



PLANNING COMMISSION MINUTES

November 15, 2010

7:00 p.m.

City Council Chambers

701 Laurel Street, Menlo Park, CA 94025

CALL TO ORDER – 7:03 p.m.

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

Chair O'Malley congratulated Commissioner Keith on her election to the City Council.

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

A. REPORTS AND ANNOUNCEMENTS

1. Update on Pending Planning Items

A. Appeal of proposed BevMo application at 700 El Camino Real – November 9, 2010

Planner Chow said the appeal of the proposed BevMo application was reviewed by the City Council on November 9, 2010. She said there was good representation from both sides and ultimately the Council approved the project and denied the appeal on a 3-2 vote.

B. One-year Review of Gross Floor Area – November 16, 2010

Planner Chow said the Planning Commission had seen this item and recommended some modifications, which had been transmitted to the City Council for information.

C. Willow Business Area and M-2 Zoning District Area – November 16, 2010

Planner Chow said the Council would consider a modification to the master fee schedule to allow for the payment of fees to expedite over the counter plan checking for commercial and industrial tenant improvements and appropriation of funds for the completion of a negative declaration to be associated with work associated with hazardous materials, rooftop equipment and mechanical equipment screening, and signage.

D. Council action on revisions to 1460 El Camino Real – meeting date to be determined

Planner Chow said the revisions to 1460 El Camino Real and the request for an extension would most likely be heard by the Council in early 2011.

E. Application for Planning Commissioner due December 8, 2010

Planner Chow said the City would accept applications for the vacancy created by Commissioner Keith's election to the City Council through December 8, 2010.

Commissioner Riggs said Planner Chow had indicated that the Gross Floor Area was an information item for the Council. He asked if there would be discussion and an evaluation of the modifications suggested by the Commission. Planner Chow said staff's recommendation to the Council was for staff to track those suggested modifications with a review in one year as recommended by the Commission.

Commissioner Riggs asked if the proposal for 240 University Drive was being brought back to the Council as had been discussed. Planner Chow said that Council Member Cohen had withdrawn his request for consideration, and that the previous direction to hire a third party architect still stood. She said staff would hire the architect to review the plans.

Commissioner Keith asked about the cost to the City to hire an architect. Planner Chow said there was no estimate of cost yet. Commissioner Kadvany said he thought he heard that \$20,000 was mentioned at the City Council meeting. Planner Chow said to her knowledge there was no estimate of the cost.

Commissioner Bressler said there were proposed redesigns to the Gymnastics Center and asked if there would be an opportunity to review the design. Planner Chow said the proposal was to expand the recreation center and that would come to the City Council on December 2. Commissioner Riggs asked if the Friends of the Library had been advised of the proposal to remodel the entryway. Planner Chow said that the plans would be shared with the Library Commission.

B. PUBLIC COMMENTS

There were none.

C. CONSENT

1. Approval of minutes from the October 18, 2010 Planning Commission meeting.

Commissioner Keith said on page 9, last paragraph, 6th line was a duplicate sentence and should be deleted. Commissioner Riggs said on page 5 in the 3rd paragraph that it would clarify the meaning to add "in lieu of a fence as needed, in which case there..." and on Page 11, last full paragraph, 7th line, to add "to the back" after "driveway."

Commission Action: General consent to approve the minutes with the following modifications,

- Page 5, 3rd paragraph, 5th line: Replace "in which there..." with "in lieu of a fence as needed, in which case there..."
- Page 9, last paragraph, 6th line: Delete duplicate sentences "Commissioner Keith suggested that there not be an entry on the side of the house but that

tandem parking could be allowed. Planner Rogers said that would require a variance.”

- Page 11, 6th paragraph, 7th line: Insert “to the back” at the end of the sentence after the word “driveway”

Action carried 6-0 with Commissioner Eiref abstaining.

D. PUBLIC HEARING

- 1. Use Permit and Variance/Young and Borlik Architects/950 Middle Avenue:** Request for a use permit to construct two two-story, single-family residences and associated site improvements in the R-3 (Apartment) zoning district. Request for variances to build covered and uncovered parking spaces encroaching five feet into the side yard setback and to reduce the distance between main buildings on the subject property and the adjacent property on the left side to less than 20 feet.

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

Questions of Staff: Commissioner Keith asked if the house on the right had the same lot width. Planner Fisher said that was correct. Chair O'Malley asked if the Menlo Park Fire Protection District had approved the driveway width of 10 feet, noting that the District often requested more driveway width. Planner Fisher said the District had approved the driveway width. Chair O'Malley asked how it was determined that four trees planted along the left side would provide adequate screening. Planner Fisher said the neighbor and applicant had discussed and would be addressed by the architect.

Commissioner Eiref said the project at 948 Middle Avenue had a similar lot width and asked if they had gotten a variance for the parking. Planner Fisher said that was correct. Chair O'Malley asked if the variances granted for the project at 948 were similar to those being requested for 950. Planner Fisher said they were.

Mr. Dan Rose, Young and Borlik Architects, said the proposal was to build two detached single-family homes. He said the lot was vacant and the only major element was a Douglas fir, which would be preserved. He said the lot was only 50-feet wide similar to a number of properties along this block. He said there was a four-unit apartment building next door with parking in rear and another apartment complex on four lots. He said recent development on the lot to the right included the garages in the setbacks with the parking in between. He said the lot was zoned R-3 and under the current zoning and lot size that allowed for two units maximum. He said the lot width impacted the ability to achieve the two units and four parking spaces and that the garages were the only elements proposed to intrude into the setbacks. He said they had met with the owners of the nonconforming apartment building on the left to discuss how the structures would relate to each other in the offsetting of second-story windows and screening. He said they had made a few minor changes to the garages changing a simple gable with ridge roof to a hip style roof and lowering the garages by a foot. He said the two separate structures would have some separation with the use of a driveway court between the structures using pavers and landscaping. He said the garage doors would be placed in the middle of the lot and away from the street.

Commissioner Bressler asked what was on the lot before. Mr. Rose said he thought a single-family home and some accessory structures but those had been removed in 2006. Planner Fisher said there had been a one-story single-family home with a detached garage and

detached storage unit. Commissioner Bressler asked about the parking for the apartment building to the left. Planner Fisher said there were four units with carports in the back but that it did not meet current parking requirements.

Commissioner Riggs asked why they were planning to plant a redwood tree in the back. Mr. Rose said there were at least three to four redwoods on the adjacent lot to the rear of the apartment building. He said that the tree would not be planted next to the structure and would have room to grow. Commissioner Riggs asked if they had checked in with the people on Alice Lane. Mr. Rose said that he had not gotten their opinion. Planner Fisher said that when the previous project proposed for this lot was approved by the Commission in 2006 that some neighbors had been opposed to the removal of a redwood tree and had appealed, but also had met to discuss. She said eventually there was agreement on the removal of the tree with an understanding that a Sequoia tree would be planted in that corner.

Commissioner Keith asked if the appeal of the heritage redwood tree removal had gone before the Environmental Quality Commission. Planner Fisher said an appeal was made but not to the Environmental Quality Commission, but the parties had subsequently met and the appeal was withdrawn.

Commissioner Keith said she liked the windows with the shutters and asked if they could be made operational. Mr. Rose said they would look for hinge options, but because they were using casement windows that the shutters might have to be fixed. Commissioner Keith asked why they were proposing the driveway on the right when the neighboring property with a similar project had the driveway on the left. He said to do a mirror image of the proposed design with 20-foot building separation that the Douglas fir tree would need to be removed. Commissioner Keith asked if the units would have air conditioning. Mr. Rose said that air conditioning was not proposed.

Commissioner Ferrick asked if a future owner of the rear property would be required to keep that part of their garage and driveway open. Planner Fisher said the project would have an administrative parcel map and the area noted would be a common area.

Commissioner Kadvany asked if the garage heights were as low as they could get. Mr. Rose said the design was at an eight-foot plate which was about as low as possible and the pitch was the same as the lower pitch of the main house. Commissioner Kadvany asked if they had thought about attached units. Mr. Rose said they had not as detached homes were preferred. Commissioner Kadvany asked whether the parking could be accommodated in the rear if the units were attached. Mr. Rose said the neighbors to the left had asked if the parking could be back but that put them over the limit for driveway square footage and the need to have 30 percent permeable surfaces.

Commissioner Eiref questioned the two chimneys on the rear house. Mr. Rose said there was a gas fireplace in each of the downstairs end rooms. Commissioner Eiref questioned two chimneys on a small house. Mr. Rose said for revival styles that there were often multiple fireplaces and the chimneys were an architectural element. Commissioner Eiref asked if the roofing material on the new project to the right was asphalt. Mr. Rose said it was asphalt composition. Commissioner Keith asked if they would use a different trim with the stucco finish than the project on the right. Mr. Rose said they would.

Chair O'Malley closed the public hearing.

Commission Comment: Commissioner Ferrick moved to approve as recommended and Commissioner Keith seconded the motion.

Commissioner Riggs said he was having difficulty making the findings for the variance request. He said he questioned that the variance would not be applicable generally to other properties within the same zoning district as it seemed the City was saying that smaller lots did not need to conform to setback requirements and noted that the adjacent lots were 50-feet wide. He said the only thing he thought created a hardship was the restriction imposed by the City to have a 25-foot back up space or turning circle noting that only a really large vehicle would need that much room. He said he might be able to make the findings because of the arbitrary parking restrictions imposed by the City in this zone to have a side-facing garage. Commissioner Ferrick said regarding the first finding that the heritage tree on the left precluded a driveway on that side. She said she liked that the parking was tucked into the site.

Commissioner Kadvany said the code was not a condition of the property but the code needed to be met. Commissioner Ferrick said this property was zoned for R-3, higher density dwellings, yet the City was requiring back up space that almost made it impossible to park onsite. She said property should not be zoned for multiple buildings if those type buildings could not be built. Commissioner Kadvany said the zone did not guarantee the building of a certain number of units rather that amount of structures would be the maximum allowed. He said they could build four units attached.

Chair O'Malley said in 2006 the Commission had approved similar variances and asked staff if they recalled the justifications for the variance. Planner Fisher said the Planning Commission had approved similar variances in 2006. She said the required area for one detached residential unit was 3,333 square feet and for two units 6,666 square feet but in the apartment district it was allowed to build two units if the lot was 5,000 square feet or more. She said there were other regulations that went counter to that development similar to what Commission Ferrick had expressed. She said that five setbacks of 10-feet each on a narrow lot created a problem with the turning templates and the backup distance adopted in 1996 by the Planning Commission particularly when combined with the required depth for interior clear for garages, the 20 percent paving restriction even with some allowance for pavers as 50% landscaping. She said this project was just under the 20 percent paving and to extend the driveway to the rear would exceed 20 percent. She said lots that were just five feet wider did not face these types of issues. She said for lots having a 50-foot width that over time numerous people had tried various designs to accommodate everything but there had never been one that had built two detached units with a side parking garage that had not needed variances.

Commissioner Kadvany said Commissioner Riggs had mentioned referencing the parking requirements as part of the approval. Planner Fisher said that under the variance findings language could be added to make the point. Commissioner Kadvany said he would like to make a friendly amendment to characterize the design constraints relative to requirements of parking as relevant to making the findings for the variances. Planner Fisher said that under condition 3.a there could be stronger language identifying the rear parking and the back-up distance needed as placing constraint on an effective design and requiring a variance. Chair O'Malley said the finding already said that. Commissioner Kadvany said Chair O'Malley was correct. Commissioner Riggs said a substandard width which was common in this zone was not a reason for a variance but the requirement for turning and backup distance was what created the problem. He said the problem with developing this lot was the ordinance imposed by Menlo Park in 1999. Commissioner Keith suggested adding "and backup distance" after "The turning

radius.” Planner Fisher asked if they wanted stronger language. Commissioner Keith suggested take out “create” and add “is.”

Commissioner Riggs said the nonconforming location of the existing structures also created a further constraint to the potential width of the units, which were already limited by the narrowness of the lot and the required side setbacks. He said main building structures had not been built far enough from neighboring properties. Planner Fisher said the proposed two units would not meet the 20-foot separation between the units and the neighboring structure. She said the two homes on the right met that requirement. Commissioner Ferrick said that was another reason to make the findings for the variance as those conditions were not the property owner’s fault.

Commissioners Ferrick and Keith as the makers of the motion and second accepted the modifications to the language under condition 3.a.

Commission Action: Ferrick/Keith to approve the item as recommended in the staff report with the following modifications.

1. Adopt a finding that the project is categorically exempt under Class 3 of the current State 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. Make the following findings as per Section 16.82.340 of the Zoning Ordinance pertaining to the granting of variances:
 - a. The substandard lot width and the turning radius **and back-up distance** required by the Parking Stalls and Driveway Design Guidelines ~~create~~ **is** a constraint to the design potential for the redevelopment of two residential units on the site with the required number and size of parking stalls without approval of the requested variances. The nonconforming location of the existing structures also creates a further constraint to the potential width of the units, which are already limited by the narrowness of the lot and the required side setbacks.
 - b. The proposed variances are necessary for the construction of two detached units with a site layout that is consistent with the overall neighborhood pattern, and therefore, the preservation and enjoyment of substantial property rights possessed by other conforming properties in the same vicinity, and the variance would not constitute a special privilege of the recipient not enjoyed by neighbors.
 - c. Except for the requested variances, the construction of the two units 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 the structures will conform to the required setbacks, provide adequate on-site parking, and meet the floor area ratio, building coverage, height, and landscaping requirements per the R-3 zoning district.

- d. The conditions upon which the requested variance is based would not be applicable, generally, to other properties within the same zoning classification since the variance is based on the dimensions of the lot, configuration of existing buildings on the adjacent properties, and other site specific constraints.
4. Approve the use permit and variance requests subject to the following **standard** conditions:
- a. Development of the project shall be substantially in conformance with the plans prepared by Young and Borlik Architects, consisting of 16 plan sheets, dated received November 9, 2010, and approved by the Planning Commission on November 15, 2010, except as modified by the conditions contained herein.
 - 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. Landscaping shall properly screen all utility equipment that is installed outside of a building and that cannot be placed underground. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
 - e. Concurrent with the first building permit submittal, the applicant shall submit plans in conformance with the frontage improvements as shown on the approved tentative parcel map. These revised plans shall be submitted for the review and approval of the Engineering Division. All frontage improvements must be constructed and approved by the Engineering Division prior to approval and subsequent recordation of the parcel map.
 - 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 plan and technique recommendations in the Arborist Report for all applicable heritage trees.

- h. Prior to building permit issuance, the applicant shall submit proposed landscape and irrigation documentation as required by Chapter 12.44 (Water-Efficient Landscaping) of the City of Menlo Park Municipal Code. If required, the applicant shall submit all parts of the landscape project application as listed in section 12.44.040 of the City of Menlo Park Municipal Code. This plan shall be subject to review and approval by the Planning and Engineering Divisions. The landscaping shall be installed and inspected prior to final inspection of the building.

Motion carried 7-0.

Commissioner Kadvany said that there needed to be a discussion on parking as evidenced by the discussion this evening. Planner Chow said the Commission would be asked to review and provide input on the City's Capital Improvement Plan to which the Commission could request the addition of a project priority on the City's parking requirements.

E. REGULAR BUSINESS

1. Review of Draft 2011 Planning Commission Meeting Calendar.

Planner Chow said staff had followed similar formats for prior years' schedules and scheduled on alternative weeks for holidays. She asked if there was general consensus that the calendar would work understanding that special meetings could be scheduled as well as study sessions as needed. Chair O'Malley said he was in agreement generally with the schedule but he could not meet on June 13.

General consensus to approve the 2011 Planning Commission meeting calendar.

F. COMMISSION BUSINESS

There was none.

ADJOURNMENT

The meeting adjourned at 8:19 p.m.

Staff Liaison: Deanna Chow, Senior Planner

Recording Secretary: Brenda Bennett

Approved by Planning Commission on December 13, 2010