



PLANNING COMMISSION MINUTES

January 28, 2008

7:00 p.m.

City Council Chambers

701 Laurel Street, Menlo Park, CA 94025

CALL TO ORDER – 7:02 p.m.

ROLL CALL – Bims, Bressler (Arrived 8:10 p.m.), Deziel (Chair), Keith (Absent), O'Malley, Pagee, Riggs (Vice chair)

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

A. PUBLIC COMMENTS

There were none.

B. CONSENT

There were no items on the consent calendar.

C. PUBLIC HEARING

1. **Use Permit/Ana Williamson, Architect/414 Pope Street:** Request for a use permit to construct first- and second-story additions to an existing single-story, single-family residence on a substandard lot in the R-1-U (Single-Family Urban) zoning district. The proposed remodeling and expansion are considered to be equivalent to a new structure.

Staff Comment: Planner Rogers noted that a materials and colors sheet for the project had been distributed to the Commission.

Public Comment: Mr. Bruce Schena, Menlo Park, said he and his wife Cathy Rickey owned the property and had lived there for 12 of the 17 years they have lived in Menlo Park. He said they liked the neighborhood, and wanted to remodel noting that they had done a detached garage in 1997, an addition of a master bedroom in 1999, and a pool and landscaping in 2002. He said the proposal before the Commission was an extensive renovation of the first floor that would keep the master bedroom addition intact except for the roof, and a remodel of the front of the house for a total addition of 235 square feet. He said the second story was one-third of the square footage of the existing structure, and was designed toward the back to reduce mass and protect privacy. He said they were proposing to update the exterior architecture, noting that it

was a Willows cottage circa 1939. He said they would keep the front façade small in appearance and use existing wood siding and stucco but with a modern aesthetic. He said they planned to use an eco-friendly metal stained roof and other eco-friendly materials as much as feasible. He said they networked with the neighbors on the proposed design for over a year. He said in addition to the seven letters of support from neighbors and residents that the Commission had received with the staff report that he had an additional three letters of support. He noted that both adjacent neighbors and the neighbor immediately across the street had written letters of support.

Commissioner O'Malley commented that he was impressed with the applicants' efforts to work with neighbors and approved of the green features included.

Commissioner Riggs said the staff report indicated that Hardiplank might be used rather than cedar siding. He said the Hardiplank might lessen the warmth of the modern look they were seeking. He asked how they would handle the color combinations if that material was used.

Ms. Ana Williamson, project architect, said if that alternative was used, they would keep the contrast of colors with the use of the stucco base in warm earth tones and a reddish brown for the siding. She said this would make the color and contrast very similar to what was shown in the rendering. She said their preference would be the cedar siding but it was dependent on the budget and the cost of materials and maintenance costs.

Chair Deziel asked if the right-hand side of the second story was their preferred design or the design in response to site constraints. Ms. Williamson said the design was the result of numerous iterations, including drawings and mass models. She said there was an issue with daylight plane and this was within the envelope. She said they also preferred to have a progression of the roof from the shed to the second story rather than one roof over the whole second story. She said this design appealed because they could use clerestory windows in the shed and the second story roof was such that natural light could enter the shed structure. Chair Deziel said these types of designs were dependent upon the materials for their success. Ms. Williamson said that the intent was to create something that was in harmony and in proportion. She said where the wood siding would go and stop and articulating those volumes was a studied and deliberate solution. She said it was not uncommon to have shed roofs and flat roofs that intersect. She said the rear remodel done in 1999 was a four and twelve pitch and she said they tried to design with that roof but it did not feel right with what they were trying to do with the front of the house. Chair Deziel asked the cost difference between the cedar siding and the Hardiplank. Ms. Williamson said the cedar siding cost about 30 percent more than the Hardiplank.

Commissioner Pagee asked if it was necessary to have the fireplace flue as high as shown. Ms. Williamson said that was recommended by the manufacturer. Commissioner Pagee said that was the only thing on the elevations that stuck out. Ms. Williamson said the elevations and renderings did not show the landscaping and there were trees that would screen the flue. Commissioner Pagee asked what type of heating

would be used. Ms. Williamson said that it would be radiant heat but they had not defined the boiler or the system that would run it yet. Commissioner Pagee asked the location of the heating unit. Ms. Williamson said it would be in a utility closet off the mudroom in the side entry shown on page A.3. Commissioner Pagee confirmed that they had received a flood plane certificate and the elevations were based on that. She asked if they were changing the grade in the front of the property. Ms. Williamson said that they were not and were stepping up to the existing grade in the front of the residence. Commissioner Pagee said that the elevations seemed to indicate a change in grade and her concern related to the daylight plane and that parapets could not penetrate that. Ms. Williamson said that they were aware of the daylight plane and the need for a surveyor to demonstrate that they were within that and they would not allow the parapet to penetrate the daylight plane. Commissioner Pagee said they had indicated there was a potential of solar panels on the southwest elevation in the front on the flat roof and asked if those would be shielded. Mr. Schena said that the racking system for the panels would be partially hidden behind the parapet and would be at a shallow angle of about 15 to 20 degrees. He said he thought that only one corner of the first panel might be visible from the street. Commissioner Pagee said that the modern look of the design was very dependent upon the quality of materials and encouraged the applicants to use quality materials that would last longer.

Commissioner Riggs noted that two willow trees were being proposed for removal. He said one was somewhat stunted and crooked, but he questioned removal of the second tree which was quite robust and large. Mr. Schena said that Willow tree negatively impacted the Japanese maple tree near the porch and grew over into the neighbor's yard.

Public Comment: There was none.

Chair Deziel closed the public hearing.

Commission Comment: Commissioner O'Malley moved to approve as recommended in the staff report and Commissioner Bims seconded the motion.

Commissioner Riggs said if Hardiplank siding was substituted for the cedar siding and stain as shown on the materials sheet that the color of the siding should be subject to staff review and approval. He said the deep color that Ms. Williamson described for use with Hardiplank was the right concept. He said he agreed with other Commissioners that the success of this design and its fit in the Willows depended upon the right colors. He asked for the addition of a condition for staff to review and approve the color choices should Hardiplank be used and that the reddish-brown as described by Ms. Williamson would be the preferred color. Commissioners O'Malley and Bims, the makers of the motion and second, accepted the modification. Chair Deziel asked if the approval was for the cedar siding and stain or whether the applicants were requesting the Hardiplank as a new proposal. Planner Rogers said that the cedar siding was in the project plans. He said with any proposal there was a potential to propose modifications which staff might determine were substantially in compliance with the approval so that in essence

Commissioner Riggs' condition was embedded in standard procedure. He said the Commission might make a specific condition as well. Chair Deziel said that the recommendation was for cedar siding and there was a certain amount of latitude around that. Planner Rogers said there was a range of options including staff rejecting the change as not substantially in compliance with the approval; a process being developed to e-mail each of the Commissioners so that if they disagreed with staff's finding they could pull the item and have it return to the Commission for review and approval; or staff's finding in comparing the two proposals that they are substantially the same. Commissioner Riggs said with the protocol and staff having heard the discussion about the materials that he could withdraw his condition.

Commission Action: M/S O'Malley/Bims 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. 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 Ana Williamson, Architect, consisting of 14 plan sheets, dated received January 16, 2008, and approved by the Planning Commission on January 28, 2008, except as modified by the conditions contained herein, subject to review and approval of the Planning Division.
 - 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, demolition or building permit.
 - g. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance.
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 a roof material sample or equivalent information to verify the non-reflective properties of the metal roof, subject to review and approval of the Planning Division.
 - b. Simultaneous with the submittal of a complete building permit application, the applicant shall submit an Alley Improvement Plan. The plan shall show all areas that do not currently qualify as all-weather surfacing and shall specify the method by which they will be improved. The plan shall be subject to review and approval of the Planning and Engineering Divisions.
 - c. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a draft Access Alley Maintenance Agreement, subject to review and approval of the Planning Division and City Attorney. Prior to issuance of a building permit, the applicant shall submit documentation of the approved Access Alley Maintenance Agreement's recordation, subject to review and approval of the Planning Division.

Motion carried 5-0 with Commissioners Bressler and Keith absent.

2. **Use Permit Revision/Michael F. Wallau/150 Middlefield Road**: Request for a use permit revision to allow an existing restaurant to change an existing on-sale beer and wine license to an on-sale beer, wine, and distilled spirits license in the C-4 (General Commercial) zoning district.

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

Questions of Staff: Commissioner O'Malley asked if the hours of operation would be changed. Planner Rogers said it was his understanding that they would not. Commissioner O'Malley asked if a use permit revision would be needed to change the hours of operation. Planner Rogers said that a change to the hours of operation would not trigger a use permit revision unless it was a substantial change such as going from dinner service only to lunch and dinner service.

Public Comment: Mr. Mike Wallau, applicant, said he was the property owner of Mike's Café and he would not change the hours as the restaurant was a family place and there was not much business past 8:30 p.m.

Commissioner Pagee asked if any of the neighbors within the 300-foot radius of notice had written regarding the use permit revision. Planner Rogers said that no correspondence had been received. Mr. Wallau said the ABC had notified residents within a 500-foot radius regarding the alcohol license change and had received no correspondence.

Commissioner Bims asked if there would be any menu changes coupled with the alcohol license change. Mr. Wallau said he would be making minor changes to offer dishes that he serves at his Palo Alto and Portola Valley restaurants.

Commissioner Riggs asked about any impact on parking from the changed license. Mr. Wallau said lunch was the busiest and part of his reasoning for expanding the license was to provide before dinner drinks, which customers had requested. He said that he did not expect the change to greatly increase dinner patron parking. He noted that the owner of an office building down the street was a customer and had suggested that people park in his parking area when the restaurant got busy, but the arrangement was not formal. In response to a question from Commissioner Pagee, Mr. Wallau said that there was an agreement with the adjacent neighbor to provide parking for the employees.

In response to a question from Chair Deziel, Planner Rogers said the use permit for the liquor license went with the parcel. Chair Deziel asked whether in the future the establishment could become a bar that served hamburgers. Planner Rogers said the ABC had certain conditions that the establishment continues as a bona fide eating place with provision of meals at least five days a week. He said the City had approved a use permit as a restaurant and whereas the City has no written standards related to what constitutes a restaurant and what constitutes a bar consideration was given to the amount of space dedicated to the bar and to tables. He said they have also looked at menus to see what percentage of the revenue was made off food versus beverages. He said any significant change in the use could result in review and revocation of the permit. He said the use permits have to run with the land. He said the use permit revision was not just for the change in the alcohol license but for the restaurant use as previously approved.

There being no public comment, Chair Deziel closed the public hearing.

Commission Action: M/S Pagee/Riggs 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. 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 Kohler Associates Architects, consisting of four plan sheets, dated received January 11, 2008, and approved by the Planning Commission on January 28, 2008, except as modified by the conditions contained herein, subject to review and approval of the Planning Division.
 - b. Any citation or notification of violation by the California Department of Alcoholic Beverage Control or other agency having responsibility to assure public health and safety for the sale of alcoholic beverages will be grounds for considering revocation of the use permit.

Motion carried 5-0 with Commissioners Bressler and Keith absent.

D. STUDY MEETING

1. **2550 Sand Hill Road/1185 Monte Rosa Drive/Study Session/Kenneth Rodrigues and Partners, Inc.**: Study Session request for a proposal to demolish an existing convalescent facility and to construct a new non-medical office building and related site improvements, which would require a use permit, architectural control and environmental review, in the C-1-C (Administrative, Professional, and Research District, Restrictive) zoning district.

This item was continued to a future meeting prior to the January 28, 2008 meeting at the request of the applicant.

E. REGULAR BUSINESS

1. **Architectural Control/Sunset Publishing Corporation/80 Willow Road:** Request for architectural control for the removal of an existing sand volleyball area in a courtyard behind the existing main building, and the construction of a new outdoor test kitchen facility, including a fully-equipped kitchen with burners, grills, sinks, and refrigeration, a pizza oven and fireplace, new landscaping and gardens, lighting, hardscape, arbors, and seating areas for property located in the C-1 zoning district.

This item was continued to a future meeting prior to the January 28, 2008 meeting at the request of the applicant.

2. **Consideration of minutes from the December 17, 2007, Planning Commission meeting.**

Commission Action: M/S Deziel/Bims to approve the minutes as modified.

- Page 3, 1st paragraph, 1st line, Add the words "might be" after the word "or."
- Page 5, 1st paragraph, 4th line, Replace "Bassa" with "Basso."
- Page 13, 1st paragraph 2nd line, Add the words "build per" before the word "Sheet."

Motion carried 5-0 with Commissioners Bressler and Keith not in attendance.

F. COMMISSION BUSINESS, REPORTS, AND ANNOUNCEMENTS

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

Planner Rogers reviewed upcoming activities related to the El Camino Real Downtown Visioning Project.

Planner Chow reviewed upcoming planning items on the City Council agenda.

Chair Deziel noted that Planner Chow had sent an e-mail responding to Commissioner Pagee's questions about the 110 and 175 Linfield and 75 Willow Road developments. Commissioner Pagee said her major question related to the discrepancy of the plans that showed all the street elevations as being level with the existing properties around them but which were actually constructed three feet higher. She said that was misleading to residents on adjacent properties. She said people were concerned with the height of the project; the Commission approved the project but the homes were built three feet higher than what was shown on the plans. She said with the height of these structures there was a steep grade down to the street and any water built up on those parcels would go to the public sidewalk. (Commissioner Bressler arrived.) Commissioner Pagee noted that the civil engineering drawings for 75 Willow Road, which she had kept, showed this construction height from grade at 2.75 feet, but the elevations showed otherwise. She said the Commission did not catch this, the buildings had been built, and she wanted to know what was being done to prevent drainage onto the sidewalks from these elevated residences.

Commissioner Bressler said the artistic rendering was inconsistent with the design drawings and perhaps there should be a requirement to have an elevation drawing that would match the artistic rendering to give to people.

Commissioner Riggs said in his submittals as an architect that his own drawings reflect the existing perimeter grade and that applied to the elevations as well. He said his Planning Commission role in the future would be to look at adjacent public way spot elevations. He said they could not mandate that a surveyor go into a neighbor's

property; however, they could ask that the sidewalk be properly represented. He said if he saw a project where it was not correctly represented in the future, he would suggest the project be continued.

Chair Deziel said that Commissioner Pagee had asked about the leaf sweeping. He had spoken with Mr. Kent Steffens, City of Menlo Park, who said that residential leaves were not supposed to be put into the street but were to be recycled. He said according to Mr. Steffens it was against the municipal code to rake leaves into the street. He said the contract with the street sweeper allowed for pickup of leaves from City property and there was a technical limitation on the machine which allowed them to only pick up a certain height pile of leaves.

Commissioner Riggs said that the rules had changed and it would be helpful if Public Works educated the public.

Commissioner O'Malley said he was not sure the Commission should be discussing this matter and should limit its discussion to planning items only.

Commissioner Deziel said he went to the City Council to relay the Commission's dismay that the Council had not listened to the Commission's review of a particular project. He said that Mr. Morris Brown asked if it had been on the Commission agenda to have him represent the Commission. He said he would like it clarified under Item F that the Commission had the right to have new business and communications.

Commissioner O'Malley said at Council meetings there were Commission reports as a standing item. He said that the Chair of Commission should be able to address the Council at anytime. Commissioner Deziel said there was a difference between adjudicatory items and legislative items and the Commission had to appoint the designee to advocate for a particular issue.

Planner Chow suggested having a study session with City Attorney McClure to address the questions and issues being raised; February 11 was raised as a possible time.

Commissioner Bressler asked whether 175 Linfield upon construction looked like what the Commission had expected. Chair Deziel said he was recused for that item. Commissioner Bressler said that neighbors thought the design was substandard for Menlo Park. Commissioner Pagee suggested the Commissioners look at projects approved in the past year and give a report to the Commission.

ADJOURNMENT

The meeting adjourned at 9:00 p.m.

Staff Liaison: Deanna Chow, Senior Planner

Prepared by: Brenda Bennett, Recording Secretary

Approved by Planning Commission on February 25, 2007.