



## PLANNING COMMISSION MINUTES

July 12, 2010

7:00 p.m.

City Council Chambers

701 Laurel Street, Menlo Park, CA 94025

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**CALL TO ORDER** – 7:00 p.m.

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

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

### A. PUBLIC COMMENTS

There were none.

### B. CONSENT

1. **Approval of minutes from the June 14, 2010 Planning Commission meeting.**

Commission Action: M/S Riggs/Bressler to approve the minutes as submitted.

Motion carried 5-0 with Commissioners Ferrick and Keith absent.

### C. PUBLIC HEARING

1. **Use Permit/Ethan C. Brabant/237 Marmona Drive:** Request for a use permit to construct first- and second-story additions that would exceed 50 percent of the existing square footage of an existing single-story, single-family residence on a substandard lot in the R-1-U (Single-Family Urban) zoning district. The proposed remodeling and expansion are considered to be equivalent to a new structure.

Public Comment: Mr. Ethan Brabant, property owner, said the home was built in 1946 and the project would modernize and update the structure.

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

Public Comment: There was no additional public comment. Chair O'Malley closed the public hearing.

Commission Comment: Commissioner Kadvany asked about the appearance of the front elevation view noting several triangular shapes, shingle roofs, steep pitches and a low pitch in the back. Mr. Michael Meyer, La Honda, said that they were using a common pitch all around except for the dormers. He said the elevation drawing showed a slightly different perspective than that viewed from the sidewalk, which would diminish the view of any shingles.

Commissioner Riggs moved to make the findings and approve the use permit as recommended in the staff report. He said that not having any colors and materials board for this project application was not an issue. He said the proposed design would be harmonious with the neighborhood appearance. Commissioner Bressler seconded the motion.

Commission Action: M/S Riggs/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 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 Michael Meyer Fine Woodworking, consisting of 12 plan sheets, dated received June 29, 2010, and approved by the Planning Commission on July 12, 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.

Motion carried 5-0 with Commissioners Ferrick and Keith absent.

2. **Use Permit/Kim LeMieux for Laurel Homes/240 University Drive:** Request for a use permit to demolish an existing two-story, single-family residence and detached garage and construct a new two-story, single-family residence with a basement and detached garage on a substandard lot with regard to lot width in the R-1-U (Single-Family Urban) zoning district. The construction of the proposed residence would require the removal of two heritage size redwood trees, one of which is 52-inch in diameter and the second is 15 inches in diameter, and one multi-trunk heritage port orfard cedar tree.

Staff Comment: Planner Chow said staff had received correspondence since the publication of the staff report from the property owner of 216 University Drive, who was opposed to the removal of the redwood heritage tree. She said the applicant had provided a colors and materials board for the Commission to review.

Questions of Staff: Commissioner Eiref asked about the historical context of Planning Commission consideration of heritage tree removal. Planner Chow said that heritage tree removal permits were done administratively by staff. She said staff consider for development projects how the design is impacted by trees proposed for removal and whether there are options and reasonable solutions to save trees and still create livable homes in keeping with the neighborhood. She said that each development proposal was reviewed on a case by case basis. Commissioner Eiref asked if the Environmental

Quality Control Commission had input on tree removal permits. Planner Chow said if staff's issuance of a tree removal permit was appealed, the Environmental Quality Control Commission would consider the appeal of the proposed tree removal; and if their decision were appealed, the City Council would then consider the proposed tree removal.

Public Comment: Mr. Steve Simpson, the project architect, introduced Ms. Kim LeMieux, the property owner. He said they tried to build around the tree in design considerations but the canopy of the tree impacted any second story design. He said if the second story was built to accommodate the tree canopy that created privacy issues and a design that was not in keeping with other two-story homes in the neighborhood.

Ms. LeMieux said she had owned this property for several years and had started the project with a different architect. She said even if the tree was protected during construction there would be significant root damage as the tree's roots were already lifting up the corner of the existing porch and a neighbor's driveway. She said if they built the home around the tree and then the tree died that would leave them with a strange house layout. She said she had done considerable neighborhood outreach and sent letters to all property owners within the 300-foot radius used by the City for project notices describing the project. She said she spent four hours knocking on neighbors' doors to discuss the plans. She said she received eight letters of support for the proposed tree removal. She said two other neighbors supported the tree removal but would not sign anything, and two other neighbors were concerned with removal of the trees. She said one neighbor had indicated support of the tree removal if a donation was made to Trees for Menlo Park. She said she had made large donations to Trees for Menlo Park on two prior occasions, but willing to make another one. She said that another neighbor liked the shade the redwood tree provided for his property. .

Mr. Steve Smith, Menlo Park, said he had been a resident of Menlo Park since 2003. He said he supported the project and believed Allied Arts needed to be rebuilt and more appropriately. He said Laurel Homes builds quality homes that fit neighborhoods. He said the redwood in the center of the lot presented a challenge. He said the project as proposed was desirable.

Chair O'Malley closed the public hearing.

Commission Comment: Commissioner Kadvany said the applicant had mentioned making another donation to Trees for Menlo Park. He asked if that should be handled informally or as a mitigating condition to the approval. Planner Chow said the applicant had contacted staff to say she would make a donation to Trees for Menlo Park. She said staff had not seen a need to include the donation in the use permit approval but the Commission could consider its inclusion. She said staff had looked at the proposed tree replacement plan, which included three trees larger than the typical 15-gallon trees and two of which were native species, and found the plan appropriate.

Commissioner Riggs said although the project would build out to the limits allowed and trees would be removed, he had to agree with Mr. Simpson that to design any home of a moderate size would be a challenge having a redwood tree in the center of the lot as that would dominate the site. He added that Laurel Homes designs attractive homes. He moved to make the findings and approve the use permit as recommended in the staff report. Commissioner Kadvany seconded the motion with a friendly amendment that the Commission supported the applicant making a donation to Trees for Menlo Park. Commissioner Eiref said he had visited the site and the redwood tree was right in the center of the lot, and he doubted that a tree that large could be transplanted.

Commission Action: M/S Riggs/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 SDG Architects, consisting of 18 plan sheets, dated received July 1, 2010, and approved by the Planning Commission on July 12, 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 5-0 with Commissioners Ferrick and Keith absent.

Commissioner Kadvany commented that staff had made diligent efforts to explore options for the site that would have preserved the trees. Commissioners Riggs and O'Malley said they agreed with that comment.

- 3. **Use Permit/Jaime Maliksi/1260 Mills Street:** Request for a use permit for interior modifications and first and second floor additions that would exceed 50 percent of the replacement value of the existing structure in a 12-month period and 50 percent of the existing square footage of the existing nonconforming single-story, single-family residence on a substandard lot in the R-3 (Apartment) district. The proposed remodeling and expansion are considered to be equivalent to a new structure.

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

Questions of Staff: Commissioner Kadvany said there was a note on page 3 of the staff report about an unbroken two-story wall that although not a huge impact was less than desirable. Planner Rogers said the highest sensitivity to two-story walls was for those which would be very visible. He said that the second-story wall for this project would be articulated with trellises and pop out windows. He said staff had discussed moving the second floors in with the applicant but the concern had been the increased cost of doing that. He said staff believed that the location and the small textures added to break up the wall made it acceptable.

Public Comment: Mr. Jaime Maliksi, project architect, Menlo Park, said the property owners wanted to expand their existing home because of their growing family. He said their first requirement was to not exceed a certain budget. He said the proposed second story was based on the existing first floor footprint.

Chair O'Malley closed the public hearing.

Commission Comment: Commissioner Riggs said the Commission looked at massing when they considered projects. He said in this instance the apartment building and its shape on the right and other larger buildings in the area removed any concern he had about the project's mass, as the wall would be located where there was little visibility of it. He said the trellis and bay window would provide significant relief from the massing and the horizontal siding would make the project a nice addition to the neighborhood. Commissioner Eiref said there was an almost three-story structure across the street and a large square apartment building near the proposed project. He said he liked the project. Commissioner Riggs noted that doing a remodel and addition was very green compared to a tear down and rebuild.

Commission Action: M/S Eiref/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 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 J. Maliksi & Assoc., consisting of 11 plan sheets, dated received June 29, 2010, and approved by the Planning Commission on July 12, 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.

Motion carried 5-0, with Commissioners Ferrick and Keith absent.

## **D. COMMISSION BUSINESS**

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

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

Planner Rogers said the current focus was on the draft Environmental Impact Report and Fiscal Impact Analyses. He said these documents were expected to be released late summer. He said there would be a comprehensive public review period on the draft Plan and the documents.

Commissioner Bressler said he had heard the vote on the Plan had been delayed until after the election. Planner Rogers said the original scope had the Planning Commission considering for recommendation and the City Council considering for approval by October of this year. He said in April staff had to get an adjustment of the schedule from the Council as a different water assessment was needed for the Environmental Impact Report.

Commissioner Eiref asked if the City had conducted dialogue with downtown merchants about parking. Planner Rogers said the Council subcommittee has pursued public engagement and outreach to support the Plan. He said a downtown merchants group

was formed and has met. He said there have been monthly meetings with the Chamber of Commerce. He said that they were looking for ways to fold in new input and to commence the more comprehensive public review period in late August or early September.

Commissioner Kadvany asked if there were only one Planning Commission and City Council meeting planned, noting he thought more meetings would be needed because of how much there would be to discuss. Planner Rogers said Commissioners Riggs and Bressler had met with the City's Development Director and himself and indicated the Commission's willingness to devote more time than one meeting on the Plan. He said the City was willing to look at additional meetings with some discernible boundaries and limitations as related to the use of the consultant and incurring of additional expense beyond the scope of work as currently defined. Chair O'Malley said the Commission would be willing to spend time discussing the Plan and asked who would approve additional meetings. Planner Rogers said the scope was set by the City Council and any additional need for the consultant's services would require City Council approval.

#### **B. Appeal of Use Permit for 277A Willow Road**

Planner Chow said the applicant was seeking mediation with the adjacent neighbor through a professional consultant. She said staff would keep the Commission informed as to the status of the appeal.

### **E. REPORTS AND ANNOUNCEMENTS**

Planner Chow said there was a potential to cancel the August 9 Commission meeting as there were four potential items but no confirmations yet. She asked for the Commission's feedback.

Chair O'Malley said if there were no items or just one item he would support cancellation of the meeting. Commissioner Eiref said he agreed unless the one item was a significant item. Commissioner Riggs said he agreed and supported holding the meeting if there were two or more items. Planner Chow said she would update the Commission at their next meeting.

Planner Chow said City Clerk has sent out notices about various Commission vacancies to the Planning Commissioners to enlist their assistance in identifying potential candidates for the vacancies.

Commissioner Kadvany said at the June 14 meeting there had been discussion about an R&D project involving the use of viruses and there had been questions about whether this fell under the Commission's scope. He said he wrote a memo to the City Attorney asking that question and the basic answer was affirmative.

Recognized by the Chair, Mr. Stu Soffer, Menlo Park, said he was on the steering committee for Trees for Menlo and that he was not supportive of creating a nexus between projects and a fee such as to Trees for Menlo as a condition for mitigation of tree removal.

## **ADJOURNMENT**

The meeting adjourned at 7:54 p.m.

Commission Liaison: Deanna Chow, Senior Planner

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on September 13, 2010