



## PLANNING COMMISSION MINUTES

January 11, 2010

7:00 p.m.

City Council Chambers

701 Laurel Street, Menlo Park, CA 94025

---

**CALL TO ORDER** – 7:01 p.m.

**ROLL CALL** – Bressler, Ferrick, Kadvany, Keith, O'Malley (Vice chair), Pagee (arrived 7:19 p.m.), Riggs (Chair)

**INTRODUCTION OF STAFF** – Deanna Chow, Senior Planner; Megan Fisher, Associate Planner; Kyle Perata, Planning Technician

### A. PUBLIC COMMENTS

There were none.

### B. CONSENT

Commissioner Keith asked to pull the minutes for November 9 from the consent calendar as she had not had time to send in her modifications.

#### 1. Approval of minutes from the November 2, 2009 Planning Commission meeting

Commission Action: Consensus to approve the minutes as submitted.

Approval was 5-0 with Commissioner Ferrick abstaining and Commissioner Pagee not yet in attendance.

#### 2. Approval of minutes from the November 9, 2009 Planning Commission meeting

Commissioner Keith said page 6, 2<sup>nd</sup> paragraph, 3<sup>rd</sup> line to replace “a purchaser” with “a future purchaser of the property;” page 7, 4<sup>th</sup> paragraph, 3<sup>rd</sup> line, replace “could not be” with “could be;” on page 19, 1<sup>st</sup> line, insert word “be” in front of M2;” page 21, 2<sup>nd</sup> paragraph, 3<sup>rd</sup> line, replace the word “and” with “and would like;” and same page, 4<sup>th</sup> line, replace the word “was” with “may be.”

(Note: a number of modifications had been emailed to staff prior to the meeting.)

Commission Action: Consensus to approve the minutes with the following modifications:

- Page 5, 1<sup>st</sup> paragraph, 2<sup>nd</sup> line: Insert “public” between the word “and” and “comments”
- Page 6, 1<sup>st</sup> paragraph, 4<sup>th</sup> line: Replace “any deference” with “considering”
- Page 6, 1<sup>st</sup> paragraph, 6<sup>th</sup> line: Replace “a proposed, that was” with “as proposed, which is”
- Page 6, 2<sup>nd</sup> paragraph, 3<sup>rd</sup> line: Replace “a purchaser” with “a future purchaser of the property”
- Page 7, 4<sup>th</sup> paragraph, 3<sup>rd</sup> line: Replace the word “site” with “time”
- Page 7, last paragraph, 1<sup>st</sup> line: Replace “could not be” with “could be”
- Page 8, 3<sup>rd</sup> paragraph, 1<sup>st</sup> line: Replace “the more flexibility there was on the term of the agreement” with “that more flexibility for the term of the agreement”
- Page 11, 5<sup>th</sup> paragraph, 1<sup>st</sup> line: Replace “the scales that concerned him was the level of environmental impacts.” With “that scale influenced other outcomes too.”
- Page 12, 5<sup>th</sup> paragraph, 3<sup>rd</sup> line: Replace “those were done they were parking structures.” With “those remained parking structures providing no other function.”
- Page 12, last paragraph, last line: Delete “they had to look at it holistically” at the end of the sentence.
- Page 13, 3<sup>rd</sup> paragraph, 12<sup>th</sup> line: Delete “such as onsite housing” at the end of the sentence.
- Page 13, 3<sup>rd</sup> paragraph, 13<sup>th</sup> line: Delete “He said he would urge a dramatic level of TDM.”
- Page 13, 3<sup>rd</sup> paragraph, 4<sup>th</sup> line from bottom: Replace “the parking structures were unacceptable” with “that if one wanted critical requirements, then the proposed parking structures were unacceptable”
- Page 15, 6<sup>th</sup> paragraph, 2<sup>nd</sup> line: Replace “problematic for him” with “of concern”
- Page 19, 1<sup>st</sup> line: insert “be” before “M2”
- Page 20, last paragraph, 1<sup>st</sup> line: Replace “\$1.6 revenue” with “\$1.6 million annual revenue”
- Page 21, 1<sup>st</sup> paragraph, 1<sup>st</sup> line: Replace “He said it was very important to him to on an obligation of providing housing rather than paying in-lieu BMR fees.” with “He said it was more important that housing be provided rather than collecting in-lieu BMR fees.”
- Page 21, 2<sup>nd</sup> paragraph, 3<sup>rd</sup> line: Replace the word “and” with “and would like”
- Page 21, 2<sup>nd</sup> paragraph, 4<sup>th</sup> line: Replace the word “was” with “maybe”

Approval was 6-0 with Commissioner Pagee not yet in attendance.

**3. Approval of minutes from the November 16, 2009 Planning Commission meeting**

Commission Action: Consensus to approve the minutes as submitted.

Approval was 4-0 with Commissioners Kadvany and Keith abstaining and Commissioner Pagee not yet in attendance.

**4. Approval of minutes from the December 7, 2009 Planning Commission meeting**

(Note: modifications were previously emailed to staff by individual Commissioners.)

Commission Action: Approve the minutes with the following modifications.

- Page 16, 2<sup>nd</sup> paragraph, 2<sup>nd</sup> line: Replace “He said he did not think they were enforcement agency,” with “He said the Planning Commission was not an enforcement agency.”
- Page 16, 2<sup>nd</sup> paragraph, 4<sup>th</sup> line: Replace “He said he believed that Safeway had the obligation not to take away from its profitability and that comments made about safety should have Safeway moving forward to make sure the parking lot is secure” with “He said Safeway had an obligation to preserve its profitability; therefore the Commissioners’ comments about safety should encourage Safeway to ensure its parking lot is secure.”
- Page 18, Condition 4f: Replace “Prior to construction of the outdoor seating and related improvements, the applicant shall submit material sheets for the railing and tables, subject to review and approval of the Planning Division.” With “Prior to construction of the outdoor seating and related improvements, the applicants shall revise the plans to include a high-quality railing and planter boxes to reflect the architectural style of the development for the Rubio’s patio and add an additional tree near the Peet’s outdoor seating area, subject to review and approval of the Planning Division.”
- Page 18, Condition 4g: Replace “The applicant shall plant a tree near the patio seating in a location subject to the review and approval of the Planning Division” with “Prior to construction of the outdoor seating and related improvements, the applicant shall submit additional details of the outdoor seating tables, subject to review and approval of the Planning Division.”
- Page 19, 2<sup>nd</sup> paragraph, 1<sup>st</sup> line: Replace “gas emission” with “emissions”
- Page 19, 3<sup>rd</sup> paragraph, 2<sup>nd</sup> sentence: Delete “He said he hoped the negotiating team would keep in mind that there might be instances related to carbon gas emission that should be reviewed by the Planning Commission as well.”

Approval was 6-0 with Commissioner Pagee not yet in attendance.

## C. PUBLIC HEARING

1. **Use Permit/Kathleen McFarland/1035 Lassen Drive:** Request for a use permit for an addition to a nonconforming accessory structure with regard to the wall height that would exceed 75 percent of the value of the existing structure in the R-E-S (Residential Estate Suburban) zoning district.

Staff Comment: Planner Fisher made one correction to the staff report in the data table under "accessory building height." She said the height for the existing and proposed accessory building were switched in the table and the proposed accessory building height should read 12.8-feet and the existing accessory building height should read 13.2-feet.

Public Comment: Ms. Kelly Bryant, Peterson Architects, said she was representing the property owners. .

Chair Riggs asked Ms. Bryant to describe the aesthetic treatment of the skylight edges. Ms. Bryant said a roof curb would be used and the roof would be integrated wood.

Chair Riggs closed the public hearing.

Commission Comment: Commissioner Bressler noted that the applicant wanted a three-year term for the permit. He asked how much it cost to renew a permit. Planner Fisher said that there was a \$1,500 deposit required against which staff's time would be charged; she said that usually the cost of applying for a permit cost more than the deposit. She said the permit could be renewed for two, one-year extensions and at the end of the second year, the applicant could request a one-year extension of the permit through the Community Development Director. She said if the permit expired, the applicant would have to completely reapply and pay fees for a new application.

Commissioner O'Malley said the conditions indicated that the applicant had to apply for a building permit within two years of approval of the use permit; he asked whether at the end of those two years the applicant could request another one-year extension. Planner Fisher said that was correct and would be requested of the Community Development Director.

Commissioner O'Malley asked why the applicant needed two extra years to build. Recognized by the Chair, Ms. Bryant said it was because of the severe economic times. Chair Riggs asked if the applicants had a perceived budget and were afraid the project would go over budget. Ms. Bryant said that was not the fear rather the desire was to have a little of cushion to secure the time needed to complete the drawings for the use permit.

Chair Riggs noted that Commissioner Pagee had arrived.

Commissioner Ferrick said she did not see an issue with the time requested as there was no impact to the community. She moved to approve as recommended in the staff report. Commissioner Kadvany seconded the motion.

Chair Riggs asked why there had been no neighbor outreach regarding the removal of the Ash trees on the subject property as that backed the property at 1025 Whitney. Ms. Bryant said the trees were small and there was no perceived impact from removing them. In response to a question from Chair Riggs, Planner Fisher said notices of the project had been sent to all properties within a 300-foot radius of the subject property. Chair Riggs asked whether the chicken wire fencing along the property line would remain. Ms. Bryant said there were no plans to remove it. Chair Riggs asked if the City had regulations related to fencing materials. Planner Fisher said fence regulations related to height. Chair Riggs said he was concerned with the finish of the skylights as they would be very visible. He asked if the aluminum could be painted or finished to match the roof. Ms. Bryant said they wanted the skylights to blend with the roof.

Planner Fisher confirmed that the motion included the possibility of a third year extension through request to the Community Development Director.

Commission Action: M/S Ferrick/Kadvany 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 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 Peterson Architects, consisting of seven plan sheets, dated November 23, 2009, and approved by the Planning Commission on January 11, 2010, except as modified by the conditions contained herein, subject to review and approval by 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.
4. Approve the use permit subject to the following **project specific** conditions:
- a. The applicant shall apply for a building permit within two years from the date of approval for the use permit to remain in effect.

Motion carried 7-0.

#### **D. REGULAR BUSINESS**

**1. Review of Substantial Conformance/First Republic Bank/1215 El Camino**

**Real:** Review of proposed removal of awnings on an existing building in the C4 (ECR) (General Commercial – Applicable to El Camino Real) zoning district for substantial conformance with a previously approved use permit and architectural control, per the request of Commissioner Riggs.

Planner Chow said staff had emailed the Commission about the proposed changes and whether those were in substantial conformance with the 1997s use permit. She said Chair Riggs requested that the item be placed on the Commission agenda.

Chair Riggs said that the awnings and sconces were very attractive and appealingly different from the rectangular architecture surrounding it. He asked the applicant to address why those were proposed for removal.

Mr. Steve Chong, project architect, said his firm had designed the original 1997s building. He said the building needed refreshing and paint. He said they designed the awnings feature without doing an interior shade study. He said after a year of occupancy they heard back from the occupant that the awnings did not provide enough shade so they installed interior shades. He said to paint the building they would have to remove the awnings and proposed not to reinstall them.

Commissioner O'Malley noted that he is a customer of the bank and was very pleased with the attractiveness of the building and interior. He said the awnings were a distinctive feature of the building and he was disappointed that they might be removed.

Commissioner Pagee asked what was proposed and if there was a drawing. Planner Chow distributed a drawing of the proposed changes to the Commission.

Commissioner Kadvany asked if there would be additional awnings and sconces. Chair Riggs said the request was to remove the awnings.

Commissioner Ferrick said she was concerned about forcing a business owner to have the expense of cleaning and replacing the awnings, but she liked the current look. She asked if aluminum might be used rather than umbrella fabric. Chair Riggs said this type of awning typically got replaced every 10 years. Recognized by Chair Riggs, Mr. Chong said they have replaced the awnings twice since a remodel in 1997. Commissioner Kadvany said it appeared on the drawing that the awnings would be replaced by the First Republic Bank signs and that the signs would not provide interior shading. Mr. Chong said the interior had shade treatment and shade treatment was not proposed from the exterior.

Chair Riggs asked if there was someone from the Bank to explain the need for the proposed changes in awnings and signs. Mr. Corrina Huang, Facilities Manager, said the awnings needed frequent cleaning and had been replaced two times since 1997. She said they also were upgrading the signage with the corporate company identity. She said the color in the sign would clash with the green of the awnings and would create a "busy look."

Commissioner O'Malley asked if the new signage has been approved. Planner Chow said it had been approved dependent upon the removal of the existing awnings. Commissioner Kadvany said they could reduce the size of the sign and keep the existing awnings. Ms. Huang said the greens would look too busy together. Commissioner Pagee asked about the design of the sign. Ms. Huang said the letters were raised and it was face lit. Commissioner Kadvany said the Commissioners thought the building was attractive and wanted a remodel that recreated the attractiveness.

Commissioner Keith said the rendering showed First Republic Bank for Sign A and First Republic for Sign B. Ms. Huang said that related to the difference in the length of the front and rear signs and to keep the font consistent. Commissioner Keith asked changing the color of the awnings so they did not clash with the signs' colors. Ms. Huang said that they would need to change the color and the shape of the awnings. Commissioner Keith asked about the awnings for the building. Mr. Chong said they could look at working with the signage program and how to keep the awnings there. Ms. Huang said she could bring renderings of different types of awnings.

Commissioner Pagee asked about the proportions of the front and rear signs. Planner Chow said signage allowance was based on the frontage of the building. She said she would double check on square footage for a second sign front on a corner lot. Chair

Riggs said that square footage for signs was measured one way when there were free standing letters and another when the letters were on an illuminated background. He said this proposed signage would be 200 percent of the existing sign square footage. Mr. Chong said it was just the box around the letters that was counted. Planner Fisher clarified that it was one box around the entire word. Using the Safeway logo as an example, Chair Riggs asked how the area of signage was counted. Planner Fisher said there would be one box around the logo and one around the word "Safeway" and those together would be counted as the sign's square footage. Planner Chow noting Commissioner Pagee's question about the square footage of the secondary sign said that the regulation stated that the "secondary frontage shall not exceed one-half of the maximum size of the sign allowed on the primary frontage.

Chair Riggs said there was a lot of appreciation for the existing building and its architectural features, and he was surprised that the applicant would want to remove its most unique features. He said keeping the awnings and having signage that was just letter would look better than what was being proposed. He compared the upkeep of awnings to carpet cleaning; both were necessary maintenance. He noted that the City was interested in "green" building and that passive solar protection could actually require larger awnings. He said he thought the "box" sign looked like the sign for a shopping center and was much more ordinary than the existing architectural features. He said the Commission has previously requested the modification of corporate signage. He encouraged the applicant to keep the existing aesthetic.

Ms. Huang said the new corporate signage was everywhere and would appreciate not being asked to change it. She said they would explore alternative awnings. She said the corporate signage was not a box sign. Chair Riggs said they were welcome to resubmit renderings. Commissioner Kadwany said the Union 76 station had come before the Commission for a corporate red/orange signage and the Commission had required it to be modified. He said corporations should work with the community to be consistent with and enhance the community aesthetics.

## **2. Selection of Planning Commission Chair and Vice Chair for 2010**

Chair Riggs called for nominations of the Commission Chair.

Commissioner Pagee said that this was the most amicable Commission with whom she had served. She said her term would be up soon and Commissioner O'Malley's term was also up soon. She nominated Commissioner Bressler for Chair. She said if Commissioner O'Malley was appointed Chair and shortly afterwards was not reappointed that the momentum of a pretty strong Commission could be lost.

Commissioner Keith said she had asked Commissioner O'Malley about his preference and he had indicated he would like to be the Chair. She said traditionally the Vice chair became Chair. She said she also asked Commissioner O'Malley if he planned to reapply to the Commission, which he does. She said if he was not reappointed that the



Chair would probably go to the Vice chair. She nominated Commissioner O'Malley for Chair. Chair Riggs seconded Commissioner Keith's nomination of Commissioner O'Malley for Chair.

Commissioner Bressler said one of the things motivating the pressure related to the appointment of the Commission Chair was the support he had when he ran in an election which was integral to his being selected for the Planning Commission. He said there were many in the community who would like him to be Chair because of the upcoming projects and topics. He said he had raised more sharp issues with projects particularly about the economic problems associated with the Bohannon project, noting his concern with the Council's handling of that project.

Commissioner Kadvany said he would like the Commission to take some time to discuss and process past projects as to the Commission's decisions sometime in the near future. Chair Riggs asked Commissioner Kadvany to write up the proposal for a future agenda.

Commissioner Pagee said she would withdraw her nomination of Commissioner Bressler.

Commissioner Ferrick said all the Commissioners have a vital role over the next year, and that the Chair and Commissioners have the same viability to communicate with Council and stakeholders. She said she appreciated how well the Commission has worked together.

Commission Action: M/S Keith/Riggs to nominate Commissioner O'Malley for Chair.

Nomination of Commissioner O'Malley for Chair was approved 7-0.

Commission Action: M/S Riggs/Ferrick to nominate Commissioner Bressler for Vice chair.

Nomination of Commissioner Bressler for Vice chair was approved 7-0.

### **3. Review of Draft Attendance Report for Calendar Year 2009**

Planner Chow asked the Commission to verify the information. Commissioner O'Malley said he thought he had only missed one meeting but he would double check.

It was the Commission consensus to approve the attendance report subject to Commissioner O'Malley's verification of attendance at the June 15, 2009 meeting.

## **E. COMMISSION BUSINESS**

### **1. Update on pending planning items.**

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

Planner Chow said on December 15 that the Council had held a scoping session on the EIR, the Notice of Preparation for the EIR had been circulated, and work had begun on the draft EIR, which was expected to be released mid-late spring. She said the contents of the draft Specific Plan were scheduled to be released early-mid spring. Chair Riggs asked about alternative projects. Planner Chow said she did not have the information with her. Chair Riggs asked about the inclusion of a tiered structure. Planner Chow said that would be known with the release of the draft specific plan. Chair Riggs asked if there would be specific examples in the Specific Plan. Planner Chow said she understood that there would be photos from other communities to highlight the meaning of certain desired features and characteristics.

Commissioner Bressler said he had received a number of emails as to whether the Council would be able to change whatever came out in the Specific Plan without changing the EIR. He said since there were not a lot of projects coming up that they should be discussing such matters. Planner Chow said she would pass along his comments to the team. Commissioner Kadvany said starting with the largest specific plan was a bad place to start. He said they needed to consider what was wise use and needed a user's guide for the implementation.

#### **B. 101-155 Constitution Drive and 100-190 Independence Drive (Menlo Gateway Project)**

Planner Chow said the update to the Final EIR was taking longer than originally target, and it and the Final Impact Analysis would come before the Commission in February rather than January. She said there was a new target date of February 23 for the Council's review of the draft term sheet. Replying to a question from Chair Riggs, Planner Chow said that there had been two experts hired by the City.

#### **C. Appeal of Administrative Action for 515 El Camino Real**

Planner Chow said Ms. Elizabeth Houck was again appealing the Peet's and Rubio's project for perceived inconsistencies in the conditions.

Commissioner Bressler said there was a dilapidated business park across from the Willow Cove gas station that was fenced off. Planner Chow said staff would look into it.

## **F. REPORTS AND ANNOUNCEMENTS**

Chair Riggs provided a brief summary of a seminar called Winds of Change that was presented by Mr. Don Weden, a prominent planning speaker. He said that like it or not there were structural changes coming to the bay area. He said that the County of San Mateo was expected in 2030 to have an equal number of households with children and households with single occupancy. He said in fact that the expectation was a bulk of households having multiple adults and no children. He said significantly by 2030, that one-third of the population in San Mateo County would be adults over 65 years. He said growth was inevitable in terms of housing. He noted that when senior people in companies around the Menlo Park area retire they usually stay in Menlo Park, but those replacing them in their jobs will also want to live in Menlo Park.

Planner Chow said the January 25 meeting was likely to be canceled as there were no public hearing items.

## **ADJOURNMENT**

The meeting adjourned at 8:43 p.m.

Commission Liaison: Deanna Chow, Senior Planner

Recording Secretary: Brenda Bennett

Approved by Planning Commission on February 8, 2010