



PLANNING COMMISSION MINUTES

October 17, 2011

7:00 p.m.

City Council Chambers

701 Laurel Street, Menlo Park, CA 94025

CALL TO ORDER – 7:00 p.m.

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

INTRODUCTION OF STAFF – Deanna Chow, Senior Planner; Kyle Perata, Assistant Planner

A. REPORTS AND ANNOUNCEMENTS

1. Commission Appreciation Event – October 19, 2011

Planner Chow thanked the Commissioners for their response for the upcoming Commission Appreciation Event on October 19 in the Arrillaga Family Recreation Center.

B. PUBLIC COMMENTS

There was none.

C. CONSENT

1. Approval of minutes from the August 4, 2011 Planning Commission meeting.

Commission Action: Commission consensus to approve the minutes of the August 4, 2011 Planning Commission meeting.

Action carried 6-0 with Commissioner Riggs abstaining.

D. PUBLIC HEARING

1. Use Permit and Architectural Control/Zach Trailer/1234 Hoover Street:
Request for a use permit and architectural control to demolish a three unit apartment building and to construct three, single-family dwelling units and associated site improvements, on a lot located in the R-3 (Apartment) zoning

district. Three or more dwelling units are a conditional use in the R-3 (Apartment) zoning district.

Staff Comment: Assistant Planner Perata said staff, after the publication of the staff report, had received correspondence from Ms. Glenna Luckenbach, Hoover Street, Menlo Park. He said the correspondence had been distributed to the Commission at the dais and also made available to the public at the table near the entrance to the chambers. He said Ms. Luckenbach listed four concerns with the proposed project including the need for a seven-foot fence prior to the start of construction partially for privacy as the patios for the units would be in that area and to protect the driveway from debris; to keep her driveway clear of parked vehicles during construction; to insure accuracy of fence boundaries; and that the construction debris box not be located in front of her property. He said staff consulted with the applicant and condition 5.a was agreed upon related to the fence: "Simultaneous with a complete building permit application, the applicant shall revise the plans to include a seven-foot tall solid wood fence or a six-foot tall wood fence with a one-foot tall lattice element along the property adjacent to 1220 Hoover Street. The fence within the required fence setback would remain a required four feet in height subject to review and approval of the Planning Division." He said regarding the driveway being kept clear of construction vehicles and the location of the debris box that these items would be handled at the building permit level. He noted the applicant had been in discussions with the neighboring property owner. He said related to the accuracy of the fence boundaries that the City did not regulate the location of fences.

Questions of Staff: Commissioner Riggs asked for clarification as to whether the fence would be constructed at the end of construction or built before any deconstruction occurred. He said it seemed she would at least want a temporary fence prior to any deconstruction to mitigate dust and noise from the project. Assistant Planner Perata said he believed the applicant would be able to answer that question.

Public Comment: Mr. Zach Trailer, applicant, said he had spoken with Ms. Luckenbach, who was concerned about people accessing her property during construction. He said that there would not be anyone associated with the project accessing her property and that it was unusual to place a nice wood fence prior to construction. He said they were willing to do a chain link fence during construction if that was wanted by Ms. Luckenbach. He said after construction they would construct a minimum six-foot tall fence with one-foot of lattice or a seven-foot tall fence. He said the driveway requirement was greater than they would prefer as that would create a lot of hardscape.

Mr. Chris Spaulding, project architect, said the project was to replace a dated three-unit apartment building with three new single family residences. He said the City's Public Works Department wanted a 20-foot width for the two-way driveway. He said the Fire District needed a 16-foot minimum width to the garage of unit 2.

Commissioner Kadvany asked about the width of the driveway at the sidewalk, noting a neighboring six-unit residential development that did not have as wide a driveway as what was being required of this project. Mr. Spaulding said that project's driveway was narrower and the buildings were closer together than what they were proposing. He said they were told that those features were either missed or done incorrectly. He said they would like to have a narrower driveway at the sidewalk at the minimum Fire District requirement. Commissioner Kadvany said he was interested in a possible change at the sidewalk and asked what would change if the driveway was narrower. Mr. Spaulding said they would provide greater landscaping. Mr. Trailer said that they had done their floor plans based on the need for the wider driveway. He said they were not at maximum floor area ratio and they could use more square footage. Mr. Jeff Lea, Lea & Braze Engineering, said in many neighboring jurisdictions a 16-foot driveway was acceptable for two-way traffic. Commissioner Kadvany asked if the need for a wider driveway was related to the number of units. Mr. Lea said when there was second unit the driveway needed to be wider but a 16-foot wide driveway was the norm. Commissioner Eiref asked about the Fire District's requirements. Mr. Spaulding said the Fire District wanted a wider driveway to the second home so that from that point it was no further than 150-feet to the most distant part of unit 3. Commissioner Eiref asked if a fire hydrant onsite would satisfy the Fire District. Mr. Spaulding said it had to do with the length of the fire hose from the pumping truck. Commissioner O'Malley asked if the code required a 20-foot wide driveway or if it was the direction of Public Works. Assistant Planner Perata said the 20-foot width was the preference of Public Works for this project but he could not confirm the Fire District's requirements. He said the Driveway Design Guidelines recommend a 24-foot width. Chair Bressler asked the applicant what the Fire District had requested as the needed width. Mr. Spaulding said he recalled 16-feet but as he could not confirm that now he suggested a condition to reduce the driveway width to the specification of the Fire District.

Ms. Kathleen Baker Rice said she was a neighbor and was happy with the project proposal. She said her concern was with the area where the driveway would meet the fence as that was a great amount of hardscape. She requested that this area have some kind of landscape to soften the visual impact.

Chair Bressler closed the public hearing.

Commission Comment: Chair Bressler said he would like to see something to mitigate the appearance of the driveway. Commissioner Eiref suggested the use of Gold Fine rather than asphalt along the fence line. Commissioner Riggs said the design of the three units was interesting although it was hard to tell without a color rendering. He said the architectural style of this neighborhood was very traditional. He said there was a comment about the front elevation of unit 1 and suggested landscaping of some height in front of that unit. He said regarding the driveway width that he thought this was the third project the Commission had challenged the driveway width. He said he had spoken with the Interim Director of Public Works, who indicated the guidelines, which were national standards, called for a 24-foot driveway with three units and a

compromise had been made to require a 20-foot driveway width instead. Commissioner Riggs said the Interim Director had indicated that discussions of the guidelines should go through City Counsel and be discussed publicly. He suggested that the driveway width discussion occur separately from this project. He said in the meantime they could add a condition to allow a narrower driveway if so permitted.

Commissioner Kadvany said the wider the driveway the less aesthetically attractive this project would be, which meant it was less valuable for the applicant and less valuable for the neighborhood. He said there seemed to be no consideration of the value of land and that it sounded like the developer might be able to add square footage to the front unit if the driveway was not so wide.

Chair Bressler said Commissioner Riggs had suggested approving this with a narrower driveway and to have a separate consideration of the Driveway Design Guidelines. Commissioner Riggs said previously the Commission had indicated they would like a driveway width at 16-foot, which the Transportation Division had considered but then indicated that a 20-foot width was the minimum.

Planner Chow said the Design Guidelines for Driveways and Parking Stalls was a design guideline and the Transportation Manager has the ability as does the Planning Commission to deviate from those guidelines. She said however a 20-foot width was the smallest driveway for this project that the Public Works Director was comfortable with because of two-way access and the ability to have a car parked and allow access. She said the Commission had decided on a four-unit project at 737 Fremont Street with a central driveway to allow the 24-foot driveway frontage to reduce to 20-foot further into the lot.

Commissioner O'Malley said should the Commission reduce the driveway width to 16-feet that the applicant would want to redesign the project and that would delay the project. He said the driveway width requirements should be reconsidered by the City Council. He said the applicant might want to wait and see if the project would allow for a narrower driveway, which might allow for some landscape plots in the front.

Commissioner Ferrick said having part of the driveway in a type of landscape reserve would allow for the width if needed but would provide landscaping.

Commissioner Eiref said his home shared a driveway and only on very rare occasions was there any inconvenience caused with cars entering and exiting at the same time. He said the width was a severe penalty to pay for a very minor incidence of inconvenience. He suggested that there might be a parking pad in front of the garage. He said he would support a narrower driveway.

Chair Bressler asked what would happen if the Commission approved the project with a narrower driveway. Planner Chow said that was within the Commission's purview with the decision subject to the review and approval of the Fire District. She said

Commissioner Riggs was talking about a separate comprehensive consideration of driveway guidelines. She said she wanted to reaffirm to the Commission that staff's preference was for a 20-foot wide driveway.

Commissioner Kadvany asked about landscaping to soften the fence. Mr. Trailer said that they supported doing that and if the driveway was reduced they would be willing to dedicate a two-foot planting strip along the fence. He said they would like to use the other two feet to widen unit 1. Commissioner Kadvany said that would mean the project application would have to be resubmitted. Chair Bressler asked if that would mean the project would have to come back before the Commission. Planner Chow said it would depend on the amount of change and if it was not substantial it could be reviewed and approved by staff.

Commissioner Ferrick said it appeared that reducing the driveway would create 780 more square feet for the buildings. She said she would be comfortable with that recommendation.

Commissioner Riggs asked whether the two London plane trees would be replaced with California buckeye trees. Assistant Planner Perata said the Public Works Department had requested that replacement type.

Commissioner Riggs moved to approve with the recommendation to reduce the driveway to 16-feet wide at the first 30 feet to allow the arc into the garage for unit 1 and the four feet thereby gained be used for landscaping along the property line side and that the planting be limited to shrubs and ground cover in that landscape area, and to keep the two London planes if in agreement with the project arborist. Chair Bressler said there would need to be some transitioning of landscaping toward unit 2.

Mr. Trailer asked if the Commission would still consider allowing two feet to add to unit 1.

Commissioner Yu said she would prefer that the condition not be as prescriptive as to the use of the four feet. Commissioner O'Malley said he would support giving the applicant the ability to use two feet for the building. Commissioner Eiref said he supported that and would allow the applicant to use the four feet as they desired as it would behoove them to use some of that for landscaping along the fence. He said he supported reducing the driveway width to 16-feet and allowing the applicant to do what they wanted with the extra space.

Commissioner Riggs' motion died for a lack of a second.

Chair Bressler said one person had suggested two feet along the fence line and two feet along the residential unit. He asked Planner Chow to weigh in on the discussion. Planner Chow said staff sensed there was a hybrid of what was being suggested by Commissioners Kadvany and Riggs that would include a reduction of the driveway width

from 20 feet to 16 feet until it reached the garage. Commissioner Riggs said to the curve which was drawn on the plan. He said if there was a two foot split the driveway would go past the unit 1 garage and the next curve would be just at the back wall of unit 1. He said that was to prevent conflict with the turning motions. Planner Chow said the 23-foot backup distance for the garage was also part of the Driveway Design Guidelines. She said the plan showed a 25-foot backup from the garage of unit 1 and asked if the Commission was looking at a reduction of the driveway width there as well. She said staff would recommend maintaining a 23-foot backup distance. Commissioner Riggs said backup distance is measured to the bumper, but the bumper overhangs the rear wheels by approximately 30 inches so that part of the car could pass over landscaping without conflict when backing.

Commissioner Ferrick said 60.9 square feet was what was remaining of the maximum building coverage square feet for the project. She said she supported the ability to do landscaping to soften the driveway. She suggested having the public benefit of landscaping along the fence without interfering with backup space.

Commissioner Eiref moved to reduce the driveway width to 16 feet. He said the planned residence was 50-feet wide and they could increase that by one foot and definitely have the ability to do great landscaping. Chair Bressler asked if he intended for the applicant to work with staff. Commissioner Eiref said that would work. Commissioner Ferrick said she would second the motion but with the note that the project would still need to adhere to building coverage regulations and floor area ratios.

Commissioner Riggs said if he owned unit 1 he would want all the landscaping next to the house and keep the cars next to the fence. Chair Bressler asked if he wanted something to require two feet of landscaping along the fence.

Commissioner Yu said that the proposal was to reduce the driveway width to 16-feet and asked how much of the length of the driveway that affected. Commissioner Eiref said to reduce the driveway width to 16-feet or to whatever the Fire District required. Commissioner Yu asked about the length. Chair Bressler said the question was how the driveway could be narrowed and meet the turning radius requirements and Fire District requirements. Commissioner Eiref said he would change his motion to reduce the driveway width to meet the Fire District requirement. Commissioner Riggs said the backup arc was not a Fire District requirement. Chair Bressler said that the reduction would occur at the frontage and continue as far as possible to meet turning radius needs. Commissioner Eiref said that was fine with him as the maker of the motion. Commissioner Ferrick said she accepted the change as the maker of the second.

Planner Chow said the recommendation was to reduce the driveway width from 20-feet to 16-feet such as not to conflict with the requirements of the Menlo Park Fire District and the turning radiuses. For the applicant to work with staff if desired to increase unit 1 up to the maximum building coverage and floor area limits as long as the proposed

design was consistent with the drawings provided in the staff report. She said she did not have any indication of how much landscaping might be want.

Commissioner Yu said she would want to give the developers flexibility with the additional space and not place artificial limitations.

Commissioner Kadvany said he would like to discuss the removal of the sycamores. Assistant Planner Perata said that Public Works had requested the removal because of the negative impact of the driveway and frontage improvements on them. He said the applicant was required to replace the sidewalk on the frontage. Commissioner Kadvany asked if that could be added to the motion to keep the trees if possible. Commissioner Ferrick suggested that might be a separate motion. She asked if the trees would be able to remain if the driveway was narrower.

Commissioner Riggs said it not appear they were limiting the modifications to unit 1 with the motion and suggested the applicant might move the unit back and over which would mean the driveway could still be completely against the fence. Recognized by the Chair, Mr. Trailer said the unit could not be moved back as it would encroach in the setbacks for unit 2. Mr. Trailer said they were willing to limit additional space to just the one wall along the driveway.

Commissioner Ferrick asked that the motion be amended to keep any additional building coverage for unit 1 limited to the driveway side wall. Commissioner Eiref said that was acceptable to him as the maker of the motion.

Commission Action: M/S Eiref/Ferrick to reduce the driveway width at the frontage to 16 feet or the minimum requirement for the Menlo Park Fire District so as not to conflict with the needed turning radius for unit 1, and for the applicant to be able to add square footage along the fence side wall of unit 1 to conform substantially with the drawings included in the staff report and for the review and approval of staff.

Motion carried 7-0.

Commissioner Kadvany asked about the health of the sycamore trees. Mr. Trailer said that they were complying with the City's direction in their replacement.

Commission Action: M/S Kadvany/Riggs to preserve the two sycamore trees in front if possible.

Motion carried 7-0.

Chair Bressler noted the Commission had made two amendments to the proposed recommendation.

Commission Action: M/S Bressler/O'Malley to approve the project as recommended by staff with the two amendments previously approved.

1. Adopt a finding that the project is categorically exempt under Class 3 (Section 15303, "New Construction or Conversion of Small Structures") 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. Adopt the following findings, as per Section 16.68.020 of the Zoning Ordinance, pertaining to architectural control approval:
 - a. The general appearance of the structure is in keeping with the character of the neighborhood.
 - b. The development will not be detrimental to the harmonious and orderly growth of the City.
 - c. The development will not impair the desirability of investment or occupation in the neighborhood.
 - d. The development provides adequate parking as required in all applicable City Ordinances and has made adequate provisions for access to such parking.
4. Approve the use permit and architectural control requests subject to the following **standard** conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by Chris Spaulding Architect, consisting of 10 plan sheets, dated received October 11, 2011 and approved by the Planning Commission on October 17, 2011, 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. 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.
- 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.

Chair Bressler asked if they wanted to pursue the question of the Driveway Design Guidelines. Commissioner Riggs said he had spoken with the City Manager about having design guidelines applied with more common sense. He said driveway widths and clearances and other engineering standards should be revisited and he would like multi-unit driveway width to be reduced. Chair Bressler asked if that was to 16-feet. Commissioner Riggs said 16-feet should be adequate.

Planner Chow said the Driveway Design Guidelines discussions needed broader input, and that this could be proposed as a capital improvement project, similar to zoning ordinance amendments.

Commissioner Ferrick requested that a discussion of Driveway Design Guidelines be agendaized and for the Commission to get information from the Building and Public Works Departments and Fire District on their recommendations and reasoning. Planner Chow said she would speak with the Transportation Division to see what staff could reasonably put together and bring back to the Planning Commission.

2. **Tentative Parcel Map/Steven Schwanke/660 and 664 Creek Drive:** Request for a tentative parcel map for the creation of two condominium units in the R-2 (Low Density Apartment) zoning district. The existing front residence would remain, the existing rear unit would be demolished, and a new unit would be constructed. Two heritage trees, a 16-inch pittosporum and a 24.2-inch privet, are proposed to be removed to accommodate the new unit at the rear of the property.

Staff Comment: Planner Chow said on page 1 of the staff report in the data table that the lot area should read 15,458 and not 15,548, which had implications for the building coverage as that should be 5,410 maximum square feet rather than 5,448 as shown. She said under floor area limit, the square footage maximum should be 6,183. She said on page 2 of the staff report that in the last paragraph it was indicated that 48 square feet was the remaining square footage but that should be corrected to 12 square feet. She said staff was requesting a change to condition 4.a which indicated the applicant should determine how the remaining 48 square footage would be split between units 1 and 2. She said with the correction to 12 square feet, the applicant had determined to add the actual 12 square feet to unit 2. She read the new condition 4.a: "As part of the complete building permit application for the rear dwelling unit, the applicant shall have the flexibility to add up to 12 square feet so long as the maximum floor area limit is not exceeded for the site, all of the development regulations of the R-3 zoning district are adhered to and the proposed addition is designed in a consistent manner with the house. Concurrent with the parcel map submittal, the applicant shall reflect the updated site plan for the two units if modifications have been made to the footprint of the rear unit."

Questions of Staff: Commissioner Riggs noted that condition 4.b indicated that prior to the recordation of the parcel map, there would be demolition and permits pulled and the improvements shown on the plans would have to be constructed. He asked why. Planner Chow said condominium maps were designed to reflect the footprints of the units and to reflect what was actually on the ground, noting that this level of specificity was required by the City.

Public Comment: Mr. Steve Schwanke, applicant, introduced the property owner. Ms. Lee Fletcher, property owner, said she was confused as to the timing of the parcel map and project. She said a condition indicated that within two years they needed to apply for the final parcel map. She asked if that meant the project had to be built within two years. Planner Chow said the tentative parcel map had an expiration date of two years so the applicant would need to apply for the parcel map within that time frame. She said the unit would need to be constructed and the parcel map applied for. Ms. Fletcher asked if she could have another year to allow some flexibility. Planner Chow said she would look at the subdivision ordinance to see if that might be permitted by the Commission.

Chair Bressler closed the public hearing.

Commission Comment: Commissioner Riggs said that the driveway was now gravel and asked what would replace it. Mr. Schwanke said he would use stone pavers. Commissioner Riggs said that the project was not required to have a wider driveway. Mr. Schwanke said that they were required to have a fire sprinkler system for the rear unit.

Commissioner O'Malley moved to approve as recommended in the staff report and the change to condition 4.a as noted by staff. Chair Bressler said that Planner Chow was reviewing the subdivision ordinance and asked if other Commissioners were willing to extend the application for the parcel map another year. He said there seemed to be consensus.

Commissioner Riggs said he made a site visit and the tenants in the rear unit were not aware of the public hearing and application for a tentative parcel map. Ms. Fletcher said the tenants had just moved in and have a 12 month lease, and may have not gotten notification from the City.

Planner Chow said the Planning Commission has the ability to extend the period up to two years.

Chair Bressler said he would second Commissioner O'Malley's motion and amend the expiration of the application for the parcel map from two years to four years. Commissioner Riggs said Ms. Fletcher needed to be aware that no further extension would be available.

Commission Action: M/S O'Malley/Bressler to approve as recommended in the staff report with the following modifications.

1. Make a finding that the project is categorically exempt under Class 15 (Section 15315, "Minor Land Divisions") of the current CEQA Guidelines.

2. Make findings that the proposed minor subdivision is technically correct and in compliance with all applicable State regulations and City General Plan, Zoning and Subdivision Ordinances, and the State Subdivision Map Act.
3. Approve the minor subdivision subject to the following **standard** conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by Lea & Braze Engineering, Inc., dated received October 13, 2011 consisting of two plan sheets and approved by the Planning Commission on October 17, 2011, except as modified by the conditions contained herein.
 - b. Within ~~two~~ **four** years from the date of approval of the tentative parcel map, the applicant shall submit a parcel map for review and approval of the City Engineer. The parcel map shall use a benchmark selected from the City of Menlo Park benchmark list as the project benchmark and the site benchmark.
 - c. Concurrent with the parcel map submittal, the applicant shall pay fees for the parcel map, improvement plan check, and storm drain connection.
 - d. Concurrent with the parcel map submittal, the applicant shall submit a Grading and Drainage Plan for review and approval of the City Engineer. The Grading and Drainage Plan shall demonstrate that storm water shall not drain on adjacent properties. The Grading and Drainage Plan shall also indicate all proposed modifications in the public right-of-way including frontage improvements and utility installations.
 - e. Prior to building permit issuance, the applicant shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.
 - f. Prior to building permit issuance, the applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
 - g. Prior to 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.

- h. Prior to building permit issuance, the applicant shall submit plans indicating that the applicant shall remove and replace any damaged and significantly worn sections of frontage improvements. These revised plans shall be submitted for the review and approval of the Engineering Division.
 - i. Prior to recordation of the parcel map, the applicant shall submit CC & R's (covenants, conditions and restrictions) to the Engineering Division for the approval of the City Engineer and the City Attorney prior to the recordation of the final subdivision map. The final subdivision map and the CC & R's shall be recorded concurrently.
 - j. Heritage trees in the vicinity of construction shall be protected pursuant to the Heritage Tree Ordinance. Prior to issuance of a demolition or building permit, the applicant shall implement the tree protection plan and recommendations in the Arborist Report for all applicable heritage trees for review and approval by the Building Division.
4. Approve the minor subdivision subject to the following ***project-specific*** conditions:
- a. ***As part of the complete building permit application for the rear dwelling unit, the applicant shall have the flexibility to add up to 12 square feet so long as the maximum floor area limit is not exceeded for the site, all of the development regulations of the R-3 zoning district are adhered to and the proposed addition is designed in a consistent manner with the house. Concurrent with the parcel map submittal, the applicant shall reflect the updated site plan for the two units if modifications have been made to the footprint of the rear unit.***
 - b. Prior to recordation of the parcel map, the applicant shall demolish the existing rear dwelling unit and two detached carport, and obtain the necessary buildings permits and construct the improvements as shown on the plans prepared by Schwanke Architecture, dated received October 11, 2011 (Attachment C), subject to review and approval of the Planning and Building Divisions.
 - c. As part of a complete building permit application for the rear dwelling unit, the applicant shall identify the species, size, and location of the two heritage replacement trees, subject to review and approval of the Planning Division.

Motion carried 7-0.

3. **Use Permit/Sam Sinnott for the Wine Bank/1320A Willow Road:** Request for a use permit for the outside storage of hazardous materials, associated with a proposed propane generator, at an existing wine storage facility, located within the M-2 (General Industrial) zoning district. The proposed generator and storage tanks would be located in front of the existing building along Willow Road, and would be screened by a proposed metal fence. As part of this application, one heritage size silver dollar gum tree in fair condition is proposed to be removed.

Staff Comment: Assistant Planner Perata said staff had no additions to the written staff report.

Questions of Staff: Commissioner Riggs asked if staff had responded to Ms. Roddy's correspondence and concerns. Assistant Planner Perata said that staff had spoken with Ms. Roddy and addressed her concerns and explained that this was not a hazardous waste facility.

Commissioner Ferrick asked if the Fire District was aware the proposed facility would be on Willow Road. Assistant Planner Perata said they were.

Public Comment: Mr. Sam Sinnott, project architect, said a number of utilities had been involved in the planning for this project and because of site constraints, the determination was made that the front would be the best location for the proposed project. He said they planned to do a high end structure with screening. He said before the meeting Mr. Matt Henry, former Planning Commissioner, told him that the area was used by homeless people at night and that an enclosed structure might attract use, and had suggested a more transparent façade and razor wire. Mr. Sinnott said that a more transparent structure might be needed and perhaps a chain link fence. He said the reason this was hazardous materials was because of the propane.

Chair Bressler asked why it was propane and not diesel. Mr. Sinnott said this was a natural gas generator and the propane was just for backup in the case of earthquake should transmission lines lose pressure.

Commissioner Ferrick asked about the safety factor noting there was a high school nearby.

Mr. Greg Cocotis, generator operator, said the main concern with standby generators had to do with air quality and this generator was under the threshold requiring an air quality permit. Commissioner Ferrick asked if there was some way to insure that the generator could not be vandalized noting its proximity to Willow Road. Mr. Cocotis said the generator was in a weatherproof enclosure and was not exposed to the street. He said the box was lockable. He said a car would have to travel over two curbs to reach the propane tanks and that bollards around it were not needed. Commissioner Ferrick asked if there was anything a person could do outside the enclosure that would ignite the propane tanks. Mr. Cocotis said the only vapor the tanks would produce would be

during extreme heat, which he defined as a 130 degree day. He said the tanks have a lifetime certification and are ASME tanks. Commissioner Ferrick asked what would happen if someone shot one with a gun. Mr. Cocotis said the bullet would penetrate the tank and might or might not ignite. He said propane was only for backup generator use, noting that the Bank Wine stores very expensive wines that need to be kept at consistent temperatures. He said propane does not go bad like diesel fuel.

Commissioner Kadvany asked if propane could be placed inside a building. Mr. Cocotis said that was not allowed under fire code. Commissioner Ferrick asked if it could be placed on the roof. Mr. Cocotis said it might be placed there but propane was very heavy, and they would have to provide fire barriers and noncombustible walls. He said there would have to be an engineered platform that was noncombustible. He said it could be done but it was impractical.

Commissioner Yu asked about the propane tanks and why a car could not hit it. Mr. Cocotis said there were obstacles including a tree, the generator, a sidewalk and then a curb.

Commissioner Riggs asked if this was an existing generator or new. Mr. Cocotis said it was a new generator. Commissioner Riggs said he was surprised there were no generator specifications included in the staff report. Assistant Planner Perata said he had a copy of the specifications. Commissioner Riggs said normally that was included with the staff report. He said normally bollards were used to protect things from being hit by cars. Mr. Cocotis said the generator was elevated three feet with a retaining wall. Commissioner Riggs asked how tall the wall was. A man sitting next to Mr. Sinnott indicated the concrete wall was 32 inches tall. Commissioner Riggs asked what the area behind the loading dock was. Mr. Don Fox owner of the Wine Bank said that space belonged to the next door tenant at 1320 C.

Commissioner Eiref asked if it would make sense to create a visual screen. Mr. Cocotis said the whole area was behind the fence. Commissioner Eiref said generally generators were in the back of buildings. Mr. Cocotis said the plan was to have an opaque fence and louvers to circulate air. Commissioner Eiref asked if there could be some type of transparent roof. Mr. Cocotis said the enclosure was intended for visual screening and putting chain link fence as a roof would raise the building height. Commissioner Kadvany asked if they had considered using two parking spaces. Mr. Cocotis said with the conceptual plan they had looked at other options but there were too many constraints because of the utilities. He said if they used parking that would cause problems with the use permit. He said the only other place was right in front of a storefront but there was no guarantee that would be acceptable as the parking requirements would have to be reviewed.

Commissioner Kadvany asked if there was enough room to put in significant landscape screening in the berm area in front of the generator. Mr. Cocotis said they needed five foot separation between the tanks and the generator, and minimum of three feet to have

access to the generator. He said screening of the fence would have to comply with code regarding outside engines. He said PG&E also has requirements for separation because of a transformer.

Mr. Sinnott said having a rolling gate facing Willow Road was not ideal but noted the Fire District wanted full clearance for a full rolling gate that could be turned to right angles and had to have access from Willow Road. He said he did not know if foliage could be added in front of the gate. Commissioner Kadvany said it could be added on the sides. Mr. Sinnott said the Willow Road side of the gate had to be clear but they might be able to add more foliage for the building as long as it was five feet from the generator. He said PG&E requirements meant having clearance for switch gears. He said in area beyond clearances there could be plantings. Commissioner Kadvany noted a gray box that had been tagged with graffiti. Mr. Fox said he periodically paints over the graffiti. Commissioner Ferrick suggested they report incidences to law enforcement as they might have history on the tagger.

Chair Bressler closed the public hearing.

Commission Comment: Commissioner Ferrick said she had concerns about the safety of the site, and asked about a security cover for the enclosure. Mr. Cocotis said that he had not seen a homeless problem. Commissioner Eiref asked if the generator area could be alarm wired. Mr. Cocotis said that outdoor security was easily triggered and this would need to be an auxiliary alarm. He suggested not using louvers and using a chain link fence instead with attractive metal slats so as not to give the enclosure privacy.

Commissioner Riggs suggested moving louvers so as not to inhibit the view downward. He said he did not like chain link fence with metal slats. He said he would prefer louvers. Commissioner Yu said that chain link fence was not preferable and suggested louvers with visibility through them and suggested that the floor material be uncomfortable. Mr. Cocotis said that that they could lay gravel. He said slats could be custom made in any desired configuration. Commissioner Yu suggested moving the slats further apart and to have them angled. Commissioner Ferrick said she concurred about not using a chain link fence and suggested having more visibility through the lower louvers and less going higher. She said her last concern was the potential for fire with the tanks. She asked about the style of slats and their durability and maintenance. Mr. Sinnott said they were aluminum but could be steel. He said they would be custom made. He said they could redesign it and submit to staff. Chair Bressler said they needed something that could be painted as there was a graffiti problem. Commissioner Riggs said aluminum was available with a Kynar surface and that spray paint won't stick to that surface.

Commissioner O'Malley said he was not concerned that a car might run into the tanks and cause a problem, and suggested the installation of a motion detector light would

resolve concerns that the enclosure might be used as a sleeping area by homeless people.

Commissioner Kadvany said the that something needed to be done to mitigate the aesthetic impact noting that removing the gum tree would remove screening of a big blank wall. Mr. Fox said that there were three eucalyptus trees there and only the smallest tree would be removed.

Chair Bressler moved to approve as recommended in the staff report with modifications to include gravel on the floor in the generator enclosure and the addition of a motion sensor light and protective screening installed above. Commissioner Ferrick said the light could be installed at gate level and not high. Commissioner Riggs said it did not cost anything to turn the louvers around and gap them six inches from the bottom. Chair Bressler asked if that would have an aesthetic impact. Commissioner Riggs said he did not think so and suggested that the aluminum finish be Kynar. Commissioner O'Malley confirmed with the applicant that he could order louvers with the suggested changes that would not exceed the funding allocated for that feature. Commissioner Kadvany suggested that seeing the mechanical equipment would attract attention. Commissioner Yu said she agreed with the gravel floor and a motion sensor light and thought that making the equipment visible was not a good idea. Commissioner Eiref said that if someone really wanted to get inside to sleep they would do it. He said having slats in different directions was not appealing. He said he would prefer that people could not see behind the wall as it would attract attention. Commissioner Ferrick said her original concern was about the incidences of high school students who were not in school when they should be and who might be attracted to the area. She said she thought they might be trying to over think the installation. She asked if someone were to vandalize the propane tank and caused a leak or fire, what party would be liable. Mr. Cocotis said liability insurance would typically cover such things.

Commissioner Yu suggested leaving the fence as proposed and add the motion sensor light. Commissioner Kadvany asked for a specific condition for landscaping, noting the frontage currently was not well kept and to mitigate an appearance like that of the rear of a building. Chair Bressler said this project would remove a tree and a tree could not be added. Commissioner Kadvany said landscaping could be added to the sides and beyond the gate.

Chair Bressler moved to approve with modifications to include a motion sensor light, gravel in the enclosed area, and administrative discretion approval of improved landscaping across the entire front of the building where possible. Commissioner Kadvany seconded the motion. Commissioner Riggs asked if they wanted to include the aluminum finish he suggested. Chair Bressler said that could be included and asked about the finish. Commissioner Riggs said it was Kynar. Chair Bressler accepted that amendment as the maker of the motion and Commissioner Kadvany as the maker of the second accepted the amendment.

Commission Action: M/S Bressler/Kadvany to approve as recommended in the staff report with the following modifications.

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 provided by Samuel Sinnott & Company, Inc, consisting of three plan sheets, dated received October 3, 2011, and approved by the Planning Commission on October 17, 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 applicant 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 applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
 - d. If there is an increase in the quantity of hazardous materials on the project site, a change in the location of the storage of the hazardous materials, or the use of additional hazardous materials after this use permit is granted, the applicant shall apply for a revision to the use permit.
 - e. Any citation or notification of violation by the Menlo Park Fire Protection District, San Mateo County Environmental Health Department, West Bay Sanitary District, Menlo Park Building Division or other agency having responsibility to assure public health and safety for the use of hazardous materials will be grounds for considering revocation of the use permit.

- f. If the business discontinues operations at the premises, the use permit for hazardous materials shall expire unless a new business submits a new hazardous materials business plan to the Planning Division for review by the applicable agencies to determine whether the new hazardous materials business plan is in substantial compliance with the use permit.
4. Approve the use permit subject to the following **project specific** conditions:
 - a. Prior to building permit issuance, the applicant shall provide staff with an approval letter from PG&E for the proposed project.
 - b. Prior to building permit issuance, the applicant shall provide a landscape plan for the review and approval of the Planning Division.**
 - c. The applicant shall install a gravel floor in the enclosure except on the concrete pads for the generator, a motion detector light, and use louvers with a Kynar finish.**

Motion carried 7-0.

E. REGULAR BUSINESS

1. **Review of Gross Floor Area Zoning Ordinance Amendment/City of Menlo Park:** Two-year review of Zoning Ordinance amendment relative to the clarification of gross floor area.

Chair Bressler noted that Commissioner Kadvany had left the meeting.

Staff Comment: Planner Chow said that this item was a second year review of the definition of gross floor area (GFA). She said per the Commission and Council's direction upon the one-year review last fall, staff had reviewed projects that were subject to GFA between August 1, 2010 and August 31, 2011. She said the staff report provided an overall evaluation of the impacts of the current ordinance as well as the impacts of the Planning Commission's four specific recommendations. She noted that Attachment E was a summary of the projects. She requested that the Commission consider the projects it reviewed over the past year and revisit its four zoning ordinance recommendations to determine if any changes to the recommendations were warranted. She said to summarize that the Commission had suggested changes to the following areas:

1. Elimination of the inclusion of the top floor stairwell area (if it does not penetrate the roof).
2. Inclusion of the elevator square footage only on the first floor.

3. Exclusion of the trash rooms in multi-family developments (limited by a maximum percentage to be determined), except where outdoor trash and recycling receptacles are provided.
4. Exclusion of pedestrian circulation areas in covered parking.

Planner Chow said given the number of other competing priorities and the time for proposed changes, staff did not think that a zoning ordinance amendment of the definition of GFA was warranted at this time. She said staff was recommending that changes be considered when a more comprehensive zoning ordinance update was undertaken. She said staff also recommended continuing to apply the Planning Commission's recommendations of exempting pedestrian circulation areas in covered parking areas as well as bring any other definition clarifications before the Planning Commission as they may arise during project review. She said following the Commission's discussion on the GFA review, the comments would be compiled for the City Council's review and discussion.

Commissioner O'Malley said he counted 13 projects that had exclusions from GFA over the past year. Planner Chow said she thought there were 12 projects the first year and 8 projects the past year that were subject to GFA most of which took one exemption or another. Commissioner O'Malley asked if any of those applicants had concerns with staff's application of these definitions. Planner Chow said one applicant who was working on a pending project had commented about stairways being counted. She said counting stairs was more of an education process as it was different from floor area limit. She said once staff explained how it was done it has seemed accepted.

Chair Bressler closed the public comment period.

Commission Comment: Chair Bressler said he had been concerned that the free standing parking garages for the Gateway project had been exempt from GFA. He said the staff report pointed out that there had not been an exemption from lot coverage for that project feature. He said situations like that needed to be covered on a project basis as it would be very complicated to change the definition of GFA to address such situations.

Commissioner Riggs said he would support continuing to apply the Commission's recommendations. He said he recalled two key recommendations the Commission had made a year ago which was to reinstate its original definition of gross floor area that the Council had amended. He said he recalled a year ago that the Commission had restated its interest in having stairs at the top floor and elevators other than for the first floor exempted from GFA as this was space that could not be occupied and having them enclosed was a benefit.

Commissioner Riggs moved that the Commission restate its recommendations from last year. Commissioner Ferrick seconded the motion.

Planner Chow asked if by restating the four recommendations the Commission was looking at moving forward with the zoning ordinance amendment at this time or at a time when there was more of a comprehensive change to the zoning ordinance.

Commissioner Riggs said the Commission had previously recommended the zoning ordinance change with well considered wording it had drafted to go the Council to be adopted or not. He said he did not know if it had to be wrapped in with some future zoning effort so his recommendation would be to change the zoning ordinance now.

Planner Chow noted that bringing that recommendation forward now would put it with other competing priorities on the five year capital improvement list. Commissioner Riggs said in his motion that he was not indicating any order of priorities.

Commissioner Yu asked about the significance of the motion. Planner Chow said there had been an adoption of the revised GFA definition in 2009 and the City Council had asked staff to do a one-year review. She said they had had a limited scope of projects during that one year so the Planning Commission suggested the four zoning ordinance changes amongst repeating the review another year and seeing if anything was learned from the projects. She said staff would transmit the Commission's recommendations and desired timing to the Council for their consideration.

Commissioner Eiref said he thought the Commission's recommendation should be acted upon soon because of the upcoming implementation of the Specific Plan or even incorporated into that Plan.

Commissioner Eiref said he would like the motion to include consideration of the GFA definition recommendations within enactment of the Specific Plan.

Commissioner Ferrick expressed concern that doing this might impact the zoning under the Specific Plan. Commissioner Riggs said definitions were separate from zoning regulations.

Chair Bressler said the amendment was to have the recommendation considered in conjunction with the approval of the Specific Plan.

Commissioner Riggs said as the maker of motion that he would accept an amendment if it was not tied to the Specific Plan and if it just stated to implement definitions this year. Commissioner Eiref suggested using Specific Plan somewhere in the sentence as that would get more attention. Chair Bressler said the definition of GFA could be changed after the adoption of the Specific Plan and agreed with requesting that change soon before development along El Camino starts under the Specific Plan.

Commission Action: M/S Riggs/Ferrick to recommend the City Council direct the revision of the definition of gross floor area to include the Commission's four recommendations soon.

Motion carried 6-0 with Commissioner Kadvany no longer in attendance.

Adjournment

The meeting adjourned at 10:06 p.m.

Staff Liaison: Deanna Chow, Senior Planner

Recording Secretary: Brenda Bennett

Approved by Planning Commission on December 5, 2011