



PLANNING COMMISSION MINUTES

June 28, 2010

7:00 p.m.

City Council Chambers

701 Laurel Street, Menlo Park, CA 94025

CALL TO ORDER – 7:00 p.m.

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

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

A. PUBLIC COMMENTS

Menlo Park Fire Protection District's Fire Chief Mr. Harold Schapelhouman said the District has been in a lease agreement for the property at 444 El Camino Real with Stanford University for a three year term. He said that one point they had thought to locate a fire station there. However, they will continue to use it only for training and storage. He said they were requesting a waiver from a use permit application and that he had checked with other agencies that provided conditional permits for such uses to fire districts. He said they have cleaned up the site and repaired fences. He said that waiving the user permit process moving forward would benefit both the public and the District.

Commissioner Bressler asked if that item could be on the next agenda and if the Commission could waive a use permit. Planner Chow said she did not believe the Commission had the authority to waive applications before a decision making body. Commissioner Keith asked if the City Attorney had the power to waive applications. Planner Chow said that staff would consult with the City Attorney and she would report back to Commission. Commissioner Riggs asked if the Commission could make a recommendation. Planner Chow said she would find out and report back to the Commission.

B. CONSENT

1. Approval of minutes from the May 17, 2010 Planning Commission meeting.

Commission Action: M/S Ferrick/Riggs to approve the May 17, 2010 Planning Commission meeting minutes.

Motion carried 7-0.

C. STUDY SESSION

1. Study Session/389 El Camino Real, LLC/389 El Camino Real – Study session to consider a project at the old Anderson truck lot that would include demolishing an existing single-family house at 612 Partridge Avenue and residential triplex at 603-607 College Avenue and constructing 26 residential units, consisting of 17 townhouse units and nine detached single-family units, on the subject parcels in the C-4(ECR) (General Commercial Applicable to El Camino Real) and R-3 (Apartment) zoning districts. The project would require the following applications:

- 1) Use Permit for construction of three or more units in the R-3 zoning district and new construction of residential units in the C-4(ECR) zoning district;
- 2) Architectural Control for design review of new buildings;

- 3) Tentative Map to merge seven legal lots into two legal lots, abandon the public street easement for Alto Lane, and create residential condominium units;
- 4) Below Market Rate Housing Agreement to provide three on-site BMR units in accordance with the City's Below Market Rate Housing Program; and
- 5) Environmental Review to review the proposed project for potential environmental impacts.

The application is being submitted subject to the State Density Bonus Law, Government Code Section 65915 and relevant amendments, which may allow for waivers of City's Zoning Ordinance development standards such as setbacks, building height, parking etc.

Staff Comment: Planner Fisher said to clarify on page 5 of the staff report that the comparison table was shaded differently than the norm and items that would need waivers of development standards were shaded. She said that paving should not have been shaded. She said that five additional pieces of correspondence had been received after the publication of the staff report. She said there were four pieces distributed to the Commission at the dais and provided to the public at the table in the rear of the Chambers. She said one additional piece of correspondence would need to be scanned and distributed the next day. She reviewed the correspondence briefly. Ms. Wendy Hasesemeyer expressed concern with the size of the project, traffic and street parking. The writer had provided photos of various traffic abatement measures. Ms. Kim Morris and Mr. Joel Simon wrote they were concerned with cut-through and speeding traffic as they felt the project would make existing situation worse; they said the project was out of character in both height and density for the Allied Arts neighborhood and they wanted a visual demonstration of the project to get a better feel of how it would look. Ms. Linda Lorenzetti wrote that 26 units were too much for neighborhood and would worsen congestion on Partridge and College Avenues. Dr. Lynn Wilson said the applicant was asking for too many waivers; she said the proposed height and lack of setbacks would make the neighborhood dangerous for small children. Mr. Barrett Moore indicated that many neighbors were out of town and had not had a chance to comment on the project. He said the project would add shadows and shading and too many school children and not enough parking.

Questions of Staff: Commissioner Bressler questioned the legal standing of the proposed waivers and why the City Attorney was not present. He said it was important for the Commission to know the legal basis and the reality of what was being questioned.

Planner Fisher said that this was a study session and there would be no action taken. She said it was an opportunity to be informed of issues sooner rather than later. She said staff was still reviewing the project and the State Density Bonus Law as it was a new law and there was not any case law on it yet.

Chair O'Malley said that he had not had time to research the State Density Bonus Law. He said there was a difference between providing Below Market Rate (BMR) units for those with moderate income and those with lower income. He said there were many development standards listed for waivers and fees to be waived as well that the Commission should be apprised of the legal status of such requests. He said ultimately these were policy decisions to be made by the council.

Planner Fisher said staff had been working with the City Attorney staff; they assisted with the writing of the staff report. She said the proposed project was not allowed by right but had to go through discretionary review. She said the law contained a formula for determining how many units a project could have based on the number of the units proposed as BMR and the level of affordability of those units. She said it appeared the site could have up to 27 units if three BMR units were affordable to low income earners. She said there would be policy decisions and the Commission would be the recommending body. She said the applicant might request fee waivers but that would not be desired.

She said other incentives for the provision of BMR units at lower sales prices could be setbacks or density.

Public Comment: Mr. Matt Madison, President, Madison Companies, said he was a 40 year resident of Menlo Park and currently resides on Cotton Street. He said he was disappointed that there was not yet more clarity on the application of the State law and this project proposal had not been intended as a last minute surprise. He said they acquired the subject property in 2006 to create premium housing that fit with the Grand Boulevard visioning for El Camino Real. He said their plans had gone through many iterations based on Council and neighborhood input. He said their goal was to strike the right balance with state law, city code, and a high quality project.

Mr. John Bayer, Director of Development, Madison Companies, describe the proposed project using handouts and storyboards. He said the parcel was 1.25 acres and the original plan developed in 2007 was mixed use with condominiums, office and retail. He said at a May 2008 study session with the City Council the feedback was that they were in substantial conformance for the R-3 and C-4 zoning districts. Neighbors provided feedback that there was too much density and that ingress/egress needed to be from El Camino Real and not from the side streets; the project needed to be compatible with the neighborhood and meet the City's regulations. He said over the next year they redesigned the plan for 27 homes with nine single-family residences and 18 townhomes all with private garages, and units ranging from three to four stories at a maximum 34-foot height. He said the project was in substantial compliance subject to the State Density Bonus Law. He said at two neighborhood meetings in February 2008 concerns were expressed with the density, the height adjacent to the neighboring R-1, and the amount of guest parking. He said the general opinion was the plan was better. That plan was submitted and the applicant then worked with all relevant agency staff to develop this third plan, which had been submitted about 60 days ago. This plan reduced the density by one unit, increased the parking by one space, and reduced the height of the two single-family residences and kept roof plates at 30 feet height. He said they added a pocket park on College Avenue. They had to include three emergency access entrances from El Camino Real that would be gated with bollards and landscaping. He said they were not requesting waivers just to request but to allow them to 26 units.

Commissioner Kadvany asked about the unit sizes. Mr. Bayer said the smallest unit was a three bedroom; that most units were three-to-four bedrooms, and one unit was five bedrooms. He said the average size of the units were 1, 750 square feet.

Commissioner Eiref asked about the location of the emergency access, which Mr. Bayer indicated on the story board. Commissioner Kadvany asked if the 26-foot width for the emergency access was based on the number of units. Mr. Bayer said that width was required by the Fire District because of the fire truck riggers.

Mr. Frank Friscaro, Menlo Park, said the purpose of the applicant's first proposal was to make this proposal more palatable. He said the only people in the neighborhood who liked project were shills that the company brought to the neighborhood meetings. He said the project was too big, too dense, too busy, and would have too many adverse consequences for the neighborhood, schools, and children's safety. He said the density of 26 units on slightly more than an acre site, even if legal, was not a good idea.

Mr. Bill Wohler, Menlo Park, said he had lived in Heidelberg, Germany, which has dense population, and the typical building was three-stories with the top story for residential, middle story for office space and the bottom story for retail. He said the type of development being proposed would not work anywhere. He suggested in the best case to deny the project and in the worst case to not allow any waivers.

Ms. Sharonjade Johnson, Menlo Park, said she was representing her family's four properties. She said their key concern were height, density, parking, the safety of children, pedestrians and cyclists, and the creation of severe cluster traffic from people making u-turns. She said she supported development but not this project as it would negatively impact life in Menlo Park. She said this proposed project brought no benefits for the community and many benefits for the developer.

Mr. Bruce Ives, Menlo Park, said he would not restate comments on the project's density, its fit with the neighborhood and process issues. He said it was important to understand the legal issues first and that the BMR issue was very important and it was unclear as to the standards and whether those units would be just BMR or affordable. He said the project would demolish a triplex which was an example of affordable housing. He said that the proposed pocket park was really to protect a heritage redwood tree and questioned whether there would be a pocket park if the tree did not survive construction. He said he did not like the vacant lot but he had not had good interactions with the developer.

Ms. Margie Roginski, Menlo Park, said the proposed development was out of character, too dense, too tall, too close to the sidewalks, and too close to the existing single-family residences. She questioned the meaning of "substantial compliance with zoning."

Mr. Kris Roginski, Menlo Park, said the project was out of scale with its surroundings. He said today he was biking along El Camino Real and tried to visualize the project. He said across from the subject property were Tesla, one-story, the Oasis, two-stories, and Safeway, one-story with peaks. He said story poles or visual presentation was needed to understand the project. He said the waivers for setbacks were unreasonable.

Mr. Joe Seidel, Menlo Park, said that the regulations for these zoning districts were developed for underlying reasons and he questioned waiving those regulations. He suggested that the five units proposed near the heritage tree be eliminated and that the pocket park become a heritage park instead. He said he wanted residential development but green space as well.

Mr. Richard Martin, Menlo Park, said to add to the growing list of traffic problems in the area that Alto Lane was currently problematic as it is used by a local garage for parking and the catering company as its private property. He said the potential to take a shortcut from the Safeway would make this street worse. He suggested closing Alto Lane or making it one way.

Ms. Vera Goupille, Menlo Park, said her concern was that the density of housing would mean an increase in school age children. She said that there was growth in Menlo Park but no planning in the schools for growth.

Ms. Sheila Rose, Menlo Park, said she wanted the parcel developed residentially and suggested solutions to parking and density. She said the number of units maximum should be 19 with half of those as single-family residences. She suggested that the seven units in the middle next to Allied Arts should be three bedroom and reduced to two-story. She said the guest parking was not adequate.

Ms. Margaret Osborn, Menlo Park, said there were many children on the block but seniors as well and she was worried equally about the safety of the seniors as well as the children because of the increased density and traffic.

Ms. Margaret Garland, Menlo Park, said she moved into the neighborhood because it was quiet. She said there was no compelling reason to build a project as dense as this one was proposed. She said the three story units had no setbacks to the rear and faced the residential area of College Avenue.

Mr. Bill Senner, Menlo Park, said he would like to see development on the lot. He said one of the arguments to downsize the development was parking. He said the restrictions on parking on Partridge Avenue were such that if those applied to this development than the parking or density issues could not be used against this development. He said another concern expressed was that children play in the street and that streets should be blocked off to traffic. He said that was not a reason to close streets as streets were for cars. He said regarding traffic and accidents that the project's entrances and exits were to and from El Camino Real. He said he was not concerned if the buildings were three-story but rather what their heights were.

Chair O'Malley closed the public hearing.

Commission Comment: Commissioner Kadvany asked about a home being built next to the triplex that would be demolished on College Avenue. Planner Fisher said the project at 611 College Avenue would be two-story and the side setbacks were the minimum required.

Commissioner Riggs said Alto Lane appeared to be gated at the left of the triplex. Planner Fisher said Alto Lane is the driveway leading to the triplex. She said she had not viewed the site recently and the owner may have installed a gate. Commissioner Riggs said he thought Alto Lane was a public street.

Commissioner Eiref said he would like a third column added to the comparison table to indicate how the project would fit with the Specific Plan; he asked how the waivers corresponded to the Plan. Planner Fisher said they could provide that comparison in the future. She said the parking, intensity, and density were in line with the Plan guidelines but not some of the setbacks. She said in the rear where units would abut single family residences that the height would be held at 30 feet with a setback of at least 10 feet under the Plan. She said the Plan had new concepts so it might have to be a separate column. Commissioner Eiref asked if the City had zoning for bonus density. Planner Fisher said that the zoning ordinance for BMR units allowed for a 15 percent increase in density if 15 percent of the project units were BMR units. She said an example would have been the Menlo Square project, which received a higher density bonus. Planner Chow said the ordinance section on BMRs was 16.96.040 and basically provided that for each BMR unit there was an allowance of a unit. She said it also provides for some incentives and waivers. Planner Fisher said the state law percentage was higher than the city's.

Commissioner Keith asked about the height of the three stories on Linfield Drive. Planner Fisher said they could get that information for a future meeting. Commissioner Keith said her first impression was the project was too dense. She said the City has approved some three stories but those were located next to Highway 101 and on Linfield Drive. She said the request for thirteen waivers was a lot. She said she had a problem with a 0-foot setback on the rear and the 5.5-foot setback in the front. She said the pocket park seemed basically like grass around the existing tree. She asked how much the fee waiver was. Planner Fisher said the applicant had not specifically asked for a fee waiver. She said they might ask for a waiver from the parks and recreation in-lieu fee, traffic impact, or construction fees, but staff did not think a fee waiver was appropriate. Commissioner Keith questioned whether three BMR units were worth this project and the cost to the City. She wanted to know how affordable the BMR units would be. She said there seemed to be insufficient guest parking. She said she was concerned with the impact to the school district. She said she would like to see story poles if the project were to move forward.

Commissioner Ferrick said she needed clarification on the BMR units and if they were affordable. She said guest parking was an issue. She said the Commission had seen a dispute over parking at 277 Willow Road with three properties between neighbors and that project had not been much less area than this project. She said if the 26 units were one bedroom that the parking might suffice, but if each one was 3 to 5 bedrooms there would be the need for more parking, more open space and more schools. She asked whether they would also do a shadow study. She said in the Specific Plan greater height

with a lesser setback could be allowed with the provision of more open space. She said this project seemed to be asking for a lot.

Commissioner Riggs said the architectural presentation was well done and even though the project would face El Camino Real the rear of the project would connect with R-1 and R-3 properties. He said he favored housing and was glad there was an attempt to develop but he felt that the project would have to be designed more closely to city regulations. He said that a 0-foot setback between the R-3 and C-4 properties was acceptable but not for the units backing up to 611 College Avenue. He said the proposed setback along the El Camino Real frontage might be tight especially if the goal was wider sidewalks. He said a minimal setback along College Avenue which was mostly residential was not a good transition. He said this would be a self-contained site and if the units were sold with a known capacity of two parking spaces and no guest spaces that buyers would not have three cars and if there was no yard, buyers would not have three children. He said he wanted a stipulation that none of these units would be able to get parking permits for street or overnight parking. He said regarding the goal of 26 units that the answer was to make some of those units smaller.

Commissioner Kadvany said he agreed with much of what had been said. He said he liked the idea of the two units on College and Partridge Avenues as a way to fit in with the surrounding neighborhood but more compatible setbacks were needed for those units. He said between those two units was the line of three stories and that was not a good transition. He said the sidewalks were important for space for pedestrians but also as a buffer between the homes and the traffic on El Camino Real. He said the overall frontage with the massing of the units would not fit within the village character and was too urban dense. He suggested two-story units along College Avenue and a mix of two-story and three-story elsewhere in the project. He suggested the developer needed to look at something different to satisfy the neighbors. He said the project was dominated by parking and suggested consolidating the parking or looking at parking share/purchase alternatives.

Commissioner Eiref said the good thing was that everyone wanted the lot developed. He said he could sympathize with the neighbors as he had noticed the construction of the single-family residence on College Avenue had a lot of construction vehicles parked in the neighborhood. He said he questioned whether people would buy four to five bedroom homes right along El Camino Real. He said that size home meant children and children needed open space. He concurred with Commissioner Keith's comments about the school district. He asked if the developer could propose an alternate project with a reduced number of waiver requests.

Commissioner Bressler said he agreed with the comments on the number of bedrooms and the impact on the school district. He said he did not want to see people in Menlo Park living in such dense housing without any open space. He said he had an issue with the use of the State Bonus Density Law and many things which seemed to benefit the developer without benefiting the City.

Commissioner Keith said that people might want to buy the homes even if there were no yards because they want their children to be in this school district.

Commissioner O'Malley said he agreed with many of the comments. He said regarding the parking that it seemed inconvenient to have to drive all the way to the back of the units to park. He said it would be great if people bought units without parking but this was still a car-oriented country. He said he thought the buildings along El Camino Real would be 35-feet in height and that the chimney would extend further than that. Mr. Bayer said the maximum allowable height in C-4 was 30 feet and in R-3 was 35 feet. He said under the Specific Plan that height could go to 39-feet. He said in their redesign that all the roof plates were at 30 feet. He said they could remove the pitched roofs and have flat roofs at 30-foot height but they did not think that was a good design choice. Chair O'Malley asked if the D-1 to D-7 buildings would face the backyards of other residences on Partridge and College Avenues. Mr. Bayer said they

were adjacent to three residential parcels, which was the one spec home being built and two homes on a flag lot. He said the project units would face the interior of the site. Chair O'Malley asked about the width of sidewalks on El Camino Real, Partridge and Cambridge Avenues. Mr. Bayer said along El Camino Real there was a four foot landscape buffer, six feet width of sidewalk, and another foot and a half of landscaping on the private property for a total of 12-feet width. He said as the sidewalk wrapped around the corner on College Avenue it was 15 feet with more depth between the sidewalk and the building on. He said there was no difference to the sidewalk width on Partridge Avenue.

Chair O'Malley said he would like the lot developed as it was close to a park and shopping but he was concerned with the number of waivers.

Mr. Madison expressed his appreciation to the Commission, staff and the public for their thoughtful comments, and they would review those comments for future consideration of the proposed development project.

D. COMMISSION BUSINESS

1. Update on pending planning items.

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

Planner Chow said staff was working on the Environmental Impact Report, which at the earliest might come before the Commission in late August.

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

Planner Chow said the Council approved the project subject to the voter approval in the November election.

E. REPORTS AND ANNOUNCEMENTS

Planner Chow said that a number of Commissioners could not attend the August 9 Commission meeting and there was a potential to hold a regular meeting on August 2 or on August 30 rather than a study meeting.

There was discussion about meeting on August 30 but there was concern that projects might be delayed. Planner Chow said there were no projects currently scheduled for the August 30 meeting but that could change. She said she would check in with the Commission at the July 12 meeting on setting an August meeting date.

Commissioner Kadvary asked if the pro/con information on the Bohannon project could be made available to the Commission. Planner Chow said she would check with the negotiations committee.

ADJOURNMENT

The meeting adjourned at 9:21 p.m.

Staff Liaison: Deanna Chow, Senior Planner

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on July 26, 2010