



PLANNING COMMISSION MINUTES

Regular Meeting
March 5, 2012 at 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; Rachel Grossman, Associate Planner; Kyle Perata, Assistant Planner

A. REPORTS AND ANNOUNCEMENTS

1. Update on Pending Planning Items

A. 116 O'Connor Street Appeal – March 13, 2012 City Council Meeting

Planner Chow said the City Council had considered the appeal of 116 O'Connor Street and found the rear portion of the existing accessory structure to be a secondary dwelling unit. She said the findings on that project would go to the Council at its March 13, 2012 meeting as a consent calendar item.

B. PUBLIC COMMENTS

There were none.

C. CONSENT

1. Approval of minutes from the February 6, 2012 Planning Commission meeting.

Commission Action: M/S Riggs/Bressler to approve with the changes previously emailed to staff by Commissioner Kadvany.

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

D. PUBLIC HEARING

1. **Use Permit/Shannon Thoke/116 O'Connor Street:** Request for a use permit for first- and second-story additions to an existing single-story, nonconforming residence on a standard lot in the R-1-U (Single-Family Urban) residential zoning district. The proposed

scope of work would exceed 50 percent of the existing replacement value in a 12-month period.

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

Public Comment: Ms. Shannon Thoke, applicant, said the project proposal was a modest addition to a small existing structure.

Chair Bressler closed the public hearing.

Commission Comment: Commissioner Riggs said the dormers on the front elevation seemed to have a different slope than that over the entry porch. Ms. Michelle Miner, project designer, said the pitches were the same. Commissioner Riggs said the dormers were symmetrical although they were not located symmetrically. He asked if she had considered making the left dormer larger to fit with the porch dormer. She said they had not and had originally only one dormer and added another, which seemed to balance the design.

Commissioner Kadvany asked if the simulated divided light windows would have a spacer bar in the center. Ms. Miner said they would and noted that the existing windows at the front were true divided light windows and the remaining windows were simulated divided light.

Commission Action: M/S Riggs/Yu 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 Michelle Miner Design, consisting of 6 plan sheets, dated received February 29, 2012, and approved by the Planning Commission on March 5, 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. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance.

Motion carried 7-0.

- 2. **Use Permit/Robert Lorenz/365 Cotton Street:** Request for a use permit to demolish an existing nonconforming, detached accessory structure, including a garage, and construct a new approximately 941 square-foot detached accessory structure, which includes a garage and workshop area. The proposed accessory structure exceeds 25 percent of the gross square footage of the main building. The subject property is located in the R-1-S (Single-Family Suburban) zoning district.

Staff Comment: Planner Perata said condition 3.a said plans were prepared by Charles Holman but that should read Zack Johnson, Architect, and consisting of five plan sheets and not 13 sheets.

Public Comment: Mr. Rob Lorenz, the applicant, introduced his architect, Ms. Karen Zack. He said the staff report was well written and inclusive. He said the prime motivation for the clerestory windows was for lighting and maintaining privacy for himself and his neighbor to the north.

Chair Bressler closed the public hearing.

Commission Comment: Commissioner Ferrick said the side setback was three feet and some inches. Planner Perata said the minimum side setback for a detached accessory structure was three feet but the required parking had to be completely out of the side setback. He said the parking inside the structure was actually 10-feet from the property line.

Commissioner O'Malley said the Commission was asked to determine whether the clerestory element was part of the roof or the side of the building. Planner Perata said the question was asked because staff did not typically see a design with a straight pitch roof atop a wall directly to a ridge without a break for the clerestory.

Commission Riggs said the applicant had to provide a covenant regarding the use of the accessory building and asked if that had been burdensome for him. Mr. Lorenz said if the covenant indicated that he would not convert the space to a studio or living space he was fine with that. Planner Perata said the covenants would limit the structure to what had been proposed which was a garage and a workshop. Commissioner Riggs asked if that was necessary because of the proximity to the property line. Planner Perata said it was part of the zoning requirements for a use permit for an accessory structure that exceeded 750 square feet or 25% of the square footage of the main dwelling unit.

Commissioner Riggs moved to approve as recommended in the staff report, noting that the accessory structure was not the same architecture as the main residence but that there were many different styles of architecture in the area. Chair Bressler seconded the motion.

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

1. Make a finding that the project is categorically exempt under Class 3 (Section 15303, "New Construction or Conversion of Small Structures") of the current CEQA Guidelines.
2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
3. Approve the use permit subject to the following **standard** conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by ~~Charles Holman Design~~ **Zack Johnson Architect**, consisting of ~~43~~ **5** plan sheets, dated received February 29, 2012, and approved by the Planning Commission on March 5, 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 applicants shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.
 - c. Prior to building permit issuance, the applicants shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
 - d. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval of the Planning, Engineering and Building Divisions. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
 - e. Simultaneous with the submittal of a complete building permit application, the applicant shall submit plans indicating that the applicant shall remove and replace any damaged and significantly worn sections of frontage improvements. The plans shall be submitted for the review and approval of the Engineering Division.

- f. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a Grading and Drainage Plan for review and approval of the Engineering Division. The Grading and Drainage Plan shall be approved prior to issuance of a grading, demolition or building permit.
 - g. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance.
4. Approve the use permit subject to the following ***project specific*** conditions:
- a. Prior to building permit issuance, the applicant shall present to the City recordation of declaration of conditions and covenants relative to the uses of the proposed accessory building, subject to review by the Planning Division and the City Attorney's office.

Motion carried 7-0.

3. **Use Permit/Christian Hill for AT&T/314 Constitution Drive:** Request for the renewal and modification of a use permit for existing wireless telecommunications panel antennas mounted on a PG&E transmission tower and an associated equipment enclosure under the transmission tower. Three new panel antennas and six new Remote Radio Units (RRU) are proposed to be added to the existing tower containing three AT&T antennas at the site in the M-2 (General Industrial) zoning district. ***Continued from the meeting of February 27, 2012***

Staff Comment: Planner Grossman said there was a change in project management for AT&T, which was indicated in the staff report. She said there were color handouts of the photo simulations and the coverage maps.

Questions of Staff: Commissioner Ferrick said the work was close to the Facebook campus and asked if there would be any impact. Planner Grossman said there was none.

Public Comment: Mr. Joseph Camicia said he was representing AT&T. He said this was a big project and they were happy to get started on it to expand coverage for the 4LTE.

Commission Comment: Commissioner Eiref asked if there was a systematic way to know where these towers would be located rather than seeing each specific plan. Mr. Camicia said that AT&T and other carriers have a long term plan but that was impacted by changes in technology and other matters. He said they preferred to expand at existing sites rather than find a brand new site. He said if the Commission was interested he could try to get them a longer range plan to view. Commissioner Eiref said he would like to see that information.

Commissioner Ferrick asked what they did with obsolete equipment. Mr. Camicia said they would remove anything that was obsolete. He said however there was different equipment to support various existing technologies.

Commissioner Yu asked about aesthetic options for the tower. Mr. Camicia said they were limited to the existing equipment. He said they tried to choose sites and design them as best

they could to minimize visual impact. He said using an existing tower was a better choice than creating a new site. He said there were opportunities to minimize visual impact, but it was hard to stack vertically. He said also antennas needed separation so they did not interfere with each other.

Commissioner Riggs asked about the 10 year expiration noting another similar project for which there was no time limit. Planner Grossman said more permanent installations had been given use permits with no expiration. She said with towers they often put time limits noting that there are three different carriers on this one tower. She said also the term limit provided an opportunity to check on aesthetics.

Commissioner Kadvany moved to approve as recommended in the staff report. He said he would prefer no high transmission towers and if they had to be there he would prefer a cleaner look. Commissioner O'Malley seconded the motion.

Commission Action: M/S Kadvany/O'Malley 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 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 Streamline Engineering and Design, Inc., dated received February 22, 2012, consisting of ten plan sheets and approved by the Planning Commission on March 5, 2012 except as modified by the conditions contained herein.
 - 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.
4. Approve the use permit subject to the following **project specific** conditions:
 - a. This use permit shall expire at the end of 10 years from the date of use permit approval unless extended by the Planning Commission. If the applicant desires to extend the use permit, the applicant shall explore and implement, to the extent

feasible, the available technology and/or alternative locations to reduce the size and/or visibility of the antennas and equipment.

- b. Simultaneous with a complete building permit submittal, the applicant shall submit a radio frequency measurement inclusive of all three carriers on the subject transmission tower illustrating that the multiple carrier radio frequency emissions do not exceed the Maximum Permissible Exposure (MPE) emissions limit of 100 percent for the general population.

Motion carried 7-0.

E. REGULAR BUSINESS

1. Selection of Planning Commission Chair and Vice Chair for March 2012 through April 2013.

Planner Chow said that terms would be set annually in May beginning in 2013.

Commission Action: M/S Riggs/Bressler to nominate Commissioner Ferrick for Chair.

Motion carried unanimously.

Commission Action: M/S Bressler/Ferrick to nominate Commissioner Kadvany for Vice Chair.

Motion carried unanimously.

Commissioners expressed their appreciation to Chair Bressler for his service as Chair.

F. COMMISSION BUSINESS

There was none.

ADJOURNMENT

The meeting adjourned at 7:49 p.m.

Staff Liaison: Deanna Chow, Senior Planner

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on April 2, 2012