



PLANNING COMMISSION MINUTES

June 2, 2008

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 at 7:02 p.m.), Deziel (Chair), Keith, O'Malley, Pagee (left during Item D1 at approximately 10:00 p.m.), Riggs (Vice chair)

INTRODUCTION OF STAFF – Dianne Dryer, Environmental Programs Coordinator; Lisa Ekers, Engineering Services Manager, Megan Fisher, Associate Planner; Justin Murphy, Development Services Manager, Thomas Rogers, Associate Planner

A. PUBLIC COMMENTS

There were none.

B. CONSENT

Commissioner Keith said she had e-mailed changes to the minutes that morning but those changes were not incorporated with the other modifications. Development Services Manager Murphy suggested that the minutes could be continued to the next meeting. Commissioner Keith confirmed she had changes to the two sets of minutes but not to the summary of the Commission workshop.

1. **Approval of minutes from the April 21, 2008, Planning Commission meeting.**

Commission Action: Continued to the meeting of June 16, 2008 by general consent.

2. **Approval of minutes from the May 5, 2008, Planning Commission meeting.**

Commission Action: Continued to the meeting of June 16, 2008 by general consent.

Development Services Manager Murphy said a revised agenda with the summary of the May 19 Commission workshop had been sent to the Commissioners on Friday.

It was noted that a majority of the Commissioners had not seen the summary yet. It was also noted that an item on the City's vision plan had been added to Commission Business.

Commissioner Pagee suggested moving the summary to the end of the agenda so as to allow the Commission to review it without inconveniencing the public.

Item B.3 was tabled by Chair Deziel to the end of the meeting.

3. **Approval of summary from the May 19, 2008, Planning Commission workshop.**

Commissioner Keith said that these comments were sometimes contradictory as these were individual comments. Commissioner Riggs had sent some changes with bolded format which format Commissioner O'Malley liked.

Commission Action: Approved by general consent with the following modifications.

- Page 2, 7th Item, 1st bullet: Delete the words "but should not draw a single conclusion" from the end of that sentence.
- Page 3, 1st bullet: Add the words "and drawing conclusions" after the word "consensus."
- Page 3, 2nd bullet: Delete the words "the undergrounding" after the word "and" and add "a connecting underpass." Delete the words "and the possible connection of the two" after the word "Real" and add the words "like the California Avenue station in Palo Alto."
- Page 3, 8th bullet: Add the words "Debate whether" and delete the words "Belief that" at the beginning of the bullet.
- Page 3, 13th bullet: Add the words "unless it provides some connection to downtown" at the end of the statement.
- Page 3, 15th bullet: Add the words "short loop" after the word "of."
- Page 3, 17th bullet: Delete the word "preferred" after the word "not" and add the words "understood by some existing parking alternates diagonal with parallel" to the end of the statement.
- Page 3, 24th bullet: Add entire statement that reads "The recurring complaint about traffic is really about flow; if we restrict El Camino Real, we get more perception of 'traffic'."

C. PUBLIC HEARING

1. **Use Permit/Nielsen Architects, Inc./839 College Avenue:** Request for a use permit to demolish an existing one-story, single-family residence and construct a new two-story, single-family residence on a substandard lot in regard to lot width in the R-1-U (Single-Family Urban) zoning district. As part of this development, the following heritage tree is proposed for removal: a multi-trunk karo in the right side yard with a 26-inch diameter at 6 inches above grade (the point where the trunks divide) in fair condition.

Staff Comment: Planner Rogers noted he had no additional comments to the written report.

Questions of Staff: Commissioner Riggs asked if Planner Rogers had visited the site and noted that he had seen on his site visit a second large tree near the karo tree. Planner Rogers said he had visited the site but he had not looked specifically at the trees. He said the information on the trees had been provided by the City arborist.

Commissioner O'Malley asked who initiated the acoustical study. Planner Rogers said that the applicant had chosen to do the study in response to questions staff had about the potential for reflected or amplified noise from the sunken courtyard. Commissioner O'Malley asked if the neighbors had been notified about the sunken courtyard. Planner Rogers said neighbors had received copies of the plans and notification of the public hearing.

Commissioner Keith said the acoustical study had been done by Charles M. Salter Associates and that they had indicated they had called the City for an interpretation of the noise ordinance, but that staff had not been able to provide them with an interpretation. Planner Rogers said he did not know who the consultant had spoken with on staff. He said the City interpreted the noise ordinance for enforcement cases. He said that staff found the analysis of the acoustical study to be satisfactory. Commissioner Keith said the consultant used a metric for measure of a time-weighted average of five minutes and asked if the City agreed with that. Planner Rogers said not as policy but staff thought it was a reasonable measurement.

Commissioner Pagee confirmed with staff that the neighbors had received 8.5 by 11-inch plans. She said that size plans were not particularly legible or clear about the sunken courtyard or its level.

Public Comment: Mr. Stan Nielsen, the project architect, said the owners required a basement with living and bedroom areas at that level. He said their design concept was to provide as much as natural light and ventilation as possible. He said there was mature landscaping in the rear. He said they placed a loggia to the rear side of the family room and connected it to the sunken court with a wide stairway, and provided sound barriers in the sunken court with potted plants and a fountain. He said the building would have a red-tile roof, stucco walls with stone accent walls, wood vinyl clad windows with grids on both the interior and exterior; he noted they had provided a complete landscaping plan.

In response to Commissioner Pagee, Mr. Nielsen said that they had not contacted the neighbor on the right and neighborhood outreach had been done by the tenant who currently resides in the unit. Commissioner Pagee asked if the consultant had seen the landscaping plan. Mr. Nielsen said they sent the plan to the consultant but they had the consultant only measure noise from the solid surfaces. He said that the landscaping and fountain would mitigate noise. Commissioner Pagee asked if Mr. Salter had considered the air conditioning location on the side setback. Mr. Nielsen said they had

not asked him to do that as the newer equipment has sound attenuation. Commissioner Pagee said she was concerned that the unit was only 12 feet from the neighbor's new home. Mr. Nielsen said that the neighbor's air conditioning unit was toward the front and they were locating the unit on this project toward the back against a wall.

Commissioner Riggs asked whether the applicant had considered adding windows in the basement to provide for more ventilation and light. Mr. Nielsen said he would like that flexibility and additional windows could be stacked under existing windows. Commissioner Riggs asked if the Commission could add that flexibility and remain compliant with the project as noticed. Planner Rogers said that could be added as a condition.

Commissioner Keith asked about the color of the window frames. Mr. Nielsen said that the frames would be a cream/beige color.

Mr. Nielsen said they would like to keep the karo tree. He said they anticipated that the excavation might kill the tree but they would try to save it.

Commissioner O'Malley asked if notices went to the residences or to the property owners. Planner Rogers said the notices were sent to the occupant of the property and if the property owners lived elsewhere, they were noticed as well.

Chair Deziel closed the public hearing.

Commission Comment: Commissioner Keith moved to approve as recommended by staff. Commissioner Riggs seconded with the modification to allow flexibility for windows to be added for the bedrooms in the basement. Commissioner Keith said she would accept that as long as the windows were located in the existing light wells.

Commission Action: M/S Keith/Riggs 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 Nielsen Architects, consisting of eight plan sheets, dated received April 22, 2008, and approved by the Planning Commission on June 2, 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 Heritage Tree Removal Permit Application for the karo and a revised site plan showing the location, species, and installation size of a heritage replacement tree, subject to review and approval of the Planning Division. The tree type must be described in the Sunset Western Garden Book as a species that will reach a mature height of 30 or more feet, and the installation size must be at least 15 gallon.

- b. Simultaneous with the submittal of a complete building permit application, the applicant may revise the plans to add windows to any basement bedroom from the light wells as previously shown on the project plans, subject to review and approval of the Planning Division.***

Motion carried 7-0.

- 2. Architectural Control/Nancy Chillag/418 Willow Road:** Request for architectural control to remodel the exterior of a commercial building in the C-2-A (Neighborhood Shopping, Restrictive) zoning district.

Commissioner Riggs recused himself because of a potential conflict of interest.

Staff Comment: Planner Fisher said staff had no additional comments to the written report.

Questions of Staff: Commissioner Keith asked if there were color and materials board for the proposal. Planner Fisher brought the requested information to the dais, and noted that the exterior would remain stucco.

Commissioner O'Malley said the existing roof had a slope and it was proposed to be replaced with a flat roof. He said he did not agree with staff's opinion that the look would be modern. He asked how staff came to their assessment. Planner Fisher said flat roofs tended to be a feature of modern architecture. Commissioner O'Malley said he did not agree with that opinion. Development Services Manager Murphy said staff looked more at the overall proposal with less consideration of stylistic features. Chair Deziel said that staff had indicated the Commission might want to review the proposed design style.

Commissioner Pagee asked if the City had a trigger for requiring accessible parking. Planner Fisher said the State has a level for requiring accessibility. She said it was dependent upon the amount of money invested in the improvements of a project that determined the level of ADA improvements. Commissioner Pagee asked if that was based on just the immediate proposal or would it incorporate future interior improvements. Planner Fisher said it would be examined over a 12-month period. Commissioner Pagee asked if there was required parking for this zoning. Planner Fisher said the building was legal, non-conforming and needed nine parking spaces because of that classification.

Commissioner Bims asked if there would be a future application for signage. Planner Fisher said she was not aware of any plans for signage and suggested the question be posed to the applicant.

Public Comment: Ms. Nancy Chillag said she was the applicant and the only signage would be the numbers for the building. Chair Deziel asked if the use would remain the same. Ms. Chillag said it would.

Commissioner Bims asked if the number signage would be consistent with the color scheme. He asked about the choice of color. Ms. Chillag said the outside would mirror the interior and would use light purple, dark purple and deep red. She said the intent was to create a very contemporary look. Commissioner Keith asked if she had used a color consultant. Ms. Chillag said the interior worked very well and she had received many compliments about its appearance.

Chair Deziel closed the public hearing.

Commission Comment: Commissioner Pagee said the building was set back from Willow Road, but she was somewhat apprehensive about the intensity of the colors. She said such striking colors had to be kept well-maintained. Chair Deziel noted that the building was owner-occupied.

Commissioner O'Malley said he was having trouble with the colors. He asked if the Commission was just considering the modifications or the colors as well. Chair Deziel said that the modifications allowed the Commission the opportunity to also consider the colors. Commissioner O'Malley said the colors did not match with anything in the surrounding area. Commissioner Bressler said the proposal had a certain charm; he moved to approve as recommended by staff. Chair Deziel seconded the motion. Commissioner Bims said he was concerned with the shade of red. He said if the signage was red that would trigger the sign ordinance. He said the setback was sufficient to set the colors back from the street. Commissioner Keith said she liked the colors presented in the swatches, but the red was causing her some concern as well as the colors shown around the windows.

Chair Deziel asked the applicant to comment. Ms. Chillag said the picture was distorted because it was computer generated. She said there would be red accents around the circular windows. She said on the other windows there was no color with the vinyl of the windows extending to the stucco. Commissioner Keith asked about landscaping. Ms. Chillag said there was bamboo planted on either side, and she would have a variety of grasses and cacti planted in the front. Chair Deziel asked if the bamboo was potted. Ms. Chillag said it was planted in a three-foot lined trench.

Planner Fisher said the window trim was currently white and the windows other than the front windows in the computer simulation appeared to be wood but would be actually white trim.

Chair Deziel asked if the Commission would be approving the color swatches. Planner Fisher said unless the Commission decided otherwise.

Commissioner Bims said if the window trim was white and the lavender color was lighter than what was shown in the drawing that prevented him from being able to visualize the building. He said the very light lavender and the dark purple would be fine, but he was concerned about the red. He said the white trim on the windows would make the building more palatable. He suggested not using red on the door but just as an accent for the windows.

Chair Deziel said that Planner Fisher had provided photographs of the existing building, and it looked like a tired 60s building.

Commissioner Keith asked if the red could be a deeper color and not so bright. Ms. Chillag said that the red looked bright but the colors inside her office worked because of the proposed red color. Commissioner Keith said she was willing to let the applicant try the color scheme.

Commissioner Bressler said there were condominiums directly across from the street and asked if there a way to make the color subject to review should the color scheme be objectionable to those tenants. He said however he was not inclined to make it a condition.

Commissioner Pagee said that in the pictures of the proposed building the door was predominant and suggested not doing the windows in red. Chair Deziel said he thought the three elements of color accent was needed. Commissioner Keith said she tended to agree with Commissioner Pagee. Commissioner Bims said the door would be too predominant if painted red.

Commission Action: M/S Bressler/Deziel to approve as recommended by staff.

Motion failed 2-3 with Commissioners Bims, O'Malley, Pagee and Riggs opposed and Commissioner Keith abstaining.

Chair Deziel suggested approving as per the staff report with a condition that when the painting was completed if the individual Commissioners or members of the public objected to the color that the red color be brought back to the Commission for review. Development Services Manager Murphy asked for a timeframe. Commissioner Keith suggested after ninety days. Commissioner Pagee suggested that the Commission look at the color rather than depend on the public. Chair Deziel said that the color would come back in ninety days or whatever staff felt was a reasonable amount of time. Development Services Murphy said that the suggested review could come back to the Commission pretty quickly, unless the Commission wanted to give the public a window of time in which to respond. Chair Deziel suggested that upon project completion the application would be brought back for the Commission to consider the color red for any change in color.

Commissioner O'Malley said he would prefer to approve the building with the color as white. He said however the applicant might then paint the building in the future without

Commission review. He said the Commission in approving such a color scheme was opening the door to others choosing to paint their buildings in colors inconsistent with surrounding buildings.

Commissioner Keith suggested setting a time period during which either the public or any Commissioner could bring forth an objection to the color red.

Commissioner Bims suggested that when the color consideration came back to the Commission that it be set as a consent item.

Chair Deziel moved to approve the application as recommended by staff with the condition that the color red be brought back for the Commission's consideration once the building was completed as a consent item and that it not be noticed. Development Services Manager Murphy said if people objected to the color scheme that the City would want to notify those people that the Commission would reconsider it. He said the consent calendar was beneficial and the review could be both a consent item and noticed. Chair Deziel said that any comments about noticing would be deleted from the motion. Commissioner Bims seconded the motion.

Commissioner O'Malley said he found it unbelievable that the Commission would approve such a color scheme.

Commissioner Bims said that members of the public might object to the color scheme and with this motion there would be an avenue for those objections to be heard.

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

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 M Designs Architects, dated received May 27, 2008, consisting of two plan sheets and approved by the Planning Commission on June 2, 2008, 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 final inspection, the parking lot shall be striped in accordance with the plans and requirements of the Building Code, which may require the conversion of one parking space to a van accessible loading zone, subject to review and approval by the Building Division.
 - b. Prior to final inspection, the roof mounted equipment shall be painted to match the base color of the building, subject to review and approval by the Building and Planning Divisions.
 - c. ***Prior to final inspection, the applicant shall notify the Planning Division upon the completion of the exterior painting of the building. The Planning Division shall schedule a Planning Commission review of the exterior building colors as a consent calendar item. The***

Commission's review shall be limited to the appropriateness of the use of the color red on elements of the building and the compatibility of the red color with other structures in the neighborhood. As a result of the review, the Commission may direct the applicant to use an alternative accent color.

Motion carried 5-1 with Commissioner O'Malley opposed and Commissioner Riggs recused due to a potential conflict of interest:

3. **Plan Line Abandonment/Jose Cotto and Peter Webb/337 Willow Road and 345 Willow Road:** Consideration of abandonment of a portion of a Willow Road Plan Line for the length of the Willow Road frontage of the properties located at 337 Willow Road and 345 Willow Road.

Commissioner Pagee recused herself because of a potential conflict of interest due to her ownership of property located within 300 feet of the subject property.

Chair Deziel said staff had distributed aerial photographs of the subject property.

Staff Comment: Development Services Manager Murphy introduced Ms. Lisa Ekers, the City's recently hired Engineering Services Manager.

Engineering Services Manager Ekers said the application had originally been filed in August 2007 and was considered by the City Council in November 2007. She said at that hearing the Council instructed staff to return with information related to questions that arose during the Council's consideration of the application. She said that the item was delayed by the Department of Public Works and did not return to the City Council until May 2008. She said the item was now being brought before the Commission and was tentatively calendared for the Council meeting of July 1, which would be the final hearing of a three hearing process.

Questions of Staff: Commissioner O'Malley said the Commission's purpose was to make a determination as to whether the proposed abandonment was consistent with the General Plan. He asked how this action would benefit the City. Development Services Manager Murphy said the proposed abandonment resolved constraint to the applicants' use of the property, but that he could not specify any benefit to the City.

Commissioner Keith confirmed with staff that page 3 of the staff report was indicating that the General Plan had established the City would not widen Willow Road west of Hwy. 101.

Chair Deziel asked if there had been any other single-family residences that had the plan line abandoned on Willow Road between Middlefield Road and Hwy. 101. Ms. Ekers said there had not been any single-family residential parcels that had abandoned the plan line, but there had been three other type parcels that had.

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Chair Deziel asked what comprehensive analysis had gone into this abandonment of a City asset and how it was validated. Development Services Manager Murphy asked if that was from a land use or transportation view. Chair Deziel indicated that both were included in his question. He said if a piece of land was abandoned that precluded moving forward with future options. He said the report was technical and found the plan line could be abandoned consistent with the General Plan but it did not provide an impact analysis of this proposed change. Development Services Manager Murphy said the Public Works review looked at both technical geometry and a comprehensive planning aspect. He said within the multi-step process of hearings for the application, the first time it went to Council, there had been questions that staff were directed to address. He said the application returned to Council for review after those questions had been answered and the Council had been comfortable with moving the application forward to the Commission. Chair Deziel said he did not find comprehensive planning discussed in the staff report. Engineering Services Manager Ekers said the staff report to the Council contained that analysis and looked at policy actions by previous Councils and Commissions to not widen Willow Road west of Highway 101. She said the report also provided information as to what capacity could be added to the existing right-of-way on Willow Road.

Chair Deziel said the aerial maps were not to scale. Engineering Services Manager Ekers said the original drawings were done to some scale and were reasonably accurate in describing property lines along fence lines. She said the hand drawn lines could have an error of five feet, plus or minus. She said there was no exact measurement of the width of the right-of-way in front of the applicants' property. Chair Deziel asked if the Commission was being asked to make a finding with information that had 100 % error. Engineering Services Manager Ekers said that was not accurate; she clarified that the graphic representation provided might have an error of five feet due to the angle of the camera when photographing or from drafting work that tied two points together. She said the difference between the plan line and right-of-way line in front of the properties was 7.2 to 10.7 feet because of the angle of the lines. Chair Deziel confirmed that across the entire width of Willow Road there might be a five foot error. He asked if the intent of the red line drawn from Nash Avenue to 375 Willow Road was to connect the corner at 291 to that at 375. Engineering Services Manager Ekers said that was accurate but with the exception of 311 and 351 which were not part of this application.

Commissioner Riggs asked if this abandonment moved forward whether options would be retained on other parts of Willow Road, noting that at 595 Willow Road and the VA site there was currently remarkable restriction of traffic. He said any traffic relief that could be accomplished there would be welcome for users of Willow Road. Engineering Services Manager Ekers said the frontage along Willow Road in front of the VA was outside of City's the right-of-way, but was an easement granted to the City by the federal government. She said there were City maintained improvements along that frontage in that plan line area but which were in easements. She said she did not know under what timeframes or what monetary consideration there would be for acquiring

those frontages. She said future development along the frontage of the VA site might possibly include an exchange or an entitlement. Commissioner Riggs said he heard in the past year that the VA had a particularly significant project beginning in the next year. He asked if the proposed abandonment would affect the City's position should the City wish to force an abandonment of the plan line in front of the VA. Engineering Services Manager Ekers said that staff did not think it would. Commissioner Riggs said where Bay Road entered Willow Road that the right-of-way line swung out 12 to 15 feet into the roadway. Engineering Services Manager Ekers said on that particular aerial view the road elements were outside the public right-of-way, but she did not know if that was in an easement or what the occupation was. She said the sidewalk seemed to be outside of the right-of-way. Commissioner Riggs said that both the bicycle path and sidewalk seemed to be outside of the right-of-way. He said it might be an appropriate time for engineering to resolve this.

Chair Deziel asked whether the green lines for parcels 380, 364, and 250 located across Willow Road from the subject properties were reasonably accurate dimensions for those parcels, noting those parcels had much less depth than the parcels under consideration. Engineering Services Manager Ekers said she thought that was probably correct, but this plan line area had never been surveyed by the City, and that there was quite a bit of uncertainty with the plan line process.

Public Comment: Mr. Jose Cotto, one of the applicants, 337 Willow Road, said the Engineering Division's analysis presented to the City Council on May 20 had concluded that in the section from Gilbert to Nash improvements could be made to the roadway without the plan line and the consistent policy of not widening Willow Road would not limit the City's ability to do improvements. He said the County had drawings that exactly represented the plan line along Willow Road, block to block. He said the purpose of the abandonment request related to the size of his parcel, .2 acre, and its narrowness. He said that he first went to the City with a proposal to create a viable backyard by removing the garage from the back of the parcel and the driveway that ran the full length of the parcel to the front of the parcel. He said the Engineering Division staff had indicated that there was precedence for abandonment of the plan line along Willow Road and there was information that supported the ability to make improvements to Willow Road without the plan line. He said when he purchased the property 10 years prior that the original title search and subsequent title searches for refinances had never identified this plan line. He said the removal of the plan line was feasible without any impact to the City.

Chair Deziel said he did not think the Council could make a finding at the initial hearing about the proposed abandonment. Engineering Services Manager Ekers said there was discussion about the abandonment at the Council hearing, but the only action was adoption of a Notice of Intent.

Mr. Peter Webb, applicant, 334 Willow Road, said the parcels were very deep. He said he was planning an addition and because Willow Road was very busy, he and his family

spent time in the rear yard and not the front yard. He said because of that they would want the addition in the front rather than the rear of the property.

Chair Deziel closed the public hearing.

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

Commissioner Riggs said when a plan line was generated that it was not enacted until a time of significant improvement. Development Services Manager Murphy asked if Commissioner Riggs meant in concept or specific to this proposal. Commissioner Riggs said in relationship to Willow Road where properties were established before the plan line was placed. Engineering Services Manager Ekers said Commissioner Riggs' statement was what we understood to be the case.

Chair Deziel said he was in favor of eliminating uncertainty for neighbors if the plan line was not going to be used, but if this abandonment were to preclude abandonment for the properties across the street that would be unfair. He said he thought abandonment of the plan line should be done comprehensively rather than in a piecemeal manner. He suggested that there could be other roadway configurations in which three lanes were paired with one lane. He said the documents did not provide the comprehensive analysis and quality of design that the General Plan generally required; he said in particular item policy 1-A-12 of the General Plan called for equity. He said abandonment should first occur for the properties opposite the applicants' as those properties were the most impacted. He said for that reason he could not find the application to be consistent with the General Plan.

Commissioner Bressler said he did not see that this application would preclude abandonment for the parcels across the street. Chair Deziel said there was contention about the volume of traffic and there were green initiatives being suggested to provide for alternative travel along Willow Road. He said Willow Road could be developed to four lanes.

Commissioner Bims said in a fair world there would be a comprehensive abandonment that would protect all properties. He said he thought Willow Road would remain two lanes. He said that he expected future abandonments would occur along Willow Road through which a comprehensive abandonment might proceed.

Commissioner Keith said there had been changes on Willow Road and that the photograph of Willow Road was old and did not capture those changes, including the 100 Willow Road gas station that was removed, and which property was for sale. She said there were landscaping cutouts not shown in the photograph. She said property owners along Willow Road because of the applicants' proposal and the Commission's action this evening might be inspired also to seek abandonment. She said there were bike paths on Willow Road that were being used successfully. She said it was appropriate to

approve the application. She said there was not an issue of equity as the other property owners could apply for abandonment as well.

Commissioner Riggs said on the top sheet of Attachment D there was a line shown to the right of the applicants' property identified at 100 feet and drawn from the corner of 375 to about the corner of 364. He said that spanned the green lines and right-of-way and it appeared the right-of-way 100 feet before it narrowed in front of the applicants' properties. Engineering Services Manager Ekers said it did appear that way, but staff thought the arrow was in error, with the arrow on the west being located accurately, but the arrow to the east not extending far enough. She said the distance between those parcels was about 91 or 92 feet. Commissioner Riggs said although the City was not looking at adding lanes currently on Willow Road, one of the green initiatives was to encourage alternative means of transportation. He said there was a possibility of a train station on Willow Road in the future. He said if there was light rail or even a trolley the line plan would be useful. He said that this might be worthy of consideration before abandoning any more line plan on Willow Road.

Chair Deziel said such a service could be implemented even in the first year of a train station with a bus on Willow Road and there would be no place for the bus to pull off to. Commissioner Keith said busses currently pull off. Engineering Services Manager Ekers said engineering looked at the length of Willow Road and even with the worst case analysis that there might be four lanes in the future and there would have to be some kind of tradeoff. She said the Council had suggested that engineering look at the line plan for the entire length of Willow Road and establish some consistency. Chair Deziel said that with the abandonment there would only be 69 feet of width along Willow Road. He asked if there was any other area on Willow Road that narrow. Engineering Services Manager Ekers said this would be the narrowest width. Chair Deziel said that if both sides were abandoned that would create the narrowest width of Willow Road.

Chair Deziel said he would support a more comprehensive plan and an alignment overall.

Commissioner Riggs said 600 Willow Road was already abandoned and developed and that was the most restrictive area on Willow Road even if the line plan was abandoned at the VA. He said the damage was already done to any future development of public transportation. He said he could make the findings for this application. He suggested that it might be time to move this to a City-sponsored project and do a comprehensive abandonment within the next year. Chair Deziel said that this would require planning and not just abandonment.

Chair Deziel suggested voting on this particular application and then make an unsolicited recommendation related to a comprehensive analysis of line plan abandonment along Willow Road.

Commission Action: M/S Keith/O'Malley to find the abandonment consistent with the General Plan.

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1. Make a finding that the proposed plan line abandonment is categorically exempt under Class 5 (Section 15305, "Minor Alterations in Land Use Limitations" of the current California Environmental Quality Act (CEQA) Guidelines.
2. Adopt Resolution No. _____ recommending to the City Council that a portion of the Willow Road Plan Line, for the length of the Willow Road frontage of the properties located at 337 Willow Road and 345 Willow Road, be abandoned.

Motion carried 5-1 with Commissioner Deziel opposed and Commissioner Pagee recused due to a potential conflict of interest.

Chair Deziel said he opposed the application because he could not find it consistent with the General Plan.

Commissioner Riggs moved to recommend that the City Council authorize a City project to analyze abandonment and determine a transit route along at least one side of Willow Road. Commissioner Deziel seconded the motion.

Commissioner Keith said this was a project that could be placed on the Commission's project priorities list. Commissioner Riggs said the Commission however was making a piecemeal decision within a larger scenario. He said when this went to Council this would be an excellent context to bring the matter to their attention. Chair Deziel said it should be done now as he thought the Council would view the Commission's approval as the Commission having reviewed the proposal as to future impact. Commissioner Keith said the Commission was not asked to do any comprehensive, detailed review, and she did not think the Council would think the Commission had done that review.

Commission Action: M/S Riggs/Deziel to recommend that the City Council consider a study of the entire Willow Road Plan Line from US 101 to Middlefield Road in order to determine optimal right-of-way usage for various transportation modes and ultimately enable a comprehensive abandonment of all non-critical plan line segments during the fiscal year 2009-10 project priority cycle.

Motion carried 5-0 with Commissioner Keith abstaining and Commissioner Pagee recused due to a potential conflict of interest.

D. REGULAR BUSINESS

1. **Climate Action Plan Outline:** Review and comment on the outline for the draft City of Menlo Park Climate Action Plan.

Ms. Dianne Dryer, Environmental Programs Coordinator, said the Commission had received a memo co-authored by Mr. Kent Steffens, Public Works Director and her related to the planning and development of the Climate Action Plan (CAP). She said the plan would lay out strategies for upcoming years to reduce greenhouse gas emissions throughout the community. She said they were in the early phases of beginning to research and evaluate a long list of strategies. She said in the future the CAP would act as a resource guide for future Councils as they determined budget allocations. She said it would be adjusted periodically to bring it up to date with new technology and science. She said that Mr. Steffens and she had visited with the Transportation and Environmental Commissions, and a citizen's red ribbon committee. She said the Council wanted them to get input from Commissions and citizen's group. She said they had a team of staff and consultant, ICCLE International Council of Environmental Initiatives. She said the consultant had done similar plans for many cities and was considered as a national leader in expertise in this realm.

Commission Comments: Chair Deziel said the memo was addressing process but he was not sure if it was referring to actions to be taken by citizens or actions by the City. Ms. Dryer said there would be actions for each. She said the plan would be structured as a list of strategies with a timeline with short-term, medium-term and long-term strategies to be accomplished. Chair Deziel asked for an example of a medium-term strategy for citizens to do. Ms. Dryer said there were things that might be somewhat expensive and might take time; and there might be incentives offered by the City or requirements placed for development. She said under 6.d they had now decided to bulk transportation and land use together because of their interconnectedness. She said they decided to add water conversation and supply as another sector. She said land use could also include green building policy for commercial and residential development. Chair Deziel asked if getting people to not use plastic bags was part of this. He asked if targets would be set first and then options. Ms. Dryer said they were trying to do both in tandem as they were looking at the reduction level and how that might be accomplished, how much that would cost and what would be the cost benefit. Ms. Dryer said these plans had been implemented in other cities and if this City was more comfortable with hanging back on targets, they could evaluate strategies and determine what was achievable within a certain timeframe.

Commissioner Bims asked if under land use they were looking at guidelines for developers or to the level of zoning ordinance amendments or even to general plan and element amendments. Ms. Dryer said they had not discussed that topic yet. She said they were willing to look at all of those things and then make a staff decision about what level of enforcement should be looked at in depth. She said maybe first they might look at voluntary actions or incentives.

Commissioner Keith asked for examples of short and medium-term targets. Ms. Dryer said they were in the process of developing those. She said they had defined some short-term strategies in the solid waste sector for January 2011 when the City's new recycling and waste program would begin. She said they had just started brainstorming in the transportation sector, and some of those strategies were doable within the next

couple of years including instituting a shuttle, bicycle paths, safe route to schools, and more stringent regulations on the City's fleet. She said that other things would take time or money to develop. She said some of the easy green building policies might be used as incentives in development processes. She said at this point they were really covering process and had not developed the plan itself yet. Commissioner Keith said she would not put transportation and land use together as that was limiting.

Commissioner Bims said a potential thing to add would relate to research for the City to proactively assist companies that wanted to work on solutions of the problem.

Commissioner Keith said she liked the idea of having an ordinance for building green. She said a couple of years ago she had taken ideas to the Council the Commission had heard from Build-it Green and asked the Council to take action, but there had not enough votes to support those ideas. She said she would like green building incentivized and she would like staff to encourage people to do more green building, LEED certification, more solar panels, the use of recycled water, and ordinance to stop the use of plastic bags, and incentives for low water drought resistance landscaping.

Commissioner Riggs said he found it difficult to assemble ideas on an outline that was process oriented. He said land use would have to emphasize clustering efforts around transit centers. He said he thought transportation and land use should be separate. He said there were a number of things in the works such as transit-oriented development and the discussion was whether the City wanted enough of it to make it work. He said it did not seem possible to improve use destinations unless transit was made more complete, for instance shuttles from the train station, shuttles to downtown shops and shuttles to senior housing. He said he agreed with the incentive concept such as providing showers and lockers for bicyclists to enable buildings to be less dependent on parking. He said Menlo Park should continue to support statewide issues, such as light rail. He said the various train companies were launching a campaign to demonstrate how much better trains were than vehicles but he thought the train companies should try to improve it even more. He said the state however continued to put every dollar in freeways and not into transit. He said vehicles fees were related to the vehicle's value but it should be tied to the vehicle's weight.

Chair Deziel said he had about 75-100 strategy projects that he had developed previously. He said to be successful they needed to get away from the pure process framework. He suggested that they look at creating a draft of the plan in a week and then expand it. He said if they wanted to get as real as quickly as possible, and 4.a should be answered. He said 4.b and 4.c was a sand trap and should be references and placed in the appendix. He said there needed to be an assessment to identify unique opportunities for Menlo Park. He said a 5.b was needed to do a market assessment to see who was willing to support and participate. He said they should go to the youth and lure them with the pocket book – such as more shuttles and more frequent runs. He said the current shuttle system was ineffective. He suggested paths that would encourage youth to use shuttles rather than their own cars. He said they had to ask what would be capable of influencing different categories of people based on

age. He said there should be expanded options that were evaluated. He said if section 6 was called options, it would be a table with options and the associated measurements and costs. He recommended that they identify options and how much they could impact. He said setting a target would not succeed. He said he did not understand why land use was combined with transportation as that would eliminate a closer examination of diverse transportation options.

Commissioner Bressler said he agreed quite a bit with Chair Deziel's comments. He said they should identify the most obtainable actions. He said a lot of people want school buses. He said the idea of shuttles was not really an option. He said he liked Commissioner Riggs' idea to have two types of parking, compact and large vehicles. He said tickets should be given for misuse. He said the City could give out energy efficient light bulbs or other energy-savings materials. He said there should be housing made available for people who work in the City. He said that a developer could get rid of parking if there was transit oriented housing.

Commissioner Keith said that Samtrans already provided transportation for school children. Commissioner Bressler said school buses could be Samtrans but that there needed to be ways to make buses, school or Samtrans, the choice of transportation with schedules that fit with school schedules.

Ms. Dryer said they would have a list of options and strategies by the end of December and they would then get Council, Commission and public comments.

Chair Deziel said he hoped that under land use they would look at ways to bring existing housing to green levels and not just require it of new development.

2. 2008-2009 Capital Improvement Program/General Plan Consistency:

Consideration of consistency of the 2008-2009 Capital Improvement Program with the General Plan.

Engineering Services Manager Ekers, Engineering Services Manager, said the project priorities were considered and approved by the City Council on April 1 at which time the project priorities, except for four projects, were approved. Those four projects returned to the Council in May. Residential design guidelines had been advanced for further consideration and some action by the Planning Department but with no funding attached. A Sustainable Building program would be a voluntary program and would not be part of the CIP. A Quiet Zone Study was to come back to the Council for mid-year review. The El Camino Real streetscape was placed in the CIP. She said that Commissioner Keith had requested that budgets be attached with the staff report which she had now distributed to the Commission.

Commission Comments: Commissioner Riggs said regarding underground utilities and other improvements for the City parking plazas that one plaza had already been reconfigured with perpendicular parking, which was hazardous for vehicle exteriors. He said related to the project to provide facilities at Willow Park that it was part of the use

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permit for the Willow Road Gas Station to allow users of the park to use the restroom facilities there, but that use was being restricted contrary to the use permit requirement. He asked about a list of projects including painting and floor covering for City buildings as to whether there was a budget for maintenance so these projects did not have to go to the Council. Engineering Services Manager Ekers said this was the maintenance budget for items that did not fall under routine day-to-day maintenance. He said related to the proposed Willow Road Areawide Traffic Study that speeding on that road and occasionally on Bay Road was an issue, but what was missing in Menlo Park was enforcement. He said the City's version of enforcement was traffic bumps. He recommended that enforcement be used first rather than spend money on the study. He said he supported a residential shuttle to the Caltrain station and bike rack installation downtown. He said the Sidewalk Repair program should be the lowest priority on the list and he hoped it was not taking money from something useful.

Chair Deziel commented on the Street Tree Reforestation Program that the City consistently killed existing trees by poor maintenance procedures. He said recently Oak trees were trimmed by the City at the very worst point in the trees' new growth. He said rather than just replace trees there should be a program to preserve and take care of the existing heritage trees. He said he could not find consistency with the item as presented. He said the Willow Road Traffic Study was going ahead without MTMP standards. Ms. Ekers said the neighborhood wanted to look at traffic, not just from a traffic calming approach, but with an overview of where the traffic was coming from. She said components of the MTMP were involved but the study was from a different point of view. Chair Deziel said they wanted to identify cut through traffic from other cities, but the City had invested money in MTMP and he did not think it was consistent with the General Plan to ignore that. He questioned the Sidewalk Accessibility and Master Plan Implementation as it was not a Master Plan but a fix-it plan.

Commissioner Keith asked if there was a sidewalk master plan. Engineering Services Manager Ekers said there was a document prepared as part of an assessment and planning effort to prioritize the installation of new sidewalks or to upgrade existing sidewalks. She said that document was still being prepared and it was identifying the top ten project sites. Development Services Manager Murphy said there have been requests made to the Council to do certain sidewalk projects and the Council wanted a plan to do that. He said the Master Plan was in progress. Engineering Services Manager Ekers said the citywide master plan was anticipated to be completed which had begun the prior fiscal year and was to be implemented in 2008-09.

Chair Deziel said he liked most of the projects.

Commissioner Keith asked about the first phase of the Santa Cruz Avenue Improvements. Engineering Services Manager Ekers said neighborhood meetings were being held to discuss options for sidewalk improvements. She said part of the community process was to determine whether sidewalks were wanted or not. Commissioner Keith noted the shade structure, \$12,000, for the Belle Haven Child Development Center Playground Improvements Project; she said such shelters were

needed for the children of Menlo Park and she would like to see something similar for Willow Park. She said she was glad that safe routes to Laurel and Encinal Schools were being looked at. She questioned however the Coleman Avenue Bicycle Pedestrian Alternative Study for \$90,000 as the County had already done this study and had identified alternatives. She said people in that area had no interest in changes.

Chair Deziel said he would like to pull the Street Tree Reforestation Program.

Commissioner Bressler said the City should add making the right turn from El Camino Real to Ravenswood allowable only on a green light, noting the hazardous traffic situations created there with cars turning left from El Camino Real and also right from El Camino Real onto Ravenswood. He said there should be signage directing people from El Camino Real to 101 at Willow Road and signage at 101 and Willow Road directing people to El Camino Real.

Chair Deziel said the list was fixed and time to put projects into the pipeline was with the setting of priorities. Development Services Manager Murphy said that was how it was typically done but the Commission could make that action now.

Chair Deziel asked if Commissioners wanted to pull projects for a separate vote.

Engineering Services Manager Ekers said related to the Street Tree Reforestation Program that the contract had been awarded and a survey of the 3,000 street trees would be done to prioritize replacement to preserve canopy throughout the City. Chair Deziel said the City needed to look at protecting trees and not just cutting them down and replacing them, which action he did not think was consistent with the General Plan.

Commissioner Bressler said related to the Safe Route to School for Encinal School that the intersection of Laurel Avenue and Ravenswood Avenue was very dangerous. He said he saw a child hit there who was bicycling.

Commissioner Keith asked about the Green Home Conservation Program. Engineering Services Manager Ekers said staff from Acterra would train volunteers, who would go to residences to see what energy saving features might be installed easily. She said it was an outreach effort by Acterra and supported by the City.

Commission Action: M/S Deziel/O'Malley to find all components of the Capital Improvement Program consistent with the General Plan except for the Street Tree Reforestation Program.

Motion carried 6-0 with Commissioner Pagee no longer in attendance.

Commission Action: M/S Deziel/Keith to find the Street Tree Reforestation Program consistent with the General Plan if the City makes a stronger effort to balance activities related to the replacement of trees with activities related to the preservation of trees,

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especially the preservation of heritage oak trees in regard to time-of-year pruning and root collar excavation and maintenance.

Motion carried 6-0 with Commissioner Pagee absent.

E. COMMISSION BUSINESS

1. Review of planning items on City Council agendas.

A. Appeal of Use Permit Approval for 1010 Doyle on May 6, 2008

Development Services Manager Murphy said the Council approved the application with condition 4.a to limit use on the second floor which was the Commission's intent and the addition of a condition to require the installation of the elevator rather than give the applicant flexibility to just install the frame as they had since requested..

B. Draft Downtown/El Camino Real Vision Plan scheduled for June 10, 2008

The Commission discussed changes to the summary of the May 19 workshop and whether the Commission should have a representative address the Council on June 10. It was agreed that the summary would provide the Commission's comments sufficiently.

F. REPORTS AND ANNOUNCEMENTS

There were none.

ADJOURNMENT

The meeting adjourned at 11:35 p.m.

Commission Liaison: Justin Murphy, Development Services Manager

Prepared by: Brenda Bennett, Recording Secretary

Approved by Planning Commission July 14, 2008, 2008.