerns of the Fire District regarding the method of de-energizing the panels, so that the applicant if necessary could make changes, or to leave a flexibility that the panels might remain if the Fire District determined that no de-energizing was needed. .

Questions of Staff: Commissioner Bims asked whether the Fire District was aware of the use of solar panels when the structure was just an accessory structure. Planner Rogers said that was not clear; he noted that Fire District review was being sought earlier in the permit application process.

Commissioner O'Malley said one of the letters indicated the City has a "no" secondary dwelling unit policy and he thought that was inaccurate. Planner Rogers said there was nothing in the City's regulations that disallowed secondary dwelling units but that there are certain conditions under which they are built or converted and were either permitted or reviewed conditionally.

Commissioner Deziel said the property seemed to have about 2,000 square feet of unused floor allowance (FAL), and asked if the applicant had connected the secondary dwelling unit to the main structure if that would have been a permitted use. Planner Rogers said that generally an attached secondary dwelling unit was considered a permitted use. He said in this instance there were parking requirements that required conditional approval and the property owner decided to continue with the detached unit project.

Commissioner Deziel said that condition 3.b required an applicant to meet the requirements of the Fire District and that the proposed conditions 4.a and 4.b were unnecessary. Planner Rogers said staff felt the Commission should be aware that potentially 50 percent of the panels might be removed and that might impact the aesthetics of the project, but if the Commission did not see a distinction in that from other projects, than condition 3.b was fine as written.

Commissioner Bressler noted an existing driveway apron that extended into the side yard and asked whether that paving was permitted without a use permit process. Planner Rogers said the subject property was a standard lot and the driveway apron

was allowable to be installed without public agency review. Commissioner Bressler said it was obviously for parking but it had occurred without a review process. Planner Rogers said paving changes might occur on a single-family standard lot but that did not change the required parking, which in this instance was in the garage. Commissioner Bressler asked about the setback requirements for the rear unit. Commissioner Bressler said accessory structures that were not for living might have reduced setbacks on the sides and rear, but secondary dwelling units that provide for independent living amenities such as a bathroom, bedroom, and kitchen to the rear of a primary residence must meet the side setbacks of the main dwelling, although the rear setback might be reduced to a 10-foot setback as opposed to a 20-foot setback.

Public Comment: Ms. Lisa Williams, applicant, said the objective of the secondary dwelling unit was to provide housing for an elderly relative.

Commissioner Pagee asked if Ms. Williams was currently using the driveway apron for parking. Ms. Williams said she had two cars and both were parked in the garage. Commissioner Pagee asked about the trash location if the side apron needed to be used to meet the parking requirement. Ms. Williams said there was a area that would need to be opened up for access for the Fire District and said the trash cans could be in that location next to the gate.

Chair Keith closed the public hearing.

Commission Comment: Commissioner Pagee moved to approve with the revised conditions presented by staff. She suggested that the Commission not disregard the side apron for parking as opposed to allowing tandem parking. Commissioner Deziel said he would second the motion without the suggestion related to parking. He said an adjacent neighbor specifically requested that area not be made into a third parking stall as the Transportation Division would require it to be 10-feet wide and that would affect existing landscaping. Commissioner Pagee said the apron would be used for parking unless it was completely eliminated.

Commissioner Riggs said he would make the second to Commissioner Pagee's motion provided the limitation on parking was not part of the motion. He concurred with Commissioner Deziel and he said a tandem parking space was consistent with the zoning ordinance. He said in reality this parking already existed but the Fire District needed a certain amount of ingress width so rather than impact the landscaping at this location the Commission could make the finding for tandem parking. Commissioner Pagee accepted the second without the revised condition related to parking.

Chair Keith said she was uncomfortable with tandem parking and was more interested in Commissioner Pagee's proposed revision. She said she had visited the site and did not think the landscaping would be impacted much if the parking was made conforming. She said that in the future there might be a different owner who wanted to rent the unit and would not want the tandem parking. She said that in other instances the

Commission had required applicants to reduce or eliminate tandem parking. She said she could not support the project because of the tandem parking.

Commissioner Deziel said the Commission was not requiring the applicant to park in tandem. He said initially he was inclined to require the parking space until the neighbor's letter. He said ordinance said that an uncovered parking stall had only to be eight and a half feet and 16 feet deep.

Commissioner Pagee asked staff to provide a definition of a residential driveway as opposed to an uncovered parking space. Planner Rogers said the parking in driveway design guidelines prepared by the Transportation Division and adopted by the City Council required a 10-foot width for driveways and that was not within the Commission's purview to waive. He said that for the side apron on the driveway to be used as a legal space that landscaping would have to be removed and the area widened. He said a related topic was that if the Commission approved the use permit with only the front space parking and someone were to park in the side area that opened up an opportunity for someone to use as a code enforcement complaint and put the site in nonconformance with the use permit. He said he would encourage the Commission to not approve the front space for parking if they really believed the side space would be used on a daily basis.

Commissioner Riggs said there was no prohibition to parking spaces in a setback if there were legal parking spaces onsite. Planner Rogers said that there could be code enforcement complaints about parking in a side setback. Commissioner Riggs said the side space was practical and by making the area a tandem parking space made the project legal. He said the driveway was more than 10 feet and led to the space, but to widen at that point would impact landscaping. He said the Commission needed to make findings but allow for reasonable use.

Commissioner Pagee restated her motion to approve as presented in the staff report and in the revised conditions of approval. Commissioner Deziel moved to amend to eliminate conditions 4.a and 4.b. Commissioner Riggs seconded motion.

Commission Action: M/S Deziel/Riggs to amend the motion to eliminate conditions 4.a and 4.b.

Motion carried 4 to 3 with Commissioners Pagee, O'Malley, and Keith opposed.

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

1. Make a finding that the project is categorically exempt under Class 4- **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 Lisa Williams, consisting of four plan sheets, dated received May 7, 2007, and approved by the Planning Commission on May 21, 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. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
4. **Approve the use permit subject to the following specific condition:**
 - a. ***The designated off-street parking space for the secondary dwelling unit shall be the tandem space located in front of the garage. The alternate side parking space shall not be considered the designated off-street parking space for the secondary dwelling unit, and no modifications to the existing side landscaping shall be required.***

Motion carried 6-1 with Chair Keith opposed because of the tandem parking space approval.

2. **Use Permit/Brandon and Carol Brosious/903 Peggy Lane:** Request for a use permit to construct a single-story addition to an existing single-story, single-family, nonconforming residence that would exceed 75 percent of the replacement value of the existing structure in a 12-month period in the R-1-U (Single-Family Urban) zoning district.

Staff Comment: Planner Rogers noted that the applicant and architect would like to make all of the existing windows vinyl clad and double hung such as what was proposed for the new windows on the rear and side of the east and west elevations; he requested that approval consider this change.

Questions of Staff: Commissioner O'Malley said the site plan seemed to indicate more space than what he estimated when he visited the site. Planner Rogers said that the site plan was drawn to scale and that he had visited the site too, but asked if Commissioner O'Malley could specify which area he thought was in error.

Commissioner Pagee asked if surveys were required when properties were built close to the property line. Planner Rogers said that was not required for additions, but asked if the Commission could specify what it thought was needed to be surveyed. In response to Commissioner Pagee, Planner Rogers said that site was visited by a City Inspector who would make notations of any discrepancies between the site plan and observation. He said that there had been no markings indicating inaccuracies on this site plan.

Commissioner Riggs said that on sheet 1.1 the addresses of the subject property and corner property on Peggy Lane seemed to be mixed up. Planner Rogers said that the corner property should show as 901; the subject property as 903; and the next property should show as 907.

Public Comment: Ms. Carol Brosious, property owner, said the property was a bit less than 800 square feet. She said she and her husband were expecting their first child and needed some additional space.

Commissioner Riggs said that stucco was proposed for the exterior and whether that was being chosen for cost considerations. Ms. Brosious said that her father-in-law was a stucco contractor.

Commissioner O'Malley said the diagram for the right side of the house showed with two new windows, very close to one another (bedroom and bathroom). He asked why the center bedroom was not centered more. Ms. Brosious said the window for bedroom 2 was an existing window. (Someone from the audience said something that was not picked up by the mikes.) Commissioner O'Malley said that was the reason then and thanked the person.

Chair Keith closed the public hearing.

Commission Comment: Commissioner Deziel moved to approve and Commissioner O'Malley seconded. Planner Rogers asked if that would include the modifications as proposed in added condition 4.b. This was acceptable to Commissioners Deziel and O'Malley.

Commissioner Riggs asked about the oaks along the driveway. Commissioner Deziel said there would be less impervious surface and he liked the proposed site plan.

Commission Action: M/S Deziel/O'Malley to approve with the following modifications.

1. Make a finding that the project is categorically exempt under Class 1 of the current CEQA Guidelines.
2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
3. Approve the use permit subject to the following *standard* conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by Richard Haro, Drafting and Planning, Inc., consisting of nine plan sheets, dated received May 7, 2007, and approved by the Planning Commission on May 21, 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. 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 tree protection measures for all applicable heritage trees.

4. Approve the use permit subject to the following *project-specific* conditions:
 - a. Concurrent with submittal of a complete building permit application, the applicant shall submit revised plans showing a garage clear depth of 20 feet, subject to review and approval of the Planning Division.
 - b. Concurrent with submittal of a complete building permit application, the applicant may submit revised plans showing the windows on the existing portion of the residence to be replaced with new windows to match those on the proposed addition, subject to review and approval of the Planning Division.**

Motion carried 7-0.

3. **Use Permit Review and Use Permit Revision/German American International School of San Francisco/275 Elliott Drive:** Review of use permit for the effectiveness of policies and programs related to traffic and parking for the German American School Society of San Francisco, the German American School of Palo Alto, and the Palo Alto French Education Association. The applicant is also requesting a use permit revision to extend the use of four existing portables until 2016 and a use permit for the operation of ballet classes three times a week in the afternoon.

Chair Keith recused herself from consideration of this item due to a potential conflict of interest as her residence is located within 500-feet of the subject project. She left the building.

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

Questions of Staff: Vice Chair Deziel noted that previous reviews had been set for two years but in this instance was recommended for one year. Planner Chow said staff would like ultimately to recommend that review be on complaint basis only and planned to do so when the School returned in the near future for a request for a revised use permit. She said it was expected that the School would return within the year for that revision. She said the last two-year review was actually due in August 2006.

In response to a question from Commissioner Bressler, Planner Chow said that public school site improvements did not go through the City's use permit process. .

Public Comment: Mr. Peter Metzger, head of school for the German American International School, said they have been at the school since 1991. He said they had recently extended lease with the Menlo City School District for another five years with an option for an additional 5-year renewal. He said they would return within the year for a revised use permit as they wished to add some portables to expand their facilities, some of their programs and some of the offerings they have for art and fine arts. He said they were in agreement with the condition to come back in a year for review.

Vice Chair Deziel closed the public hearing.

He reopened the public hearing to recognize Ms. Kirsten Keith who had re-entered the room and wanted to speak as a member of the public.

Ms. Kirsten Keith, Menlo Park, speaking as an individual, said landscaping was needed on the back parking lot property line as the neighbors from Oak Court had a view of only a massive expanse of asphalt. She said a fence was located there but had no foliage on it.

Vice Chair Deziel closed the public hearing.

Commission Comment: Vice Chair Deziel asked staff if landscaping would be within the purview of the Commission for this application. Planner Chow said it would but she wondered if landscaping would be suggested just for the parking lot. She noted that there were more portables planned and wondered whether the Commission might want a more comprehensive landscape plan in the future.

Vice Chair Deziel said having walked down Oak Court that he believed it was the small panhandle of the property that abutted Oak Court to which Ms. Keith was referring. He said it was about 70-feet of asphalt fronting on Oak Court. He asked the applicant if first space on right of the fence was for parking or if it was a potential planting area.

Mr. Metzger said for their future application for a revised use permit that they planned to have some additional landscaping and have given the parking lot consideration. He said that with the paving there was no place on their side of the fence to plant and he was not sure they would be allowed to plant on the other side of the fence as that was not their property. Vice Chair Deziel asked if the Oak Court right-of-way was paved entirely. Mr. Metzger said it was. Vice Chair Deziel noted an area on AS.02 indicating a triangle and a space smaller than a parking stall on the right side and asked what those were and if they could be landscaped. Mr. Metzger confirmed that neither space was for parking but noted that everything was paved. Vice Chair Deziel asked him about future plans for landscaping. Mr. Metzger referred the question to Jorge Borgia, the School's President of the Board.

Mr. Borgia, School Board President, said that they planned to do comprehensive plans for the site over the next year and that would include landscaping. He said that the fence was a chain link fence and there were access questions. In response to Vice Chair Deziel, Mr. Borgia said they did not yet have an idea what landscaping would be proposed.

Commissioner Riggs noted that it was not at all difficult to saw cut asphalt and remove it and that there were a number of Menlo Park approved street trees that thrived in small areas, such as the mock orange tree.

Mr. Metzger said that the School had been acting in the spirit of cooperation and collaboration with neighbors on parking and traffic concerns, but had not given

consideration to the aesthetics of Oak Court as it had never been brought to their attention before. He said however under the general principle of good-neighborliness that they would review this area and develop under their new plan something to address those issues and would consult with neighbors on that.

Commissioner Riggs moved to make the findings and accept the recommendation of staff with a condition to require the applicant to include the area abutting Oak Court in the required landscape plan at that time. Commissioner Bims seconded the motion.

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

The following items pertain to three separate use permits, identified as items A, B, and C.

A. Use Permit for the German American International School of San Francisco (GAIS)

1. Adopt a finding that the project is categorically exempt under Class 1 of the current State CEQA Guidelines.
2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permit revisions, 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. Make a finding that the concerns of the neighbors have been adequately addressed by the school. Based on the past cooperative efforts between the school and the Elliott Drive residents to resolve neighborhood concerns related to the full-time school's operation, allow the German American International School of San Francisco to continue to operate with a maximum of 300 students and four portable buildings through June 30, 2008 or a date established through approval of a use permit revision, whichever is earlier, subject to the conditions listed below.
4. Approve the use permit revision and use permit review request subject to the following conditions:
 - a. The portable buildings shall be maintained as depicted on the site plan prepared by MK Think, consisting of two plan sheets, dated received May 15, 2007.
 - b. The applicant shall comply with all County, State and Federal regulations that are directly applicable to the project.

- c. The applicant shall comply with all sanitary district, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.
- d. The applicant shall comply with all requirements of the Building, Engineering, and Transportation Divisions that are directly applicable to the project.
- e. School enrollment shall be limited to a maximum of 300 students.
- f. The four portable buildings shall be removed from the site at the earlier of 1) termination of the lease 2) June 30, 2008, or 3) a date established through approval of a use permit revision.
- g. The school shall adhere to all terms of the *Parking and Traffic Policy German-American International School Year 2004-2005*. The *Parking and Traffic Policy* for each subsequent year shall be substantially similar to the 2004-2005 Policy.
- h. The use permit shall be subject to a review by the Planning Commission at the earlier of June 30, 2008 or during the review process for a use permit revision. The review shall be at a public hearing, the purpose of which is to hear testimony from the German American International School of San Francisco and the surrounding neighbors regarding the degree of success of implemented policies and programs by the school to address issues related to traffic and parking. If the Commission finds that the concerns of the neighbors have not been adequately addressed by the school, the Commission may consider decreasing the enrollment or other changes to the operation of GAIS.
- i. Ballet classes are permitted on Mondays, Wednesdays, and Thursdays from 4:00 p.m. to 6:30 p.m. with a maximum enrollment of 15 students.
- j. ***Concurrent with the submittal of the next use permit review or use permit application, the applicant shall submit a comprehensive landscape plan, which would include, but is not limited to, addressing the interface with Oak Court.***

B. Use Permit for the German American School of Palo Alto (GASPA)

- 1. Make a finding that the concerns of the neighbors have been adequately addressed by the school. Based on the past cooperative efforts between the school and the Elliott Drive residents to resolve neighborhood concerns related to the school's operation, allow GASPA to continue to operate subject to the conditions listed below.

2. Approve the use permit review request subject to the following conditions:
 - a. The total enrollment for the Saturday program shall be limited to 110 students per school day. The total enrollment for the summer program shall be limited to 90 students per day, 9:00 a.m. to 12:00 noon, and 20 students, 12:00 noon to 5:00 p.m.
 - b. Classes for the Saturday program shall be limited to between 9:00 a.m. and 12:00 noon.
 - c. The summer program shall be limited to a four-week term held once each year.
 - d. The school shall adhere to all terms of the *Parking and Traffic Policy German-American International School Year 2004-2005*. The *Parking and Traffic Policy* for each subsequent school year shall be substantially similar to the 2004-2005 Policy.
 - e. The use permit shall be subject to a review by the Planning Commission at the earlier of June 30, 2008 or during the review process for a use permit revision. The review shall be at a public hearing, the purpose of which is to hear testimony from the German American School of Palo Alto and the surrounding neighbors regarding the degree of success of implemented policies and programs by the school to address issues related to traffic and parking. If the Commission finds that the concerns of the neighbors have not been adequately addressed by the school, the Commission may consider decreasing the enrollment or other changes to the operation of the summer or Saturday programs or the discontinuation of the programs.

C. Use Permit for the Palo Alto French Education Association (PAFEA)

1. Make a finding that the concerns of the neighbors have been adequately addressed by the school. Based on the past cooperative efforts between the school and the Elliott Drive residents to resolve neighborhood concerns related to the school's operation, allow the Palo Alto French Education Association (PAFEA) to continue to operate subject to the conditions listed below:
2. Approve the use permit review request subject to the following conditions:
 - a. The total enrollment for PAFEA shall be limited to 20 students.
 - b. Classes for the Saturday program shall be limited to between 4:00 p.m. and 6:00 p.m.

- c. PAFEA shall be limited to a 10-month term held once each year.
- d. The school shall adhere to the terms of the *Parking and Traffic Policy German-American International School Year 2004-2005*. The *Parking and Traffic Policy* for each subsequent school year shall be substantially similar to the 2004-2005 Policy.
- e. The use permit shall be subject to a review by the Planning Commission at the earlier of June 30, 2008 or during the review process for a use permit revision. The review shall be at a public hearing, the purpose of which is to hear testimony from PAFEA and the surrounding neighbors regarding the degree of success of implemented policies and programs by the school to address issues related to traffic and parking. If the Commission finds that the concerns of the neighbors have not been adequately addressed by the school, the Commission may consider decreasing the enrollment or other changes to the operation of the summer or Saturday programs or the discontinuation of the programs.

Motion carried 6-0 with Chair Keith recused and not in the room due to a conflict of interest.

D. REGULAR BUSINESS

1. **Architectural Control/Jude Kirik/501 Laurel Street:** Request for architectural control for a seasonal air dome to be installed over the warm instructional pool at the Burgess Pool Complex, owned by the City of Menlo Park, at 501 Laurel Street in the P-F Public Facilities zoning district.

Staff Comment: Planner Fisher said staff had no additional comments; she noted that the materials board was available for the Commission's review.

Questions of Staff: Commissioner O'Malley asked if the dome was purchased and ownership then transferred to the City if the City would be responsible for its maintenance and repair. Planner Fisher said that should the existing pool operator leave in the future that they would be interested in donating the dome to the City, but the City would not necessarily have to accept the dome at that time.

Public Comment: Mr. Jude Kirik, project architect, Menlo Park, said the use of the dome in the cooler part of the year would enhance the swim season throughout the entire year. He said Mr. Tim Sheeper, Burgess Pool operator, planned to use an air-inflated structure that would be used 180-days a year. He said it was a vinyl-membrane that would cover the instructional pool only; and would be 90-feet by 70-feet and 22-feet high. He said the surrounding pool buildings were about 15-feet high, but the gym was 30-feet in height. He said trees would screen the dome as well. He had samples of the vinyl material, the connecting cable and the eyebolt to which the cable would connect. He said the connecting structure would be removed when the air dome came down and

the holes filled with temporary filling to keep the pool area safe and sightly. He said their preference for the vinyl color was white as that would transmit the most light. He said they would need four blowers to inflate the dome and keep it inflated. He said City regulations for inflatable structures required that there be eight blowers as backup but at the maximum only four blowers would run at any one time; they also required backup power for power failures. He said they were proposing a small portable generator. He said that it would take two hours for the dome to deflate. He said the City's building code also required a structure under the dome in case of complete power failure. He said they would create a grid structure underneath using temporary poling and cable. He said that there would be three ADA accessible airlocks for ingress and egress. He said that if it was needed to get large equipment under the dome that there were zippers that opened the dome for that purpose.

Mr. Tim Sheeper, operator of the Burgess Pool facility, said they were having a great time building programs for the community and they were trying to get youth as well as adults to the pool. He said having the dome would support those efforts. He said it was a great decision to have two pools built; one for performance that could be kept cool and one that could be kept warm for seniors and families who wanted to play in the water. He said keeping the pool at a constant 88 degrees used a lot of energy. He said the dome structure would conserve a lot of energy and would be attractive to more people during the cooler time of the year.

Commissioner Bims asked if the dome would be inflated around the clock or just when pool in use. Mr. Sheeper said it would be around the clock. Commissioner Bims asked how long it took to inflate the dome when it was completely deflated. Mr. Kirik said it would take four hours to fully inflate. Commissioner Bims asked if there would be lights inside. Mr. Sheeper said there would be lights. Commissioner Bims asked how many lights. Mr. Kirik said the dome was sold as a package and would have a deck mounted lighting system with about two to three fluorescence light bulbs on each side of the dome at deck level with the light shining upwards. Commissioner Bims asked if the lights would be on round the clock. Mr. Kirik said they would be used only during pool use.

Commissioner Riggs asked if the proposed color(s) had been discussed with the neighbors as he thought the top would be visible to them. Mr. Kirik said they had talked to residents but had not really addressed color. Commissioner Riggs asked if staff had raised the issue with Laurel Street residents regarding the potential color of the dome. Planner Fisher said that the project was noticed normally and there was no language in the notice related to color.

Commissioner Riggs asked about the 24/7 operation of the four fans. He said they were described as low power fans but a noise study indicated that the level of noise would be 48 decibels at the property line. He said that seemed very high for low power fans. Mr. Kirik said the noise study indicated that all four blowers running would create a level of 67 decibels at five feet. He said the blowers were 60-feet from the property line. Commissioner Riggs asked if the fans were small in diameter and if they whined.

Mr. Kirik said they were very small and with housing were two feet by two feet by two feet. Commissioner Riggs said that his neighborhood was impacted with noise from roof mounted cooling fans that ran at different times dependent on production and would produce a hum similar to that in a motel room that fronts a freeway.

Commissioner Deziel asked about the use of a timer or some way to keep the blowers from activating during the night. Mr. Kirik said they would need to confer with the manufacturer. .

Commissioner Bressler asked about the longevity of the dome. Mr. Kirik said they had talked with the Santa Clara Swim Club, who use a similar product in a similar size and that was going strong at 6 years. Commissioner Bressler asked if the fans could be turned further from the neighboring residences. Mr. Kirik said power would come from the pool equipment building so they would need to keep blowers close to that building. He said that would put them against a wall, which they hoped would lessen the noise.

Commissioner O'Malley asked if each blower was on independent sensors. Mr. Kirik said that was correct. Commissioner O'Malley confirmed with Mr. Kirik that it was unlikely all four blowers would run concurrently.

Chair Keith asked if it was possible to have skylights on the dome. Mr. Kirik said the manufacture offered that option, but also indicated that it would weaken the structure. Chair Keith said the materials board showed some with skylights. Mr. Kirik said that those were for residential use and not for the size associated with this pool. She asked about the quality of the materials shows on the board and if those were also only for residential. Mr. Kirik said the materials were the same for either. Chair Keith said she understood the desire for the lightest color and wished she knew how much windows would impact the integrity of the structure. She asked about the holes on the deck for the dome eyebolts and cable. Mr. Kirik said there would be a hole every three feet and when not used the holes would be blocked with metal tubing that would be flush with the pool deck surface. Chair Keith asked if there would be fans inside the dome. Mr. Kirik said they planned to add a dehumidifier and heater. Chair Keith asked if there would be chairs for parents to sit own while their children were having their lessons. He said at full capacity there could be 24 parents but not all parents stay the entire time. He said they could have 12 to 20 chairs available. Chair Keith asked if they would have parties with the dome. Mr. Sheepen said most likely they would.

Commissioner Pagee said white was a nicer color than beige or gray, but was afraid it would be too bright. She said she was concerned about the noise and she was happy the fans would not be on all the time. Mr. Kirik said the idea would be to have a maximum of two fans on each side. Commissioner Pagee asked about the location of the power cords. Mr. Kirik said they planned to run those along the deck with traffic covers. He said if needed they could run them up the wall and over the ceiling. Commissioner Pagee said she thought that the traffic covers would be fine. Commissioner Pagee asked if fire extinguishers were part of the package. Mr. Kirik said that they were not and they were discussing requirements with the Fire District.

Commissioner Pagee asked about the fuel for the generator. Mr. Kirik said they would use natural gas. Commissioner Pagee said it appeared the back wall was 16 to 18 inches higher than the height of the generator. Mr. Kirik confirmed that it was. Commissioner Pagee asked about drying the dome at the end of the year. Mr. Kirik explained that there was a whole process of cleaning and drying the dome.

Commissioner Bims asked if the 48 decibel level indicated in the study looked at all the blowers and the emergency generator being on at the same time. Mr. Kirik confirmed that was true. Commissioner Bims asked what the decibels would be without the generator running. Mr. Kirik said he did not have that information with him but he could get to staff. Commissioner Bims asked if the blowers were at high speed at all times. The applicant stated the blowers turn on and off and not all four blowers are used at the same time. Mr. Kirik said the structural integrity and stability of the dome depended upon it being fully inflated at all times.

Ms. Carol Cleary, Menlo Park, said she was concerned that holes would be made in the pool deck and how that impacted the integrity of the pool deck and in turn the pool.

Chair Keith closed the public hearing.

Chair Keith asked who would be responsible if there was damage to the deck. Planner Fisher said she was fairly confident that the lease required the operator to be responsible to any damage that might result by their activities.

Mr. Kirik said that the holes would be drilled at about 5/8-inch. Mr. Sheepper said the dome was proposed as a gift to the City; he said that they would not give a damaged gift to the City.

Commission Comment: Commissioner Riggs moved to approve per the staff recommendation with the modification that white be approved as the color of the dome.

Commissioner Bressler asked who maintained the pools and who would be liable if someone tripped over the attachments for the dome. Planner Fisher said the lease indicated that the City maintains everything for the pool except as specified in Section 10, which stated that the landscaping, pool cleaning and trash were the operator's responsibility. She said the lease also stated that if the tenant damaged the property, the property would be repaired to the satisfaction of the City and the cost borne by the operator, and that the operator bore the responsibility for injuries at the pool.

Commissioner Deziel seconded the motion, and expressed his compliments to Mr. Sheepper for the services he provides to the City. He said the windows would be a nice amenity but he thought if additional amenities to it were desired that the City should pay for those rather than an individual. He said decibel levels were reduced in half with each doubling of the distance between the equipment and another building.

Commissioner Bims said that the project was terrific and he did not think noise level would be an issue for the neighborhood once the dome was fully inflated as it would be highly unlikely that the generator and all the fans would be on at the same time.

Commissioner Pagee said she supported the project but that she wished the manufacturer offered a less bright white.

COMMISSION ACTION: M/S Riggs/Deziel to approve with the following modifications.

1. Make a finding that the project is categorically exempt under Class 1 of the current CEQA Guidelines.
2. Adopt the following findings, as per Section 16.68.020 of the Zoning Ordinance, pertaining to architectural control approval:
 - a. The general appearance of the structure is in keeping with the character of the neighborhood.
 - b. The development will not be detrimental to the harmonious and orderly growth of the City.
 - c. The development will not impair the desirability of investment or occupation in the neighborhood.
 - d. The development provides adequate parking as required in all applicable City Ordinances and has made adequate provisions for access to such parking.
3. Approve the architectural control request subject to the following **standard** conditions of approval:
 - a. Development of the project shall be substantially in conformance with the plans prepared by Pacific Peninsula Architecture, Inc., dated February 14, 2007, consisting of seven plan sheets and approved by the Planning Commission on May 21, 2007, except as modified by the conditions contained herein.
 - b. The applicant shall comply with all West Bay Sanitary District, Menlo Park Fire Protection District, and utility companies regulations that are directly applicable to the project.
 - c. Prior to building permit issuance, the applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.

4. Approve the architectural control request subject to the following **project specific** conditions of approval:
 - a. ~~Prior to~~ **Concurrent with the submittal of a completed** building permit issuance **application**, the applicant **plans** shall **be revised to show the** provide a color and material sample of a beige or gray vinyl **membrane** for the **air** dome **as white subject to the review and** be approved ~~by of~~ the Planning Division.
 - b. Prior to final inspection, the applicant shall demonstrate the safety systems for the Planning Division, Building Division, and Fire District.

Motion carried 7-0.

Commissioner Riggs recused himself from consideration of the next item as he is the project architect.

2. **Architectural Control/Sophie Lo/878 Santa Cruz Avenue:** Request for architectural control for alterations to the north and south building elevations in the C-3 (Central Commercial) zoning district.

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

Questions of Staff: Commissioner O'Malley asked about the note in the staff report regarding the building to the left. Planner Fisher said that windows on that building extended further than what was proposed for this project.

Public Comment: Mr. Riggs, project architect, said this was an old building and not attractive to tenants. He said it was one of the larger sites on Santa Cruz Avenue but the building was so cut up with low ceilings that it was not attractive. He said they were proposing a simple "Main Street" storefront to have a glass façade up 12 feet and an additional four foot of panels at the same setback as the glass with image of stone and a lintel across the top. He said his client noted that his proposal looked a lot like "Restoration Hardware" and he found upon inspection that it would. He provided the Commission with a photograph of that storefront.

Commissioner Pagee asked about the water meters in the front of the building. Mr. Riggs said they did not expect to change plumbing. Commissioner Pagee asked if the water meters would be relocated with the remodel. Mr. Riggs said he did not recall where the meters would fall, but it would make sense that they not be placed in the concrete wings. Commissioner Pagee asked about the signage in the back. Mr. Riggs said that would remain until a tenant went forward with a sign application. Commissioner Pagee asked about unattractive existing trash enclosure. Mr. Riggs said when a tenant was secured that the shed would be rebuilt to a permitted size. He said their goal was to not spend much money or time on the rear of the property as that would be the area a tenant would want to improve to their preferences. He said in the

rear area that they planned to remove the lattice, the security mesh over the windows and paint the building. He said it was not clear if there would be one tenant or two; or whether it would be completely gutted, or not. He said if no tenant was secured by the time of the building permit application, that they would go with Option A.

Chair Keith closed the public hearing.

Commission Comment: Commissioner Pagee moved, and Commissioner Bressler seconded the motion to approve the item as recommended in the staff report.

Commissioner Deziel said he could support the beautification of the site and that his main concern was for the building to be occupied. He said he thought the owner had an unrealistic expectation that the mezzanine area was rentable at a retail space fee. He said a tenant who could afford that lease amount would have enough money to beautify the whole building. He said that the property owner receives services from the City and should provide benefit to the City.

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

1. Make a finding that the project is categorically exempt under Class 1 of the current CEQA Guidelines.
2. Adopt the following findings, as per Section 16.68.020 of the Zoning Ordinance, pertaining to architectural control approval:
 - a. The general appearance of the structure is in keeping with the character of the neighborhood.
 - b. The development will not be detrimental to the harmonious and orderly growth of the City.
 - c. The development will not impair the desirability of investment or occupation in the neighborhood.
 - d. The development provides adequate parking as required in all applicable City Ordinances and has made adequate provisions for access to such parking.
3. Approve the architectural control request subject to the following *standard* conditions of approval:

- a. Development of the project shall be substantially in conformance with the plans prepared by Henry L. Riggs, A.I.A., dated April 29, 2007, consisting of nine plan sheets and approved by the Planning Commission on May 21, 2007, except as modified by the conditions contained herein.
 - b. The applicant shall comply with all West Bay Sanitary District, Menlo Park Fire Protection District, and utility companies regulations that are directly applicable to the project.
 - c. Prior to building permit issuance, the applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
 - d. Prior to issuance of a demolition permit or building permit, the applicants shall submit a plan for construction safety fences around the periphery of the construction area for review and approval of the Building Division. The fences shall be installed according to the plan prior to commencing construction.
 - e. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval of the Planning, Engineering and Building Divisions. Landscaping shall properly screen all utility equipment that is installed outside of a building and that cannot be placed underground. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
4. Approve the architectural control request subject to the following *project specific* conditions of approval:
- a. Prior to building permit issuance for commercial tenant improvements, the applicant shall submit a trash storage plan, approved by Allied Waste, for review and approval by the Planning Division, and shall obtain applicable building permits for the trash enclosure.

Motion carried 6-0 with Commissioner Riggs recused from participation as a Commissioner, but present in the room as the project applicant.

E. COMMISSION BUSINESS, REPORTS, AND ANNOUNCEMENTS

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

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

ADJOURNMENT

The meeting adjourned at 9:22 p.m.

Staff Liaison: Deanna Chow, Senior Planner

Prepared by: Brenda Bennett, Recording Secretary

Approved by Planning Commission on July 16, 2007.