



PLANNING COMMISSION MINUTES

Regular Meeting
January 23, 2012 at 7:00 p.m.
City Council Chambers
701 Laurel Street, Menlo Park, CA 94025

Teleconference with participation by Commissioner Kadvany from:
3334 E 1st Street
Long Beach, CA 90803
(Posted January 19, 2012)

CALL TO ORDER – 7:02 p.m.

ROLL CALL – Bressler (Chair), Eiref, Ferrick (Vice Chair), Kadvany (departed meeting at 8:47 p.m.), O'Malley (absent), Riggs, Yu

INTRODUCTION OF STAFF – Deanna Chow, Senior Planner; Thomas Rogers, Associate Planner; Rachel Grossman, Associate Planner; Kyle Perata, Assistant Planner

A. REPORTS AND ANNOUNCEMENTS

1. Update on Pending Planning Items

A. Facebook – January 31 and February 14, 2012 City Council Meetings

Planner Rogers said the City Council would hold a study session on the Facebook Campus project on January 31 and would consider the Facebook Campus project as a regular item on February 14 to consider feedback from commissions, and discuss environmental impacts and mitigation measures, fiscal impacts, public benefits, the developmental proposal and provide direction and parameters to guide the development negotiations. He said at the Council's January 10 meeting they had elected to extend the Draft EIR comment period by one week with a new deadline of 5:30 p.m. on January 30.

A. 116 O'Connor Street Appeal – February 14, 2012 City Council Meeting

Planner Rogers said the Council at its February 14 meeting would consider an appeal of a Planning Commission decision on a use permit for an accessory building at 116 O'Connor Street.

B. PUBLIC COMMENTS

There were none.

C. CONSENT

1. Approval of a summary of Commissioner comments on potential public benefits for the Facebook Campus Project from the January 12, 2012 Planning Commission meeting.

Chair Bressler said there had been some changes emailed. He noted that Commissioner Yu wanted to speak and pulled the item from the consent calendar. Commissioner Yu said under her comments she wanted her support of in-lieu fees noted. Commissioner Eiref said he wanted added to his comments that before the City removed pedestrian islands on Willow and Middlefield Roads that actual traffic flow data be obtained. Commissioner Ferrick said there were built-in benefits already occurring that she wanted noted such as Facebook involvement in Belle Haven Schools; she said she would like that involvement to continue for Ravenswood School District. Chair Bressler noted the idea of revenue for the schools but said nothing very specific had been mentioned. Commissioner Ferrick said she thought that was better left to the negotiation team to determine. Commissioner Kadvany said in the first sentence of his comments he would like to insert "bicycle mobility" after "revenue stream" to read "...revenue stream, bicycle mobility and pedestrian and bicycle safety." He suggested removing the slash in the second bullet and replacing that with "either/or." He asked if the intent was to keep suggestions general rather than naming fee amounts. Planner Grossman said it was probably better to keep suggestions general regarding fee amounts.

Commission Action: Unanimous consensus to approve the summary of Commissioner comments on potential public benefits for the Facebook Campus Project from the January 12, 2012 Planning Commission meeting.

Action approved 6-0 with Commissioner O'Malley absent.

D. PUBLIC HEARING

1. **Use Permit/David Crouch/1530 Bay Laurel Drive:** Request for a use permit to construct a new two-story single-family residence on a substandard lot, with regard to lot width in the R-1-S (Single-Family Suburban) zoning district. As part of the application, the applicant is proposing to remove three heritage trees, including a 28.1-inch liquid amber street tree in good health, a 23.9-inch southern magnolia in good health, and a 19.8-inch redwood in fair health.

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

Public Comment: Mr. David Crouch, designer for 1530 Bay Laurel Drive, said the project began in 2008 when the owners purchased the home with the intent of creating their dream home. He said the owners, Bill and Stephanie Noryko, whom he indicated were present, own a mortgage brokership, which was impacted by the economic downswing in 2009. He said the owners were ready now to move forward with their development plans.

Mr. Crouch noted on page B-12 that the façade style was similar to Craftsman or a Nantucket shingled side home having low pitched roofs and a stepped-in second story. He said the design minimized the mass and the front porch was very characteristic of the neighborhood. He said there were a number of new homes in the neighborhood mixed in with the older ranch style homes. He said the issue with this particular lot was the amount of trees, noting that the backyard was dirt because there was no sunlight. He said they initially applied to remove five heritage trees and had gotten staff approval to remove three which included a Magnolia tree that was within the footprint of the proposed home and a Redwood tree along the back fence. He said there were four other Redwoods immediately around this tree and the tree in question was a trunk and a few branches. He said the third tree approved for removal by staff was a street tree. He said on the area plan shown on B-6 that initially he had designed the house with the driveway on the left hand side where it currently was as that would have less impact specifically on the street trees. He said he met with the neighbors to the right at 305 Cotton Street and it became clear that the home as he was designing it might seem imposing to them specifically because of their backyard space and the location of their master bedroom and living room. He said in their discussion they reached a consensus on flipping the design and putting the garage on the right, which created the need to remove the street tree. He said he met with the City Arborist at the site, who had noted the City was staggering removal of street trees to replace older trees with younger trees and had indicated it was okay to remove the one tree. He said the left side neighbors have lived in their home for probably 30 years and were disinclined to any two-story home next door but had commented favorably on the stepping back of the second story. He noted on page B-8 that there were two windows on the second story that appeared to face the left hand neighbor but by looking also at page B-6 it could be seen that the windows were looking over the neighbor's roof and not into their backyard. He said also on B-8 on the right hand side there were no windows at the request of the neighbor but the blank wall was minimized with the roof lines. He said on page B-12 in conjunction with page B-6 looking at the front elevation that on the right there were dimensions showing the distances from the walls to the daylight plane. He said if you added in the 10-foot setback to the fence and took into account the other dimensions he had shown it was possible to get a feel for how far the second story was from the neighbors' properties. He said the wall was 23-feet from the neighbor's property on the left and 55-feet from the neighbor's property on the right.

Commissioner Ferrick asked if the street tree was a liquid amber. Mr. Crouch confirmed it was.

Mr. Crouch said a use permit was needed because the lot was nonconforming due to the rear lot line. He said there was about three feet lacking there. He said on page B-13, in the left elevation at the top of the page, three windows were shown on the first floor. He said there should be skylights in the roof above those three windows.

Commissioner Riggs said he appreciated a number of things Mr. Crouch was doing with the design but noted the removal of the Magnolia tree created a gap near the rear of the house and the neighbor's yard. He asked if a new tree would be planted there. Mr. Crouch said they did not want to plant there as it was the one area of the lot that gets sunlight. He said the neighbor had as shown on page B-3 two large Redwoods on their side of the fence.

Mr. Crouch asked if the color of the home had to be decided upon now noting that was a question that arose in the meeting with the neighbors. Planner Grossman said it was not.

Mr. Matt Mattison, Menlo Park, said his property was located at 305 Cotton, and he was present to support the project noting Mr. Crouch had worked closely with him and his wife on the design. He said on page B-6 it showed that his home faces Cotton Street and the backyard faces the side yard of the proposed home. He said their living spaces including the backyard would all have faced the proposed house as previously designed. He said regarding the trees that their area was densely treed and in fact they were not able to use solar panels because they did not get enough sunlight on their home. He said the liquid amber trees in the neighborhood were very old and very brittle.

Chair Bressler closed the public hearing.

Commission Comment: Commissioner Ferrick moved to approve as recommended in the staff report. Commissioner Eiref seconded the motion. He complimented the efforts made to document the conversations with neighbors about the project and the responsiveness to neighbors. Commissioner Yu said she appreciated the professionalism and outreach of the applicant. Commissioner Riggs said he appreciated that the second story had been set back. He noted however that there were not that many neighborhoods where there was a single line of one species of trees along the street but this was one of those. He said he would prefer a single width driveway and double garage if that meant the street tree could be preserved. Mr. Crouch said the tree had large surface roots and if it was possible to trim those to keep the tree he was willing to consider that. He said he would like the option to be allowed to remove the tree if they had to but work toward preserving the tree. Commissioner Riggs asked Commissioners Ferrick and Eiref as the makers of the motion and second if they were willing to consider an amendment to reshape the driveway to a single width.

Commissioner Kadvany said he agreed with Commissioner Riggs' comments about the tree. He said he would be happy if the street tree could be transplanted, and he was concerned that removing the tree would set a precedent. He said if the tree could not be preserved he would like to see the project redesigned to keep the tree.

Commissioner Ferrick said she accepted the modification that the driveway be redesigned to preserve the street tree if that was feasible noting that if the driveway was curved a full width could be obtained. Mr. Crouch said the challenge was the roots of the tree which was what the City Arborist and he had discussed. He said he also had concerns with turning radius if the driveway width went from 16 feet at the garage door to eight feet at the street. Commissioner Riggs said it appeared doable as mentioned by Commissioner Ferrick that the driveway might be turned so its width at the street might be the same or close to the same width as at the garage door. Mr. Crouch said there were large roots that were about eight to nine inches above the adjacent sidewalk. Commissioner Riggs said that a percentage of roots could be removed each year without harming a tree. Commissioner Ferrick asked if Mr. Crouch could view the plan she was referring to. Mr. Crouch said the City Arborist had mentioned that the City was removing older street trees to plant new trees to stagger the loss of trees as they aged and died. Commissioner Riggs said it appeared viable to him to alter the driveway design to save the tree. Ms. Grossman said the City Arborist was pretty supportive of removing this street tree, which was in fair condition, and which was not a type of tree that would be requested as a new planting, noting the request for a replacement planting to be a red oak. Chair Bressler said he has had numerous neighbors apply and been approved to remove street trees.

Commissioner Eiref said looking at the photograph that he would not want to spend millions of dollars on a home to have a tree dead center in the driveway, and thought a tree planted ten feet from the driveway would be appropriate. He said they should not encumber this design around the street tree. He said there were plenty of trees in their backyard.

Commissioner Kadvany said the trees in the backyard were beautiful from a distance but the street trees were valuable for the residents. He said he questioned the principle here noting there was a great deal of development on Bay Laurel. He said a neighbor had complained recently to him that she wanted to remove a segment of sidewalk from in front of her house where there was no sidewalk either to the right or left of it but was told she could not. He said the City did not have a credible street frontage policy. He said he was very uncomfortable with the decision making occurring on this project proposal.

Commissioner Yu asked about the City Arborist's consideration of the impact to the entire neighborhood from the proposed removal of the tree for this project. Planner Grossman said when the City Arborist visits a site for a requested tree removal that he considers the overall street canopy, the health of the existing tree, the type of tree and whether that tree was consistent with design pattern of the neighborhood and if it was a

type of tree that would be a good fit for a public street. She said liquid amber might not be a good fit as a street tree because of the root challenges it presents incurring costs for the City. She said the City Arborist had met with the applicant to discuss retaining as many trees as possible. Commissioner Yu confirmed that the City Arborist considered the canopy of the entire street as well.

Commissioner Ferrick said the applicant had indicated they wanted to keep the street tree if feasible. She said it appeared to Commissioner Riggs and her that it was very feasible.

Chair Bressler asked if Commissioner Eiref as the maker of the second agreed to the amendment to the motion. Commissioner Eiref said he was comfortable if it was a recommendation to look at a redesign of the driveway and whether that was feasible to save the tree. Commissioner Yu said she thought Mr. Crouch had been very thorough in consideration of the design and had indicated that preserving the tree was not feasible.

Mr. Crouch said he had considered the change requested and on paper it looked easy. He said architecturally the front door would sit right between the trees which would be great. He said his concern was with the turning radius and under the Commission's direction what would be acceptable. Commissioner Ferrick said it had seemed Mr. Crouch was interested in keeping the street tree and she thought he would make a good faith effort to try to make it work.

Commissioner Kadvany asked if the Environmental Quality Commission could be made aware of this tree decision while the reconsideration of the tree's future was occurring rather than after it happened. Chair Bressler said that the property owners could probably request a tree removal permit and get it right now and no one would complain. He said the City Arborist had indicated that this was an okay thing to do. He suggested the Commission might vote separately on Commissioner Kadvany's suggestion.

Commission Action: M/S Ferrick/Eiref to approve the project as recommended in the staff report with the following modification.

1. Make a finding that the project is categorically exempt under Class 3 (Section 15303, "New Construction or Conversion of Small Structures") of the current CEQA guidelines.
2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.

3. Approve the use permit subject to the following **standard** conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by David Crouch Custom Homes, Inc., consisting of 17 plan sheets, dated received January 17, 2012, and approved by the Planning Commission on January 23, 2012, except as modified by the conditions contained herein, subject to review and approval by 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 by 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 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 the issuance of grading, demolition or building permits.
 - g. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance.
4. **Approve the use permit subject to the following project specific conditions:**
 - a. **Prior to issuance of a building permit, applicant shall work with City Arborist and Planning Staff to reconfigure the proposed driveway at the street to preserve liquid amber tree if feasible subject to review and approval of Planning staff**

Motion carried 4-3 with Commissioners Bressler, Eiref, Ferrick, Riggs assenting, Commissioner Yu dissenting, Commissioner Kadvany abstaining, and Commissioner O'Malley absent.

Commissioner Yu said she voted against the motion even though she supported the project because the added condition encumbered the project too much.

Commissioner Kadvany indicated he did not want to make an additional motion.

2. **Use Permit/Suzan Szollar/222 Elm Street:** Request for a use permit for interior modifications, a first floor addition, and construction of a new second story, which would exceed 50% of the existing floor area of on a lot that is substandard with regard to lot width, located in the R-1-U (Single-Family Urban) zoning district. The proposed remodeling and expansion are considered to be equivalent to a new structure. In addition, the applicant is proposing to remove a heritage size juniper tree in good condition, located at the front of the existing structure.

Staff Comment: Planner Perata said a color and materials board was being distributed to the Commission. He said there were corrections to the plan set: on sheets A3.01 and A3.02, the vertical dash lines for setbacks were mislabeled but correct in their locations, such that the corner side setback was actually the interior side setback and the interior side setback was actually the corner side setback. He said if compass directions were used for the elevations on sheet A3.01, the east exterior would be south and the south exterior would be west, and on sheet A3.02 the north would stay north and the west would become east.

Public Comment: Mr. Adam Holly, property owner, said he and his wife have lived in the Willows neighborhood for about 10 years. He said they now have children and needed to expand their living space as the existing home was two bedrooms. He said they have discussed the project with their neighbors and had their support.

Mr. Carl Hess, Square Three Design Studio, said the staff report outlined the project well. He said the property was located in the flood zone and it was quickly apparent that remodels and add-ons were below the required grade for the flood zone and were slab on grade and would have to be removed. He said the original building was above the required grade for the flood zone which drove the design. He said the effort was to create a design that was simple with clean lines and efficient construction. He said they were well under the allowable maximum height and met all zoning requirements in terms of lot coverage, hardscape and setbacks. He said they reroofed the existing part of the house that was being saved and which would be useful for future solar panels. He said they have the required parking spaces with one space in the garage and one uncovered off of the alley.

Commissioner Kadvany asked if they had considered using wooden panels in place of some of the stucco panels on both of the long sides of the building. Mr. Hess said they

had considered that but to make the project affordable for the owners they had minimized the number of alternative finishes from stucco.

Commissioner Ferrick asked about drainage from the roof. Mr. Hess said that there was drainage on either side from the flat roof with scuppers and downspouts. Commissioner Ferrick asked if the property would handle the drainage. Mr. Hess said it would.

Commissioner Riggs asked about the finish on the fascia. Mr. Hess said there would be metal caps over the fascia as a continuation of the gutter but the fascia would be painted wood or Azak or similar material. Commissioner Riggs asked if flashings would be used under the stucco on the parapets. Mr. Hess said they had been detailing those to eliminate any exposed metal cap flashing. Commissioner Riggs asked about the sidewall vent for the fireplace and if he had any control over the quality of that. Mr. Hess said not a lot as it was a manufactured part of the fireplace unit and they had not come up with an alternative. Commissioner Riggs asked if it was durable enough for that location. Mr. Hess said it was and was intended for that use as a direct vent application. He said it was not ideal but eliminated the need to build a chimney and shroud.

Commissioner Yu asked about the materials for the balcony. Mr. Hess said they were hoping to use a manufactured top rail with tempered glass rail. Commissioner Yu asked about the glass in the garage. Mr. Hess said it was translucent glass in an aluminum frame but there was no visibility either in or out of the garage but it did allow for natural light.

Chair Bressler closed the public hearing.

Commission Comment: Commissioner Riggs moved to approve as recommended in the staff report. He said there were architectural traditions in neighborhoods which was why he had asked the questions he had. Commissioner Ferrick seconded the motion.

Commissioner Kadvany asked whether the side walls were stark. Commissioner Riggs said there were three different colors and as the blocks pulled in and out, the ones that have integrity as a unit were unified in color. He said it was a clean look and not stark. Commissioner Kadvany said he could support the project.

Commissioner Ferrick noted another reason she supported the project was because they were curing the nonconforming left side setback.

Commission Action: M/S Riggs/Ferrick to approve 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 Square Three Design Studio, consisting of 12 plan sheets, dated received January 12, 2012, and approved by the Planning Commission on January 23, 2012, except as modified by the conditions contained herein, subject to review and approval by 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 by the Planning, Engineering and Building Divisions. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
 - e. Simultaneous with the submittal of a complete building permit application, the applicant shall submit plans indicating that the applicant shall remove and replace any damaged and significantly worn sections of frontage improvements. The plans shall be submitted for the review and approval of the Engineering Division.
 - f. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a Grading and Drainage Plan for review and approval of the Engineering Division. The Grading and Drainage Plan shall be approved prior to issuance of a grading, demolition or building permit.
 - g. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance.
4. 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 submit an Alley Improvement Plan. The plan shall specify that all damaged areas between 222 Elm Street and the alley's intersection with Elm Street will be patched. The plan shall be subject to review and approval of the Planning and Engineering Divisions. Prior to final inspection, the applicant shall conduct the required alley improvements, subject to review and approval of the Planning and Engineering Divisions.
- b. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a draft alley access maintenance agreement for staff review. A recorded copy of the alley access maintenance agreement shall be provided to the Planning Division prior to building permit issuance.
- c. Simultaneous with the submittal of a complete building permit application, the applicant shall revise the site plan to identify the location of a 15-gallon size replacement tree, subject to review and approval of the Planning Division and City Arborist.
- d.

Motion carried 6-0 with Commissioner O'Malley absent.

- 3. Use Permit and Architectural Control/City of Menlo Park Municipal Water District/920 Sharon Park Drive:** Request for a use permit and architectural control for the removal of the existing Sharon Heights water pump station and construction of a new pump station, consisting of three pumps and an emergency diesel generator. The equipment would be enclosed within an approximately 810-square-foot building located at the rear of the site, which is located in the R-1-S (Single-Family Suburban) zoning district. A temporary pump station would be located on the adjacent left parcel (as viewed from Sharon Park Drive) until construction is completed. As part of the proposed project, one 32-inch, heritage size Monterey pine tree in fair condition would be removed.

Staff Comment: Planner Chow said staff had no additional comments and was distributing a colors and materials board for the Commission's review of finishes, the exterior siding, and paint colors.

Questions of Staff: Commissioner Kadvany asked for information on the PG&E installation that would cause the removal of the Monterey pine tree. Planner Chow said on page L-2 of the Utility Plans the transformer was shown behind the tree. She said trenching for various utility lines would have to occur and as a result one tree would have to be removed, but the other would be preserved. She said there would be no trees removed for the construction of the temporary pump station.

Commissioner Riggs asked if the PG&E installation could be rerouted so the tree did not have to be removed. Planner Chow said that might be a better question of the applicant.

Ms. Virginia Parks, Associate Engineer, the City of Menlo Park, said the pump station replacement project would replace aging infrastructure and was a mission critical project. She said two of the three pump units in the station were no longer repairable. She said temporary pumps were being used. She noted that this station served all of the western part of Menlo Park including Sharon Heights, the Golf Course, and SLAC. She said if the pumps failed there would be no water for customers or for fire suppression. She said currently the facility had large above ground pipes, industrial looking valves, gray electrical cabinets, and a big, orange mobile generator. She said the replacement facility would be a one-story unobtrusive shingle-sided building painted to coordinate and match with neighborhood town homes. She said the building would provide noise abatement and security for the essential pumping equipment. She said the station would be unstaffed but staff would inspect and maintain the facility regularly and sample and monitor for regulatory compliance.

Ms. Parks said that under Sharon Park Drive were two large diameter pipes that carry water from the Hetch-Hetchy Reservoir. She said at the corner of Lassen Drive there was a turnout that fed the water to the pump station where the water pressure was increased to create uphill water flow to serve customers on Hallmark Circle and also travel across Highway 280 to the City's reservoirs.

Ms. Parks said they originally contacted the neighbors in 2009 to inform them of the need for the project. She said since then she has attended and presented at two annual homeowners association meetings and discussed time tables and designs. She said the homeowners association was very helpful and had suggested the siding and color that would go well with their neighborhood. She said the color was timber bark and was midway between the color of the uphill garage on Carter Drive and the homes on Lassen Drive. She said they had worked out a process with the homeowners association's landscaper to assure the plants and the wood lattice adjacent to the project site would be preserved and returned to their original condition after the project was completed. She noted that the pumps in the existing station had been in place for 50 years, and the facility had reached the end of its useful life.

Ms. Parks said regarding the tree removal that the lot was very narrow. She noted that under the driveway there were already two 14-inch diameter pipes – one of those bringing water into the station and the other bringing water out of the station. She said those would be replaced with two 18-inch diameter pipes. She said construction staging would be very tight. She said the PG&E line would not fit in the driveway and would have to go to the side in the landscaped area. She said there was an existing PG&E cabinet to the right of the front of the driveway and wiring would have to come from that cabinet to the transformer pad. She said they tried to move the line to the right side to go behind some of the trees but it was not desirable to have it that close to

the property line. She said they could not go to the other side of the driveway with it because that was homeowners association's property.

Commissioner Kadvany asked if it was drawn where the PG&E line would go. Ms. Parks said the line would have to go from the transformer to the new transformer pad behind. Commissioner Kadvany said he would like to have seen that on the plans. Ms. Parks said that the project was in preliminary design and the City had hired an outside contractor to do this part of the design. She said when the project was approved to move forward there would be more specific utility plans. Commissioner Kadvany said the Commission was being asked to approve the removal of a significant tree and that it would help if there was more visual information provided to show the necessity for doing so.

Mr. Matt Ocamou, Engineering Services Manager, said although it was not desirable to remove a heritage tree there were two significantly sized pipelines and with the needed electrical lines they would need to trench right underneath the canopy of the tree. He said with the size of the pipelines needed there was really no room for adjustment. He said because of the proximity of the tree to the pipelines the potential for root damage was a significant issue and led to the decision to remove the one tree.

Public Comment: Mr. Ferenc Zele said his home was to the right of the project. He said there were two Monterey pine trees but on the drawing he only saw one tree. Ms. Parks showed the neighbor on page L2 that the tree near the front (H-1) was the one to be removed. Mr. Zele said he had been concerned that the other tree would be removed. He asked about the chain link fence. Ms. Parks said parts of the chain link fence would be removed during construction and currently the plan was to return the chain link fence to that location. She said however in many instances where an exteriorly placed pump station was moved inside a building then the chain link fence was removed as the pump station was secure and the fence was not needed. She said however the homeowners association wanted the chain link fence to remain. Mr. Zele said the chain link fence was obtrusive and he would prefer it removed since there would be a building.

Chair Bressler closed the public hearing.

Commission Comment: Commissioner Ferrick moved to recommend to the City Council approval of the use permit and architectural control for the removal of the existing Sharon Heights water pump station and construction of a new pump station, consisting of three pumps and an emergency diesel generator.

Commissioner Riggs said he would second the motion to recommend approval to the City Council but wished one modification. He said he was concerned with the removal of a heritage tree. He noted that three trees had grown in a cluster and removal of one in this case would be awkward. He said that one-third of the roots could be removed and a tree could be preserved. He said on other projects applicants were asked to run

lines over or under major roots. He said there was not enough information to make a determination as to whether there was a way to preserve the tree or not, and he would like an effort made to preserve the tree. Commissioner Kadvany said he agreed with the suggestion. He said if there was additional cost to adjust the design to protect the tree the Council should approve that if modest. He said the tree was valuable. Commissioner Yu said it was unclear why the tree needed to be removed. Commissioner Ferrick said her concern was this project would ensure water service for the west side of town and she did not want it delayed. She said behind the tree planned for removal were two of the same kind of trees. She noted on page C-6 of the staff report that the homeowners' association had approved removing this pine tree and replacing it with two live oaks.

Chair Bressler noted that the maker of the motion rejected Commissioner Riggs' amendment. Commissioner Ferrick said she did not want the project delayed.

Recognized by the Chair, Ms. Parks said regarding the tree proposed for removal that the design contractor and City arborist had done due diligence but they could review further. She said once the project design was developed they could again look to see if the tree could be preserved.

Chair Bressler suggested making an amendment to look at taking measures to save the tree as long as it would not increase the cost of the project significantly. He asked what the cost of the project was. Ms. Parks said it was a \$2 million project. Chair Bressler suggested making an amendment to look at measures to save the tree as long as it would not increase the cost of the project by 2 percent to redesign to preserve the tree. Commissioner Yu suggested 1 percent and to include that it would not create undue delay on the project. Commissioner Ferrick said she could accept that modification.

Recognized by the Chair, Planner Chow said the motion was to recommend to the City Council approval of the use permit and architectural control with the modification to look at the status of tree H-1 to determine whether it could be preserved without increasing the overall cost of the project more than 1 percent and causing undue delay. She noted that if one third of the tree's roots were removed a heritage tree removal permit would be required.

Commission Action: M/S Ferrick/Bressler to recommend to the City Council to approve the use permit and architectural control for the project with the following modification:

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. 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 request subject to the following **standard** conditions of approval:
 - a. Development of the project shall be substantially in conformance with the plans prepared by Corrollo, dated received January 11, 2011, consisting of 10 plan sheets and approved by the City Council on February 14, 2012, except as modified by the conditions contained herein, subject to review and approval of the Planning Division.
 - b. The applicant shall comply with all West Bay 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. 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 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.
 - f. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance. Prior to the building permit issuance, the applicant shall implement the tree protection and preservation measures identified in the arborist report.
 - g. 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.
- 5. Approve the use permit and architectural control request subject to the following specific condition of approval:**
- a. ***Prior to submittal of a complete building permit application, the applicant shall explore options for rerouting the new utility lines in an effort to preserve the existing heritage Monterey pine tree (tree #1). The tree shall be preserved if the cost of preservation does not increase the overall cost of the project by one percent or cause undue delay to the project. Simultaneous with the submittal of the complete building permit application, the applicant shall update the plans to show the preservation of the tree if deemed feasible or provide documentation why it is feasible, subject to review of the Planning Division and City Arborist.***

Motion carried 6-0 with Commissioner O'Malley absent.

- 4. Use Permit/Julie Epshteyn for AT&T/800 El Camino Real:** Request for a use permit revision to modify an existing wireless facility on the rooftop of an existing

four-story commercial office building, located in the P-D(1) (Planned Development) zoning district. The proposal would add three panel antennas and associated new equipment. The proposed antennas would be incorporated into the existing parapet and the equipment would be located on the roof.

Staff Comment: Planner Perata said there was one correction on page 2 of the staff report under the project description in the last paragraph where it stated that the top of the roof parapet was 54-feet, eight inches above grade and that it should actually read 55-feet.

Public Comment: Ms. Julie Epshteyn, AT&T, said they were proposing improvements to an existing site to upgrade current technology that included mounting three new LTE antennas, one per sector, inside an existing hollow parapet wall. She said the current parapet panels were being removed and replaced with a transparent panel that would match the existing equipment on the site. She said three equipment cabinets would be installed and one would extend above the parapet wall by one-foot four inches. She said there were two stacked cabinets that would be below the parapet wall. She said increasing capacity at this site eliminated the need to construct another site in the area.

Commissioner Riggs said the existing cabinets were set well back from the parapets. Ms. Epshteyn said they submitted a statement confirming that there was no way to see the existing or proposed cabinets from the ground level because of trees that shield the view. She said there was some view of a cabinet through branches. Commissioner Riggs asked referring to sheet A1.1 how far back the cabinets were from the parapet. Ms. Epshteyn conferred at the dais with Commissioner Riggs and said the setback was three feet, two inches.

Chair Bressler said it looked like this would make a great difference in the coverage. Ms. Epshteyn said this would definitely improve wireless phone capacity.

Chair Bressler closed the public hearing.

Commission Action: M/S Ferrick/Bressler to approve 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 State California Environmental Quality Act (CEQA) Guidelines.

2. Make necessary findings, pursuant to 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 safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of the proposed use, and will not be detrimental to property and improvements in the neighborhood or general welfare of the City. *(Due to the Federal Communications Commission (FCC) preemption over local law regarding concerns over health where the proposed facility meets FCC requirements, staff has eliminated the standard finding for "health" with respect to the subject use permit.)*
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 PDC Corporation, dated received January 12, 2012 consisting of ten plan sheets and approved by the Planning Commission on January 23, 2012 except as modified by the conditions contained herein and the recommended mitigation measures described in the RF report.
 - b. Prior to building permit issuance, the applicant shall comply with all County, State, and Federal 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 that are directly applicable to the new construction.
 - d. If the antennas or any portion of the antennas and associated mechanical equipment discontinue operation at the site, the antennas and associated equipment shall be removed from the site within 30 days.
4. Approve the use permit subject to the following **project specific** conditions:
 - a. Simultaneous with the submittal of a complete building permit, the applicant shall revise the plans to specify that the proposed and existing equipment cabinets shall be painted to match the color of the existing parapet wall.

Motion carried 5-0 with Commissioner Kadvany no longer in attendance and Commissioner O'Malley absent.

5. **Use Permit/ForSight Labs, LLC/175-177 Jefferson Drive:** Request for a use permit for the indoor storage and use of hazardous materials for the research and development of vision-related medical technologies in the M-2 (General Industrial) zoning district. ForSight currently operates at the subject site, in the

suite addressed 191 Jefferson Drive, and is expanding operations to include the suites addressed 175-177 Jefferson Drive.

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

Public Comment: Mr. Randy Campbell, Chief Technical Officer for ForSight Vision Four, said this was one of the affiliated companies within ForSight Labs. He said the ForSight organization identifies technologies to improve vision and supports those groups' efforts to develop. He said they had grown this particular group and needed to move to a larger site.

Chair Bressler closed the public hearing.

Commission Action: M/S Riggs/Yu to make the findings and approve the use permit 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 provided by the applicant, consisting of six plan sheets, dated received January 17, 2012, and approved by the Planning Commission on January 23, 2012 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.

Motion carried 5-0 with Commissioner Kadvany no longer in attendance and Commissioner O'Malley absent.

E. COMMISSION BUSINESS

There was none.

ADJOURNMENT

The meeting adjourned at 8:58 p.m.

Staff Liaison: Thomas Rogers, Associate Planner

Recording Secretary: Brenda Bennett

Approved by Planning Commission on February 27, 2012