



PLANNING COMMISSION MINUTES

January 10, 2011

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), Eiref, Ferrick, Kadvany, O'Malley (Chair), Riggs

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

A. REPORTS AND ANNOUNCEMENTS

1. Update on Pending Planning Items.

A. Council action on revisions to 1460 El Camino Real – scheduled for January 11, 2011

Planner Chow said the staff reports for this project were available online and in the department's offices.

B. Planning Commissioner Appointment

Planner Chow said applicants for the vacancy would be interviewed on January 18, 2011 with the expectation that the appointment would be made at the Council meeting of January 25, 2011.

B. PUBLIC COMMENTS

There were none.

C. CONSENT

1. Approval of minutes from the December 6, 2010 Planning Commission meeting.

COMMISSION ACTION: M/S Riggs/Ferrick to approve the minutes with the following modifications as previously submitted to staff.

- Page 9, 4th paragraph from bottom, 1st line: Replace "Mr. Darren Phelan" with "Dr. Darren Phelan"
- Page 9, 2nd paragraph from bottom, 1st line: Replace "Mr. Phelan" with "Dr. Phelan"
- Page 10, 2nd paragraph, 4th line: Replace "Dr. Magnussen" with "Mr. Magnussen"

Motion carried 6-0.

D. PUBLIC HEARING

1. **Use Permit Revision/William Park and Jung Choi/600 Cotton Street:** Request for a revision to a use permit granted in 1998 for the construction of a two-story, single-family residence on a substandard lot with regard to lot width and lot area in the R-E (Residential Estate) zoning district. The revision would include an addition to, and interior renovations within, the main residence, as well as an addition to an accessory structure. The applicant is also proposing to remove a heritage-size cedar tree located in the front, right corner of the site that is 25.6 inches in diameter and potentially hazardous.

Item deferred until the meeting of January 24, 2011 at the request of the applicant.

2. **Use Permit and Minor Subdivision/Andrew Young/1968 Menalto Avenue:** Request for a use permit to construct a new two-story, single-family dwelling unit on a substandard lot with regard to lot width in the R-2 (Low Density Apartment) zoning district. The existing single-story residence on the parcel would be retained; however, the existing detached garage would be demolished and replaced with a new detached carport. Also, a request for a tentative parcel map for the condominium conversion of the existing front residence and the creation of the new rear residence.

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

Public Comment: Mr. Andrew Young, project architect, said staff had done an excellent job describing the project, and he had nothing to add.

Ms. Mickie Winkler, Menlo Park, said she supported the project and was the neighbor most affected by the project. She said she liked the project and how the project had been presented to the community.

Questions of the Applicant: Commissioner Riggs noted the adjustment to the foundation related to the flood zone. Mr. Young said the underside of the floor joist had to be above the flood plane elevation, which determined where the first floor elevations would go. Commissioner Riggs asked about the guidelines for the bamboo that would be planted. Mr. Young said there was bamboo on the right side of the existing driveway and the proposal was to plant bamboo behind the three parking spaces in the middle to provide additional screening for the property to the left. He said the planting area would be 2.5-feet wide and 3-feet deep and would be fully lined to create a barrier preventing root invasion.

At Chair O'Malley's request, Mr. Young described the truss system in the garage noting that due to the flood plane the mechanical systems and crawl spaces would be installed in the second story.

Chair O'Malley closed the public hearing.

Commission Comment: Commissioner Riggs said the proposed project was very aesthetically pleasing. He moved to approve as recommended in the staff report. Commissioner Kadvany seconded the motion noting the project would be a nice addition to the Menalto Avenue neighborhood. Chair O'Malley said the project structure was different but pleasing to the eye.

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. Make findings that the proposed tentative parcel map 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. Approve the use permit and tentative parcel map 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 and Bowman & Williams, consisting of 19 plan sheets, dated received January 4, 2011, and approved by the Planning Commission on January 10, 2011, 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. Simultaneous with the submittal of the final parcel map, the applicant shall submit Conditions, Covenants and Restrictions (CC&Rs) to the Engineering Division for the approval of the City Attorney and the Engineering Division prior to the recordation of the final parcel map. The map and CC&Rs shall be recorded concurrently.
 - h. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance.
5. Approve the use permit subject to the following ***project-specific*** conditions:
- a. Simultaneous with the submittal of a complete building permit application, the applicant shall show the location of the proposed front driveway gate to be a minimum of 20 feet behind the front property line on the site plan and final parcel map, subject to review and approval by the Planning and Engineering Divisions.

Motion carried 6-0.

- 3. Use Permit/Pinnacle Education Services/644 Menlo Avenue:** Request for a use permit to locate an educational facility that provides services to children and families with special needs on the ground floor of an existing building located in the C-3(Central Commercial) zoning district. The set of services includes speech and language therapy, occupational therapy, physical therapy, educational therapy, parent advocacy services, and reading and social skills classes.

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

Questions of Staff: Commissioner Kadvany asked about the parking. Planner Chow said the space was credited with 100 percent parking in the parking plaza and had constructed five parking spaces behind the building as well. Commissioner Kadvany asked how those parking spaces would be reserved for this facility. Planner Chow said signage designating the parking was for 644 Menlo Avenue would be the best solution. Commissioner Kadvany asked if there were other such designated spaces in the plaza or under buildings. Planner Chow said she did not know.

Public Comment: Ms. Abigail Robinson, Director, Pinnacle Education Services, said there was no facility similar to their proposal in the City of Menlo Park, and they were pleased to be able to provide services to children and families with special needs in this area. She said they were currently located in unincorporated Menlo Park.

Questions of Applicant: Commissioner Bressler asked why they wanted to move from their current location. Ms. Robinson said that they wanted a bigger space in which they could provide a clinical setting for their services, noting that much of their current work was through the school district. Commissioner Ferrick asked how many people they would expect in an hour. Ms. Robinson said at the maximum about six to eight clients who would participate in different groups of about three to four per group. Commissioner Ferrick asked what the operating hours would be. Ms. Robinson said they were 10 a.m. to 7 p.m. Monday through Friday and by appointment on Saturdays.

Chair O'Malley closed the public hearing.

Commission Comment: Chair O'Malley asked if there were other non-retail uses in this area. Planner Chow said the area was primarily non-retail except for Trader Joe's, a few restaurants, and Draeger's. Chair O'Malley asked if any of the non-retail uses paid in-lieu fees. Planner Chow said she thought not in that stretch of downtown. Commissioner Riggs said that retail uses seemed to be gradually disappearing from Oak Grove and Menlo Avenues. He said the lack of visibility of this project and the ban on temporary street signage has led to the abandonment of retail in this area.

Commissioner Eiref asked about the building size. Planning Technician Perata said the first floor was 1,700 square feet and the building was approximately 4,000 square feet total.

Chair O'Malley said he had lived in the area for a long time and there seemed to be more vacancies downtown in recent years than ever before. He said there was a desire for retail but vacant space had not been taken for retail. He said there was also a desire to have space occupied rather than vacant.

Commissioner Eiref said that he was pleased this type of service was going to be offered and thought it was a better business model than the tennis shop previously in the space.

Commissioner Ferrick said this business was located in an area with shopping and dining opportunities for visitors.

Commissioner Kadvany said he was concerned about the availability of the parking for people using the services. Commissioner Riggs said that it seemed clear that the parking spaces to the rear were for this building.

Commissioner Riggs moved to approve as recommended in the staff report and Commissioner Bressler seconded the motion.

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

1. Make a finding that the project is categorically exempt under Class 1 (Section 15301, "Existing Facilities") 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 the applicant, consisting of five plan sheets, dated received December 15, 2010, and approved by the Planning Commission on January 10, 2010, except as modified by the conditions contained herein, subject to review and approval of the Planning Division.

Motion carried 6-0.

E. STUDY SESSION

1. **Study Session/Peggy Lo/2400 Sand Hill Road:** Request for a study session for the construction of a new 10,592 square-foot office building (Building 9) at the Quadrus campus located at 2400-2498 Sand Hill Road in the C-1-C (Administrative, Professional and Research, Restrictive) zoning district. The proposal includes the elimination of approximately 1,798 square feet of gross floor area from Building 1 in order for the gross floor area to be used in Building 9.

As a study session item, the Commission did not take action on the item.

Planner Chow said Mr. Steven Spurlock, the Operating Partner, Benchmark, had written that they would like their business to stay in Menlo Park and provided photographs of the interior spaces to be closed to use so the new building could build to the desired square footage.

Commissioner Kadvany asked if there was a precedent for what was being requested to free up square footage. Planner Chow said that space was typically removed by deconstruction and this proposal although not unusual was new to the City. Commissioner Eiref asked if the applicant had considered other alternatives with staff. Planner Chow said the applicant had worked with Planning staff and the City Attorney about ways to accomplish the desired outcome. Chair O'Malley noted that 1,798 square feet was a small percentage of the entire gross floor area for this campus. He asked if there was some way to allow the applicant to keep existing space. Planner Chow said it would exceed allowable Floor Area Ratio. Commissioner Ferrick asked if they could request a variance. Planner Chow said there was potentially something in the General Plan that would limit the FAR, but would have to further review it. A variance would require demonstrating a hardship. Commissioner Bressler said unusable space should be exempt from gross floor area including storage area. Planner Chow said this was usable space and did not meet the criteria for the exemption.

Mr. Richard Campbell, Hoover Associates, said his company had prepared the design for this project and other buildings at Quadrus. He said they would be disturbing a small amount of pervious surface in doing this project. He said there was a prevailing architectural style and this proposal was designed to fit well. He said the building was slightly above the 35-foot limit measuring from grade, which he did not think could be considered natural grade. He said they would be LEED silver with this project.

Chair O'Malley asked what the 213 square feet in the garage was. Mr. Campbell said that included two enclosed spaces, one for the elevator equipment and one for mechanical equipment.

Commissioner Ferrick asked Mr. Campbell opinion on filling in the basement with gravel to make it unusable. Mr. Campbell said there was a need to do something to make it very difficult to reuse the space quickly but he would prefer not to fill the basement with gravel.

Ms. Peggy Lo made commented that she preferred a CMU wall with hatches to close off the area. She indicated that she worked with Planning and Building on the features presented to the Commission. Although filling the space with gravel would be expensive, she indicated that she wanted to comply and the proposal would provide non-occupiable space.

Commissioner Ferrick asked why they were not pursuing LEED gold. Mr. Campbell said that LEED silver was pretty easy to obtain and they would try for gold. Commissioner Ferrick asked if there was some other way to make the room unusable such as lowering the ceiling. Planner Chow said that there were complications with that and that was why they looked at going from the ground up to make the space unusable.

Commissioner Eiref suggested just walling the space off and install something that would need a permit to remove. He said it seemed wrong environmentally to put concrete and gravel in the basement. He said the square footage needed was minimal when one looked at the size of the campus. He suggested trusting that the space would be kept unoccupied.

Commissioner Kadvany asked about Saga Lane and if the road was purchased from the City. Ms. Lo indicated that she was unsure of the financial transaction, but they are responsible for maintenance of the road.

Commissioner Kadvany said it was important not to set a precedent. He said there hopefully was some less energy using and costly way to fill the space.

Commissioner Riggs asked about excavation for the parking under the garage. Mr. Campbell said there would be minimal excavation on one corner. Commissioner Riggs said that 200 cubic yards of spoils might be used to fill the basement and save costs of purchasing gravel and disposing of spoils.

Chair O'Malley asked about a bridge between the two buildings. Mr. Campbell said there would not be linkage between the two buildings except from the two decks.

Commissioner Bressler agreed with Commissioner Kadvany that it would be inequitable to make an exception from the regulations for this project. He suggested that the applicant could do an underground parking garage if feasible as those spaces would not count toward square footage.

Mr. Campbell said he was concerned about the height and what was considered natural grade as the grade had been previously modified for building 5.

Commissioner Riggs said he agreed with Commissioners Bressler and Kadvany the importance of adhering to regulations. He said the architecture was very attractive.

Commissioner Ferrick said it made sense to measure from the natural grade as defined in the Zoning Ordinance. She said the architecture was nice. She said her concern was the fill-in of the basement as it was wasteful and expensive. Commissioner Eiref said he thought there had to be something to make the space unusable without filling it with gravel. Planner Chow said they had considered other alternatives such as filling in with Styrofoam and building a metal plate. She asked if the Commission wanted staff and the applicant to try to find a better fill. Chair O'Malley said the Commission wanted the rules to be followed but to reduce the cost for the space savings strategy. Commissioner Kadvany asked if there could be a legal mechanism to make space unusable. Planner Chow said she would check with the City Attorney and that there might be a deed restriction filed but there was not a good way to monitor the actual use.

Commissioner Kadvany asked about parking. Ms. Lo said there was sufficient parking.

Summary of Commission comments:

- The applicant should continue to work with staff on finding an alternative to gravel for filling the basement (with the intent to be less costly and more environmentally friendly).
- Generally supports the concept of partial elimination of the basement to transfer the GFA to the construction of a new building at the Quadrus campus.
- Encourage LEED certification above the anticipated silver level.
- Support for height to be measured from natural grade as it existed prior to grading to create the existing improvements.
- Generally supportive of the proposed architecture and design of the building because it complements the campus.

F. REGULAR BUSINESS

1. Review, Discussion and Comment on the 2012-2016 Draft Capital Improvement Program

Planner Chow said Appendix A should read 2011-2012. She said the five year Capital Improvement Program was initiated in 2010. She said the Commission was being asked to weigh in on the three proposed Community Development projects: the Willow Business Area, Phase 1.3 and Marsh Business Area – Phase 2, and the General Plan Update. She said if the Commission supported the projects as outlined, the Commission should formulate a recommendation to reaffirm the priorities identified in the Five-Year CIP.

Chair O'Malley asked about the cost estimates and accuracy. Planner Chow said the costs were developed by the department teams most familiar with the projects and then reviewed by the CIP committee. Chair O'Malley commented that staff was reviewing staff's estimates.

Commissioner Bressler asked if the resources spent on projects were tracked to compare actual costs to project costs. Planner Chow said costs were tracked. Commissioner Bressler said it would be good to go back and analyze actual to estimated costs.

Commissioner Ferrick asked for a breakdown of the estimated costs for the Willow and Marsh Business Plans. Planner Chow said it was staff's time and resources for the Willow Business Plan. Commissioner Ferrick asked how many people worked on projects such as this. Planner Chow said numerous people with generally one person leading the effort. Commissioner Ferrick said she supported the business plan updates but wondered about the expense of doing them. Commissioner Eiref asked if those updates' costs were strictly labor costs or from hiring consultants. Planner Chow said typically consultants were involved in these larger projects so those costs were included.

Commissioner Riggs said he supported the three proposed Community Development Department projects. He commented on the process for development in the C-3 and C-4 (ECR) zoning districts and suggested that this process might be done more administratively. He suggested that in the next five years the City look at commercial downtown streamlining and also residential zoning review with a goal to have fewer projects come to the Commission and fewer neighbors upset with what their neighbors have done. He said he would also like to have the Below Market Rate law reviewed as to what the requirements should be. He said there should be coordination among neighboring jurisdictions for development standards.

Commissioner Kadvany said Commissioner Riggs' suggestions were interesting. He said in unincorporated areas there was not the same attention to windows as required by the City. He said he would like to have at least communications with other jurisdictions about standards of development.

Planner Chow said the City was working on the downtown Specific Plan which might address the concerns about commercial downtown development. She said staff in the future would also conduct a major Zoning Ordinance Amendment that might well address residential development streamlining raised by Commissioner Riggs.

Commissioner Ferrick said the General Plan update was very important and would address some of the issues raised as well as development downtown. She supported the Willow and Marsh Business Plans but was concerned about the high cost estimates and what was included in those.

Commissioner Bressler asked why the Marsh Business Plan would cost \$1 million. Planner Chow said it would probably include visioning planning, development of a plan, environmental review and preparation of environmental documents. Commissioner Bressler said it was important to move this project forward.

Commissioner Riggs said he supported the three Community Development Department projects identified as a priority. Other Commissioners agreed.

Commission Action: The Commission unanimously supported the three Community Development Department projects identified in the Draft Capital Improvement document.

Commissioner Bressler asked about the proposed sale of the SunMicro campus to Facebook and if there was any planning related to that. Planner Chow said the property was within a particular zoning district and there was no project proposal yet.

The Commission discussed the suggested four projects identified by Commissioner Riggs and discussed Planning Division funding and resources to best respond to applicants' needs.

Chair O'Malley said if the Planning Commission were to recommend new projects while required to delete other projects of similar total cost, the Commission would need to estimate the costs of the projects being recommended, and that was not practical to do correctly. He suggested making the recommendations for new projects to the Council, and letting Council make determinations of funded priority projects.

Planner Chow said each Commission reviewing the CIP were able to identify projects that they thought should be prioritized and then staff would review these other projects to see how these could be funded.

Commissioner Kadvany noted the lack of input the Commission had in the development of the CIP program priorities. Commissioner Bressler said there were other study projects that the Commission has requested or staff has requested such as the definition of Gross Floor Area that the Commission has worked on with staff. He said there were numerous things the Commission and staff could work on and that they did not have to be restricted to the proposed list. Commissioner Kadvany said in terms of the City process that this list was one way to introduce important projects.

Commissioner Eiref questioned the definition of capital improvement projects and whether the items Commissioner Riggs suggested would need outside resources. Commissioner Eiref asked if there was any time during the year when the Commission looks at how it does its planning. Planner Chow said the Commission would also make a determination of conformance to the General Plan of the Capital Improvement Project before it was approved by the Council.

Commissioner Ferrick said that she thought the commercial downtown streamlining would be included in the development of the Specific Downtown Plan. She said residential streamlining would take the most time and be the most controversial. She agreed that the BMR housing guidelines needed to be reviewed.

Commissioner Riggs suggested listing all of the four proposed projects and have staff evaluate costs. Commissioner Ferrick suggested they be prioritized. Commissioner Riggs said after staff's evaluation perhaps the items could be brought back for prioritization. Planner Chow said that staff would not have time to analyze costs by the next Planning Commission meeting.

Commissioner Riggs suggested wording that the Commission recommended these four additional projects during this five-year capital improvement program: commercial streamlining in C-3 and C-4; very simplified residential zoning streamlining based on reduced daylight plane allowing for an exemption to not have to come to Planning Commission; review of BMR law and definition of unit versus the benefit to the ultimate buyers; and establishing development rules with neighboring agencies.

Commissioner Ferrick said she would support all of the projects being recommended but thought commercial streamlining would be resolved through the specific plan.

Commission Action: M/S Riggs/Ferrick recommended the addition of four projects:

- 1) Commercial streamlining for the C-3 and C-4 (ECR) zoning districts;
- 2) Residential zoning review;
- 3) Review of the BMR law and housing guidelines; and
- 4) Coordination among neighboring jurisdictions.

Motion carried 6-0.

Commissioner Riggs questioned the Menlo Park water system, the staffing and infrastructure expenses, and fees, which he understood were greater than CalWater's fees. He said the Commission in prior years also questioned why decomposed granite stepping stones had to be removed and replaced with concrete in the Seminary neighborhood. Chair O'Malley said he recalled that they had made those comments the past year on the paving stones.

There was no consensus on those items. Chair O'Malley asked if they could have someone explain the water system to the Commission in the future. Planner Chow said they could ask a Public Works staff person. Commissioner Riggs suggested that he would not want to impose that on Public Works staff.

2. Review of Draft Attendance Report for Calendar Year 2010

Commissioner Eiref said he would argue that he should not be shown as absent for the May 17 meeting as he was appointed but had not taken his Oath of Office.

Through consent, the Commission approved the attendance report with one modification to Commissioner Eiref's record.

3. Selection of Planning Commission Chair and Vice Chair for 2011

Commission Action: M/S Riggs/O'Malley to appoint Commissioner Bressler as Chair.

Motion carried 6-0.

Commission Action: M/S Kadvany/Riggs to appoint Commissioner Ferrick as Vice Chair.

Motion carried 6-0.

G. COMMISSION BUSINESS

There were no items.

Commissioner Kadvany disclosed to the Commission that he had met with Nancy Couperus and Mark Flegel who provided information on the history of the downtown, on the role of downtown merchants, and thoughts on projects that worked and did not work. He shared this information through past discussions with Commissioner Keith (at the time,) who was now a City Council Member. He said his intent was to potentially engage in communications with some City Council Members about the Draft Downtown/El Camino Real Specific Plan.

ADJOURNMENT

The meeting adjourned at 10:10 p.m.

Commission Liaison: Deanna Chow, Senior Planner

Recording Secretary: Brenda Bennett

Approved by Planning Commission on February 7, 2011