



PLANNING COMMISSION MINUTES

February 8, 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 (Vice Chair), Ferrick, Kadvany, Keith, O'Malley (Chair), Pagee, Riggs

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

A. PUBLIC COMMENTS

There was none.

B. CONSENT

1. Approval of minutes from the January 11, 2010 Planning Commission meeting

Commissioner Pagee said that the architect's name should be changed from "John" to "Chong."

Planner Chow said that two modifications by Commissioner Riggs had been emailed to staff and those had been provided to the Commissioners.

Commissioner Keith said on page 7, 2nd paragraph from the bottom, 3rd line, to say "Commissioner Keith asked about" rather than "said she would like."

On page 10, Commissioner Kadvany suggested inserting "the" between "with" and "largest specific plan."

Commission Action: Consensus to approve with the modifications.

Commission Action: Unanimous consent to approve the minutes with the following modifications:

- Page 6, last full paragraph, 1st line: Replace "Mr. Steve John" with "Mr. Steve Chong"; global replace "Mr. John" with "Mr. Chong" where applicable.

- Page 6, last full paragraph, 4th line: Insert “so they installed interior shades” at the end of the sentence.
- Page 6, last full paragraph, 5th line: Replace “to paint they would have to remove the awnings and they were considering replacement those awnings with ones that would provide more shade in the interior.” with “to paint the building they would have to remove the awnings and proposed not to reinstall them.”
- Page 7, 2nd paragraph, 2nd line: Replace the word “sconces” with “awnings”
- Page 7, 6th paragraph, 6th line: Replace “said she would like” with “asked about the”
- Page 10, 2nd paragraph, 5th line: Insert the word “the” between the words “with” and “largest”

Approval was unanimous.

C. PUBLIC HEARING

1. **Use Permit/Neil Swartzberg and Loreli Cadapan/277A Willow Road:**

Request for a use permit to construct first- and second-story additions to an existing single-story, single-family, nonconforming residence that would exceed 50 percent of the replacement value of the existing structure in a 12-month period and would add more than 50 percent of the existing square footage on a substandard lot with regard to lot width and area in the R-1-U (Single-Family Urban) zoning district. The proposed remodeling and expansion are considered to be equivalent to a new structure.

This item was continued to the meeting of February 22, 2010.

2. **Use Permit/Charles Holman/1750 Holly Avenue:** Request for a use permit for interior and exterior modifications and an addition to the rear of the residence that would exceed 75 percent of the replacement value of the existing nonconforming residence located on a standard size lot in the R-1-S (Single Family Suburban) zoning district.

Staff Comment: Planner Fisher said that Commissioner Pagee had pointed out that the data table showed the existing garage has two existing parking spaces whereas the staff report indicated that the dimensions would only accommodate one car. She said that with this proposal the interior garage space would be increased sufficiently to accommodate two cars staff believed.

Public Comment: Ms. Betsy Muhlnher said this was she and her husband’s second attempt to remodel the house, noting they have lived there six years. She said this proposal would match the existing neighborhood and would add an office, playroom and small powder room. She said they would update the plumbing and electrical as well.

Chair O'Malley closed the public hearing.

Commission Comment: Commissioner Pagee moved to approve as recommended in the staff report. She commended the applicant for keeping with the style of the neighborhood. Commissioner Keith seconded the motion and said it was a modest and attractive design.

Commission Action: M/S Pagee/Keith to approve 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 Charles Holman Design, consisting of 11 plan sheets, dated received February 2, 2010, and approved by the Planning Commission on February 8, 2010, 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. Prior to the building permit issuance, the applicant shall implement the tree protection and preservation measures identified in the arborist report.

Motion carried 7-0.

3. Variance, Use Permit, Minor Subdivision, and Environmental

Review/Richard Tincher/433-439 O'Connor Street: Request to subdivide one parcel into two lots in the R-1-U (Single-Family Urban) zoning district, and a request for a variance to reduce the minimum lot width to 52.7 feet where 65 feet is the minimum. In addition, a request for a use permit to construct one new, two-story single-family residence on one of the newly created substandard lot with regard to lot width. Due to the variance request, the proposed project is not categorically exempt from the California Environmental Quality Act and a Negative Declaration is being prepared to analyze the potential environmental impacts. As part of this development, the following heritage tree is proposed for removal: A cedar in the front yard with a 34-inch diameter at breast height (DBH) in fair condition.

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

Public Comment: Mr. Richard Tincher introduced his partner Mr. Mike McKalen. He related some of the history of the lot noting that the one lot was basically just a driveway that had been unmaintained. He said they planned to keep the existing cottage. He said if they put one driveway for both homes down the center that they could put another garage in the rear of the property for the new residence. He said the cottage's existing garage was in the rear of the property. He said there was a cedar in the center of the lot that was in fair condition but which would need to be removed if this central driveway was installed. He said his partner had been living at the property and had visited neighbors with the proposed plans, which had been well received.

Commissioner Kadvany asked about the fencing in the driveway area. Mr. Tincher said the six-foot fences would begin at the rear corner of the home and would create a rear yard for both homes. He said the fencing would parallel the driveway and angle toward the garages. Commissioner Kadvany asked about the drainage plan and how it would work. Mr. Tincher said the site was very flat and the engineer planned to have runoff drain to a dissipation pit where it would be held and released to gradually dissipate. Commissioner Kadvany asked if the driveway would have a berm to push water to the

sides rather than onto the street. Mr. Tincher said there would be a crown in the driveway to accomplish that.

In response to Commissioner Pagee, Mr. Tincher said they would use true divided light windows.

Commissioner Keith confirmed with Mr. Tincher that there was no plumbing associated with the hobby room attached to the garage and that utilities would be underground.

Chair O'Malley closed the public hearing.

Commission Comment: Commissioner Pagee moved to approve the use permit, request for a variance related to lot width, and request for minor subdivision as recommended in the staff report. She noted that the findings for the variance were easily made and outlined in the staff report. Commissioner Riggs seconded the motion saying that the need for a variance was quite clear. He said he was impressed with the choice of the materials and that it was very green for the developers to keep the existing cottage. He said this was a nice contribution to the neighborhood.

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

1. Make the following findings relative to the environmental review of the proposal and adopt the Negative Declaration:
 - a. A Negative Declaration has been prepared and circulated for public review in accordance with current State California Environmental Quality Act Guidelines;
 - b. The Planning Commission has considered the Negative Declaration prepared for the proposal and any comments received during the public review period; and
 - c. Based on the Initial Study prepared for the Negative Declaration and any comments received on the document, there is no substantial evidence that the proposed project will have a significant effect on the environment.
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. Make findings that the proposed minor subdivision is technically correct and in compliance with all applicable State regulations and City General Plan, Zoning and Subdivision Ordinances, and the State Subdivision Map Act.
4. Make the following findings as per Section 16.82.340 of the Zoning Ordinance pertaining to the granting of the variance:
 - a. The neighborhood pattern of the subdividing similarly sized lots prior to incorporation into the City of Menlo Park and the lack of change in ownership of the subject parcel since the 1930's create a hardship that is peculiar to the property, and creates a situation where redevelopment of the parcel would not be in keeping with the neighborhood pattern of development. These hardships are peculiar to the property and were not created by the current property owner.
 - b. The proposed variance is necessary for the preservation and enjoyment of substantial property rights possessed by other conforming property in the same vicinity, and the variance would not constitute a special privilege of the recipient not enjoyed by neighbors, as the majority of the lots in this area have lot widths of 50 to 55 feet.
 - c. Except for the requested variance, the subdivision will conform to all other requirements of the Zoning Ordinance. Granting of the variances will not be materially detrimental to the public health, safety, or welfare, and will not impair an adequate supply of light and air to adjacent property since any future construction will meet the setback and daylight plane requirements per the R-1-U zoning district. In addition, construction of the proposed two-story house and any new two-story construction on either lot require discretionary review by the Planning Commission.
 - d. The conditions upon which the requested variance is based would not be applicable, generally, to other property within the same zoning classification since the variance is based on the unique dimensions of the parcel and the lot area, which is over twice the size of the R-1-U district minimum, conditions which are not common.
4. Approve the use permit, variance, and minor subdivision subject to the following **standard** conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by Glen Dodds & Associates and BGT Land Surveying, dated received February 2, 2010, consisting of 15 sheets and approved by the Planning Commission on February 8, 2010, except as modified by the conditions contained herein, subject to review and approval of the Planning Division.
 - b. Within two years from the date of approval of the tentative parcel map, the

applicant shall submit a parcel map for review and approval of the City Engineer. The parcel map shall use a benchmark selected from the City of Menlo Park benchmark list as the project benchmark and the site benchmark.

- c. Concurrent with the parcel map submittal, the applicant shall pay fees for the parcel map, improvement plan check, and storm drain connection.
- d. Concurrent with the parcel map submittal, the applicant shall submit a Grading and Drainage Plan for review and approval of the City Engineer. The Grading and Drainage Plan shall demonstrate that storm water shall not drain on adjacent properties. The Grading and Drainage Plan shall also indicate all proposed modifications in the public right-of-way including frontage improvements and utility installations.
- e. Prior to recordation of the parcel map, the applicant shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.
- f. Prior to recordation of the parcel map, the applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
- g. Prior to recordation of the parcel map, the applicant shall remove and replace all damaged, significantly worn, cracked, uplifted or depressed frontage improvements (e.g., curb, gutter, sidewalk) and install new improvements per City standards along the entire property frontage. The applicant shall obtain an encroachment permit prior to commencing any work with the City's right-of-way or public easements.
- h. Prior to recordation of the parcel map, the applicant shall install new utilities to the point of service subject to review and approval of the City Engineer. All electric and communication lines servicing the project shall be placed underground. Each lot/unit shall have separate utility service connections.
- i. Prior to recordation of the parcel map, the applicant shall enter into and record a "Stormwater Treatment Measures Operations and Maintenance (O&M) Agreement" with the City subject to review and approval by the Engineering Division. With the executed agreement, the property owner is responsible for the operation and maintenance of stormwater treatment measures for the project. The agreement shall run with the land and shall be recorded by the applicant with the San Mateo County Recorder's Office.

- j. Prior to recordation of the parcel map, the applicant shall pay applicable recreation in-lieu fees per the direction of the City Engineer in compliance with Section 15.16.020 of the Subdivision Ordinance.
 - k. Prior to building permit issuance for the construction of the new residence on the proposed left side lot, the approved parcel map shall be recorded at the County Recorder's Office.
 - l. Heritage trees in the vicinity of construction shall be protected pursuant to the Heritage Tree Ordinance. Prior to issuance of a demolition or building permit, the applicant shall implement the tree protection plan and recommendations in the Arborist Report for all applicable heritage trees for review and approval by the Building Division.
5. Approve the use permit, variance, and minor subdivision subject to the following ***project-specific*** conditions.
- a. Prior to recordation of the parcel map, the applicant shall provide proof that the existing guesthouse has been demolished, subject to review and approval by the Planning and Building Divisions.

Motion carried 7-0.

D. REGULAR BUSINESS

1. Review of Five-Year Capital Improvement Program

Chair O'Malley asked the Commissioners for comments.

Chair Riggs said that he appreciated having a five-year plan for capital improvement.

Commissioner Kadvany said there was a \$4.7 million bump in street repairs over the next two years; he noted the high cost for the parking plazas. He questioned the absence of planning projects such as the Housing Element and said that planning projects should be funded consistently. Commissioner Bressler said that the City staggers street repairs for every other year. Planner Chow said that on page B-52 there was an explanation of street resurfacing and a breakdown of funding sources. She said there was a brief description of the parking plaza project on page B-61. Commissioner Kadvany asked if the work on the parking plaza was independent of anything that would come out of the specific plan for parking. Planner Chow said that was her understanding, although the parking might look differently. She said there were no long-range planning items over the next four years and some things such as sustainable green building were not on the list but the City was in the process of working on those. Commissioner Kadvany said that it was important to determine funding sources for planning efforts and to consistently gather information and establish baseline activity so that when it is time to do the project, such as the Housing Element, it is not such a large

undertaking. Planner Chow noted that housing had been a project priority in the past. Commissioner Kadvany said planning was important to the community and needed a certain funding level to keep things moving each year. Commissioner Riggs stated he would like to echo Vince Bressler's comments and said that he has spoken with Kent (Public Works Director) several times and it is quite intentional to do road work on alternate years.

Commissioner Pagee questioned the breakdown for the parking plaza renovation which was spread over three years as to what was for design and what for construction. Planner Chow said she would get that information. Commissioner Pagee asked when the gymnastics center would be renovated. Planner Chow said that originally that was to be done at the same time as the gymnasium, which was now under construction, and she would have to ask. Commissioner Pagee questioned why a skylight would be replaced in the gymnastics center in 2011-12 for \$95,000 when the building itself was supposed to be completely replaced. She questioned the costs for the carpet replacement as to what was for design and what was for implementation.

Chair O'Malley said he was concerned that there was no staff from the relevant departments who could answer questions on the program but the Commission was expected to respond by the end of month. He said this could be on the next agenda.

Commissioner Pagee questioned \$300,000 to renovate a dog park when ongoing maintenance would be less than that and which was all that was needed. She said the Commission needed staff who had put the numbers together to answer questions. Commissioner Bressler said when this was discussed with the representatives of all the Commissions that he had requested line items be provided in the document.

Commissioner Keith asked about the dwindling available balance over the next five years for maintenance of the Bedwell Bayfront Park. Planner Chow said the cost was estimated and then actual costs were applied. Commissioner Riggs said that this was a fixed fund from the County and was dwindling. Commissioner Keith questioned where the new revenues and fees were to replenish this fund. She asked about the estimated cost of \$140,000 on page B-22 for the Seminary Oaks Pathway Project in 2012.

Planner Chow suggested that the Commission might focus on the questions being asked by the City Manager and then questions the Commission wanted to ask. Chair O'Malley said that the Commission was being asked to make prioritizations and Commissioners were indicating they did not understand the costs and what those represented. He said he had a major issue with the parking plaza renovation and he wanted to be assured that it would not conflict with the Specific Plan; he said he had an issue with the gymnastics center skylight replacement as the entire building would be replaced. He asked why a different banner was needed on Sand Hill Road and why the City was paying for synthetic turf for Hillview School.

Planner Chow said the questions being asked by the City Manager pertained to areas of the Commission's interest and whether support projects being prioritized were issues of interest for the Commission. Commissioner Bressler said the path project for \$40,000 in the Seminary Oaks was something that could be accomplished with \$10,000 of materials as a volunteer project. He asked if there was a spreadsheet that broke down the costs of each item and if that could be emailed to the Commissioners.

Commissioner Pagee said as Planning Commissioners that they saw the results of projects and how those impacted streets because of additional traffic. She said if fees were collected to offset these impacts that the revenues needed to be carefully tracked and applied appropriately. Commissioner Kadvany said he would like to know how the different funding areas were allowed to use their budgets if projects came in under budget and whether the remaining funds returned to the general fund or were reallocated.

Commissioner Keith asked if this item could be deferred until next meeting so that a staff person could be present to answer questions. Planner Chow said she would make that request of the City Manager's office and Public Works Department to have a staff person with more specific knowledge of funds and funding sources and how items were determined. Commissioner Keith asked if there was a spreadsheet available that it be emailed to the Commissioners before the meeting. Planner Chow said she had not seen such a spreadsheet but if there was one she would get it to the Commission. Commissioner Riggs suggested more direction from the City Manager's office as to what was expected of the Planning Commission in its review and what their input should be.

Commission Action: M/S Pagee/Keith to continue the item to the meeting of February 22, 2010, with direction to staff to 1) provide written information, if available, on the financial breakdown of the numbers in the CIP document in advance of the next meeting; and 2) request attendance from a member of the City Manager's Office at the next meeting to address questions.

Chair O'Malley said the Commission wanted an education on how this program was developed and to have questions about actual projects answered.

Commissioner Kadvany noted that the Housing Element and other planning projects particularly were missing from the list.

Chair O'Malley asked why \$500,000 was being spent on synthetic turf at Hillview School and if Tinker Park was being relocated and whether there had been an accident on Sand Hill Road to require \$75,000 for a banner.

E. COMMISSION BUSINESS

1. Update on pending planning items.

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

Planner Chow said there was nothing new to report since the report made at the last meeting. She said the draft Specific Plan was expected to be released in the early spring and the Environmental Impact Report and Fiscal Impact Report were expected to be released in late spring.

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

Planner Chow said that there had been some changes to the schedule and an updated term sheet would go to the City Council in the near future.

C. Appeal of Administrative Action for 515 El Camino Real

Planner Chow said the City Council upheld the Commission's decision to approve the use permit.

Commissioner Riggs asked if the Oversight and Outreach Committee would have an opportunity to review the draft Specific Plan before it came to the Planning Commission. Planner Chow said she thought that would be released in May and the Committee would see it before the Planning Commission.

Commissioner Pagee asked about the delay on item 1.B. Planner Chow said there were a variety of factors and that the project was still in negotiations and waiting for the release of the Environmental Impact Report.

Commissioner Kadvany said that the draft Specific Plan was due to be released in mid-March and asked whether there would be a study session for that and another for the EIR later. Planner Chow said the Commission would have a meeting on the draft EIR but was unsure if that would be together with the specific plan. Commissioner Kadvany said he hoped they had a study session on the specific plan before meeting on the EIR. Planner Chow said she would double check the schedule and get back to Commissioner Kadvany.

F. REPORTS AND ANNOUNCEMENTS

There were none.

ADJOURNMENT

The meeting adjourned at 8:14 p.m.

Staff Liaison: Deanna Chow, Senior Planner

Recording Secretary: Brenda Bennett

Approved by Planning Commission on March 8, 2010