



PLANNING COMMISSION MINUTES

February 23, 2009

7:00 p.m.

City Council Chambers

701 Laurel Street, Menlo Park, CA 94025

CALL TO ORDER – 7:00 p.m.

ROLL CALL – Bressler, Ferrick, Kadvany, Keith, O'Malley (Vice chair), Pagee, Riggs (Chair)

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

A. VISIT FROM MAYOR ROBINSON

Item continued from the meeting of February 9, 2009.

Mayor Robinson said he was meeting with all of the City's Commissions to thank them for serving, to find out what their needs were, and to outline where he saw the City going over the year. He noted that four of the five current Council Members had served previously as Commissioners. He said that each of the City's Commissions wanted clarity as to what their roles were. He said that the City was currently conducting a survey of commission satisfaction and the City would conduct commission training as well. He said the challenge for the City was a tight budget with no latitude to hire more staff. He said he would like volunteers, in particular commissioners, to address some of the issues and needs voiced by community members through the formation of commission subcommittees with the goal of improving processes. He said commission subcommittees could help to deal with topics that might come before the City, which needed more depth and study and which in that way would assist staff. He said having alignment of staff, commissions, the Council and the public on a decision would be evidence that was the correct course to take. He said in such decision making it was helpful to have commissioners', who were also residents, perspective coupled with staff's professional perspective. He said he would like to see the Planning Commission involved with the overall planning process as well as with individual planning projects. He said Council Member Fergusson was the Council's liaison to the Planning Commission, and he was encouraging all of the Commissions to work with their Council liaisons. He said he was also available to discuss issues as they arose. He said the Council had worked hard to set goals for the year. He said the overarching goal for the City was to have a vibrant economy supporting a sustainable budget. He noted that over the past five or six years, whereas previously, property tax and sales tax revenue

for the City had been equal, now property tax revenue was twice that of sales tax revenue. He said that 60 percent of the sales tax revenue was from businesses located east of Highway 101 in the City's industrial area. He said he would talk to companies and business owners in the M-2 zone about their potential to step up to the next tier as sales tax producers. He said that it was just a few businesses currently that created the sales tax revenue for the City, and there was vulnerability in that. He said the City would look at how to improve the business climate, particularly in the City's industrial area. He said part of that would be looking at planning rules and how well the City was serving that zoning district, and looking at potential efficiencies in the application and planning processes. He said he saw the Planning Commission involved in the broadest sense of planning and visioning for the City. He noted that several of the Planning Commissioners served on the Oversight and Outreach Committee for the Phase II El Camino Real/Downtown Visioning Plan, and there was a Commission subcommittee for that Plan who reported back to the Commission. He said there were other issues for the City such as high-speed rail and a climate action plan. He said the goal for the City was to direct the City's future more than just let it happen. He said there was also more regional collaboration on shared challenges such as transportation, crime, and environmental protection. He said it was important that the City proactively work with its representatives in Sacramento and Washington, D.C.

Mayor Robinson said that the Council had raised the issue of residential zoning reform. He said the worst meetings for the Council were when there was an appeal of a Planning Commission decision. He said in those situations the Council was asked to fix something from the dais. He said improving guidance and specificity of what the community supported and desired or did not like would both reduce the number of items on the Commission's and the Council's agenda. He suggested that an ad hoc body such as a Planning Commission subcommittee might dig into this issue and research best practices in other cities. He said staff was stretched with other large priorities, and he felt that such an in-depth consideration was something that would need to be led by a Commission subcommittee. He said there would need to be Council study sessions first to define areas and boundaries of such projects, which would then be brought to the Commissions for action. He thanked the Planning Commissioners again for their volunteer service, noting that their Commission worked harder than any other City Commission.

Chair Riggs thanked the Mayor for speaking to the Commission. He said he was pleased to hear of the Council's focus on economic regeneration, and appreciated hearing the goals and the charge to work together and noted a council liaison to our commission was a great idea.

B. PRESENTATION AND COMPLETION OF COMMISSION SATISFACTION SURVEY

Ms. Margaret Roberts, City Clerk, said the Commission Satisfaction Survey this year had different questions than in prior year surveys. She asked the Commissioners to be direct and honest in their answers. She said the surveys were due to the City Clerk's

office by the end of March. She said commissions would get the results from the survey for the specific commission and the other commissions. She said training for Commissioners was planned for April 28, 2009.

Commissioner O'Malley said question numbered 4 asked how important the Commission's input was to Council, and he thought that was more a question of Council. Margaret said they wanted the Commission's perspective.

Commissioner Bressler said the Mayor had talked about residential zoning, which was a politically contentious issue. He said he was interested in how that might be framed. Mayor Robinson said he wanted to plant the seed, noting that the substance of that would need to be vetted by the Council and the role of a Commission subcommittee would need to be determined. He said one of the questions was whether the City should try again to improve residential development processes, or not.

Commissioner Ferrick thanked the Mayor for being communicative with the Commission. She said one issue raised was that of projects being passed back and forth between the Commission and Council. She said that tended to happen with large projects having political subtexts. She suggested for such projects to have a joint study session of the Council and the Commission. Mayor Robinson said that was a great idea although challenging logistically. He said City Manager Rojas was making notes of the Commission's suggestions. Commissioner Ferrick said that the Commission considered a number of hazardous waste use permits and one applicant in particular for those understood the City's processes well. She suggested that perhaps that individual could be tapped to provide guidance to other M-2 business owners who were not as familiar with those processes. Commissioner Bressler said he agreed as it was those ventures in the M-2 zone that would produce more sales tax.

Commissioner Keith thanked Mayor Robinson and Council Member Fergusson for coming to the Commission meeting. She said the Mayor had indicated he was talking with business owners in the M-2 district about potentially stepping up to the next sales tax tier. She asked about those conversations and what the next sales tax tier would look like. Mayor Robinson said he had a long list of companies to visit with, and thus far he had only met with a few. He said some businesses were ready to double in size and the question was whether that would happen here or elsewhere. He said the City was fortunate to be the home of diverse technological research and development companies and the City's challenge was how to retain those companies as they moved to the next level.

Commissioner O'Malley thanked the Mayor for speaking with the Commission. He said applications for these new technology companies often come to the Commission. He said most of the applications he had seen over the past few years were for startups that did not plan to do production here. Mayor Robinson said there were thriving and growing companies running sales through Menlo Park. He said the goal was to at least keep a handful of strong producers and think long term. He said those were good problems for the City to have.

Commissioner Kadvany asked in regards to the El Camino Real/Downtown Visioning Plan if the Council or its individual members had an end goal, for instance of more dense population, and what the constraints might be. Mayor Robinson said those were the very questions being addressed in the downtown visioning process. He said they were asking what the City wanted and looking at issues of density, walkability, and the mix of retail, housing, and commercial space desired. He said they had to be concerned with realities and constraints of such things as water. He the City was served by the Menlo Park Water District and CalWater, with two-thirds of the inhabitants being served by the latter. He said there were also top down pressures from regional bodies including housing unit numbers. He said for the next planning phase regionally the City was set a goal of 980 units but combined with the unmet numbers of the prior planning phase, the total was 1,830 units. He said the Housing Commission's number one goal was to update the Housing Element.

Commissioner Ferrick said there was a coalition of cities meeting about the high speed rail, and asked what role the Planning Commission, or its members, might play in that as she saw there were not just political issues but important planning issues. Council Member Fergusson said she was one of the two Council Members in a subcommittee to the coalition of cities, who had common interests. She said a letter was being circulated among cities to be signed by the mayors to the High Speed Rail Authority that there should be sufficient options examined in the environmental report, such as urban design options for walkable and bikeable communities. Mayor Robinson said the cities on the peninsula were granted a 30-day extension to comment on the preliminary environmental impact report; the deadline is April 4. He said the coalition's focus was to have collective responses from each city by that date. Council Member Fergusson said also there were ad hoc meetings being held for council members, city managers and public work directors to have dialogue about the impacts. Mayor Robinson said after the April 4 deadline the Council would reassess the direction of the subcommittee, and to look at bringing the Planning Commission into those discussions. Council Member Fergusson said the goal was a scoping report with a negotiated scoping plan with options in the environmental impact report that were mutually agreeable to the City. Commissioner Keith asked if tunneling for high speed rail was an option. Council Member Fergusson said the letter from the mayors to the High Speed Rail Authority requested tunneling, trenching and above grade options. Commissioner Keith asked if other cities were interested in other options. Council Member Fergusson said that they were.

C. PUBLIC COMMENTS

There were none.

D. CONSENT

1. Approval of minutes from the January 26, 2009, Planning Commission meeting.

Chair Riggs said there had been four letters received about the minutes. Planner Chow said there was an email about additional context for the first paragraph of page 17 of the draft minutes. She said staff had not reviewed the streaming yet and the item could be continued to allow for that review.

The Commission unanimously supported continuance of the item to the meeting of March 9, 2009 to allow for inclusion of additional context to the first paragraph of page 17 of the draft minutes.

E. PUBLIC HEARING

1. Use Permit/Alpheus W. Jessup/70 Lorelei Lane: 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 (LM - Lorelei Manor) zoning district. The proposed remodeling and expansion are considered to be equivalent to a new structure. The proposal includes a request for a use permit for side and rear fencing to exceed seven feet in height, as well as a use permit for unobscured second-floor windows on the rear and right side elevations that would have sill heights of less than five feet.

Staff Comment: Planner Rogers said there was one item of additional correspondence that had been distributed to the Commission at the dais and was available at the back table for the public. He said the letter was from Ms. Stacy Gregg and Mr. Kenneth Creel, renters at 72 Lorelei Lane, who stated their approval of the fence height request. He said the property owners of 72 Lorelei Lane had previously submitted a letter of support regarding the fence height.

Public Comment: Mr. Chip (Alpheus) Jessup said he was the project architect and noted the staff report was clear about what they were trying to do.

Ms. Judith Holiber, the co-property owner, said she and her partner and their child had moved to Lorelei Lane in the summer of 2002. She said they loved the neighborhood and bought this home. She said with another child they found they were rapidly outgrowing their 1,100 square foot home and had embarked on creating more space at the site. She said she was excited about the plan design in that it met their needs, and retained the architectural style of the original house and the neighborhood.

Chair Riggs closed the public hearing.

Commission Comment: Commissioner Keith moved to approve the item as recommended in the staff report. She said that she did not see a problem with the

request to have the rear second floor windows not obscured because of the location on the property. Commissioner Pagee seconded motion.

Commissioner Kadvany asked the applicant whether there had been any considerations regarding energy use such as a readiness for solar paneling. Mr. Jessup said there had been consideration, but nothing formal. Commissioner Kadvany asked if pre-wiring and laying water lines was something that could be done with modest cost impact. Mr. Jessup said it would not be so hard to do later as the applicants wanted to retain the original house as much as possible and had left the elevated ceiling on the first floor, which would allow room for additional water lines and ducting. He said whether there were too many trees that would hinder the use of water lines or a photovoltaic unit on the roof would need to be considered.

Chair Riggs said this was a particularly sensitive addition and in his opinion met the intent of the zoning ordinance in that window sill heights were allowed subject to no objections from the neighbors, which there had not been.

Commissioner O'Malley said he was comfortable with the windows and fencing requests.

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

1. Make a finding that the project is categorically exempt under Class 1 (Section 15301, "Existing Facilities") of the current California Environmental Quality Act (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 M Designs Architects, consisting of 17 plan sheets, dated received February 6, 2009, and approved by the Planning Commission on February 23, 2009, 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. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance.

Motion carried 7-0.

Commissioner Pagee said that it was very beneficial of the applicants to seek out input from Commissioners prior to bringing the project before the Commission.

- 2. **Use Permit/Brian Kelly/1445 Bay Laurel Drive:** Request for a use permit to demolish an existing single-story, single-family residence and construct a new two-story, single-family residence on a substandard lot with regard to lot width in the R-1-S (Single-Family Suburban) zoning district.

Staff Comment: Planner Rogers said a colors and materials sheet had been distributed to the Commission.

Questions of Staff: Commissioner Pagee asked about development conditions related to the property's proximity to the San Francisquito Creek. Planner Rogers said the building official had reviewed the traffic grading and drainage plan for the project. He said because the distance from the top of the creek bank was beyond the property line and there was another 71 feet to the residence that there were no additional requirements. Commissioner Pagee asked about oversight regarding erosion control during development. Planner Rogers said in the review with the building official nothing regarding that had come up as construction was at a distance from the top of the bank, and so was exempt from more stringent requirements.

Commissioner Keith said there were plans for two air conditioning units for the 4,265 square foot home and asked why. Planner Rogers said that question might be better asked of the applicant. He said that staff had seen other proposals for two air conditioning units and it was related to square footage.

Public Comment: Mr. Brian Kelly, Brian Kelly Inc., said he was the builder and had worked with the owners to build a home that would be perfect for them, would blend well with the existing neighborhood and be a positive addition to the neighborhood. He said the design took advantage of the sense of open space in the front and rear yards and created the greatest privacy for the property owners and the neighbors. He said they had received a number of positive comments from neighbors.

Commissioner Pagee said she was concerned with the amount of soil that would need to be hauled, and asked about the plan for that and the trucks. Mr. Kelly said their Soils and Civil Engineer had developed an erosion control plan and discussed the situation with subcontractors. He said the majority of the dirt would be offhauled as it was dug up; they would use straw wattles on the site and any remaining dirt would be covered with tarps. Commissioner Pagee asked about parking onsite for the contractors and a loading area. Mr. Kelly said the new house would be set further back than the existing home, and they would do a rocked parking area along driveway and the front. Commissioner Pagee asked when construction was expected to be complete. Mr. Kelly said he hoped within the year. Commissioner Pagee said a question about the two air conditioning units had been raised, and asked if each of the floors would be zoned for air conditioning. Mr. Kelly said two smaller units were needed for use on the first and second stories. Commissioner Pagee said for other projects that the Commission had received complaints from neighbors about the light in the stair well, and asked if there was any shading of that on this property. Mr. Kelly said there was a large tree, which he thought would shade, as well as an existing substantial hedge running around most of the perimeter. He said that they were open to adding screening trees. .

Commissioner O'Malley asked about the extensiveness of the neighbor outreach. Ms. Monica Young, property owner, said she had spoken with the adjacent neighbors on the left and right, and others across the street and down the block. She said she gave them all a copy of the reduced plan, but also gave the adjacent neighbors a set of the interior plans. She said the neighbors were excited about the project. She said she and her husband were from southern California and had lived at this site for five years. She said they decided within the past year that they loved the area and wanted to stay, and build their dream home.

Commissioner Ferrick said she had not noticed any green building attributes such as gray water collection systems or solar panels. Mr. Kelly said he was willing to look at those elements. Commissioner Ferrick asked if dirt from the excavation could be used for the landscaping rather than hauling it away. Mr. Kelly said they would keep as much dirt on site as possible noting the high cost of hauling dirt.

Commissioner Kadvany said the design looked great and fit with the look of the neighborhood. He suggested that the applicant look opportunities to do stub-outs for solar panels and gray water collection. He asked about the condition of the creek at this location. Mr. Kelly said he talked to the San Francisquito Creek Joint Powers Authority and was told this section of the creek was very stable. He said the creek was 45 feet

below the top of the bank. He said green building was becoming more and more cost effective.

Chair Riggs closed the public hearing.

Commission Comment: Commissioner Keith moved to approve as recommended in the staff report and suggested that the applicants try to incorporate green building elements into the design. Commissioner O'Malley said that he supported the incorporation of green building elements or at least installing the infrastructure for those, and he seconded the motion. Commissioner Ferrick noted that there was a City-award for projects utilizing green building elements.

Chair Riggs said he had some concern with a five bedroom home with a potentially convertible office to a bedroom with a bathroom having just a two-car garage. He said the heritage size tree and hedge row would provide screening for the stair case. He noted that Mr. Kelly had a good reputation in Menlo Park as a builder.

COMMISSION ACTION: M/S Keith/O'Malley to approve the item as recommended in the staff report.

1. Make a finding that the project is categorically exempt under Class 3 (Section 15303, "New Construction or Conversion of Small Structures") of the current California Environmental Quality Act (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 RH Associates Architects, consisting of 12 plan sheets, dated received February 11, 2009, and approved by the Planning Commission on February 23, 2009, 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.

Motion carried 7-0.

F. REGULAR BUSINESS

There were no items under Regular Business.

G. COMMISSION BUSINESS

1. Review of planning items on City Council agendas.

A. El Camino Real/Downtown Specific Plan (Phase II) Process

Planner Rogers said there was a productive joint session between the Oversight and Outreach Committee and the Council. He said the Committee's next meeting would be a visit to the Planning Commission on March 9 to provide an opportunity for staff and the consultants to hear from the broader Commission. He said the group would then meet on March 17 with the Council. He said there would be a community workshop in April.

H. REPORTS AND ANNOUNCEMENTS

Commissioner Keith said there seemed to be a consensus on the Commission to see some green building elements in projects. She wondered if staff could relay that to applicants, or whether they already mentioned it to applicants. She said she knew it was not incorporated in the guidelines. Planner Chow said for single-family residential development there was nothing in the zoning regulations providing measurements for green building elements. She said there was a checklist for projects greater than 10,000 square feet. She said however that staff does communicate with applicants about “hot” topics for the Commission, including green features. She said the applicants received direction that if they incorporated green elements to show those on the plans.

Commissioner Keith said there was a project along San Francisquito Creek that seemed to be destabilizing a portion of the creek and asked how that was should be address. Planner Chow said it should be brought to the attention of the San Francisquito Creek Joint Powers Authority or to Ms. Dianne Dryer, the City's Environmental Programs Manager.

Commissioner Pagee said she brought a download of LEEDS certification information for residential development, and would be willing to copy for anyone interested in it.

Commissioner Keith said she would be absent from the April 6 and 20 Commission meetings.

Commissioner Kadvany asked if Chair Riggs or Commissioner Bressler wanted to comment on the Phase II visioning. Chair Riggs said he felt very positive about the consultants and the way the agenda was handled. Commissioner Bressler said Phase II would be very different from Phase 1, as there was awareness that a specific plan would need to be developed out of Phase II. He said he noticed a much more assertive pose of development interests present at the meeting, which he had pointed out to the Committee as there were multiple landowners in the area and no one faction should be over represented on the Committee. Chair Riggs said he thought there was great potential for real progress. He said a most positive aspect was the Council acknowledging the importance of the Committee's responsibility and work product to be moved forward as presented.

Commissioner Kadvany said he was in the audience for the Committee meeting and fully supported Commissioner Riggs' comment on the need to communicate with Caltrans as the transportation piece might be as big as the building pieces of the visioning plan. Chair Riggs said at a recent Redwood City Forum it was said that transit was not a goal itself but transit supported goals.

Commissioner Keith said vacant property was not cared for and it was disappointing to read about the death of one of the two redwood trees on the Cadillac property and that no one was taking responsibility for the properties.

ADJOURNMENT

The meeting adjourned at 8:51 p.m.

Staff Liaison: Deanna Chow, Senior Planner

Recording Secretary: Brenda Bennet