



PLANNING COMMISSION MINUTES

Regular Meeting

September 10, 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, Eiref, Ferrick (Chair), Kadvany (Vice Chair) (Absent), O'Malley (Arrived at 7:25 p.m.), Riggs (Arrived at 7:05 p.m.), Yu

INTRODUCTION OF STAFF – Momo Ishijima, Planner; Kyle Perata, Assistant Planner; Thomas Rogers, Senior Planner

A. REPORTS AND ANNOUNCEMENTS

1. Update on Pending Planning Items
 - a. Housing Element

Senior Planner Rogers noted that Commissioner Riggs had just arrived. He said about 40 to 50 people including staff and affordable housing developers had gone on a bus tour of potential sites for affordable housing. He said there would be a Steering Committee meeting on September 12. He said staff had been researching Sharon Park to clearly know what had to be done to rezone it as a park. He said the City Attorney had found that though this land had not been specifically dedicated to the City for solely park use but that by designating this land as park land in the City's General Plan and on various City maps, and by operating the land as a park for an extended number of years, the land would be considered by the City as dedicated for park land. He said to use this land for other than park land would require a public process regarding the park closure, abandoning the park, and holding a special election as to whether to sell or dispose of the park. He said given the severe conditions to rezone two of the 10 acres of the park to provide an opportunity for senior housing, the City staff would recommend that the Steering Committee remove this site from further consideration in the Housing Element update process. He quoted Council Member Cohen: "No neighborhood is exempt from the shared burden of providing affordable housing and we will continue to consider sites in Sharon Heights. The Housing Element Steering Committee is committed to looking at all possible sites so that we can come up with the best locations overall and that means looking at a number of factors including geographic distribution."

Senior Planner Rogers said in regard to the Planning Commission's role in the Housing Element update that the Commission this evening was not able to comment on the list of potential housing sites as a whole. He said the City Council process had directed responsibility for the creation of the sites list to the Steering Committee after considering feedback from community workshops. He said that five of the seven Commissioners

attended at least one workshop. He said the Steering Committee's list was being reviewed to determine the best sites for rezoning, which would take place in March 2013. He said the Planning Commission would review the entire draft Housing Element including the list of sites at their October 15 regular meeting. He said at that time the Commission might make recommendations as to the appropriateness of the proposed sites but should not suggest new sites to be studied. He said after the studies were completed, the Commission would be asked to make another recommendation on the Final Housing Element in February 2013. He said if an individual Commissioner had recommendations that he or she should submit those before the Wednesday Steering Committee meeting.

b. 695 Bay Road Appeal – City Council, August 28, 2012

Senior Planner Rogers said that the Commission's approval of a preschool at the Bay Road site had been appealed by a neighbor to the City Council. He said the Council considered and denied the appeal at its August 28, 2012 meeting and upheld the Commission's action. He said the applicant had also appealed the City about the Transportation Impact Fee and had provided information about the previous use of the site as a convenience store. He said under the ordinances for the Transportation Impact Fee this information effectuated the reduction of the fee to about \$16,000. He said the applicant agreed with the fee reduction and had withdrawn the appeal.

c. Facebook West – City Council Information Item, September 11, 2012

Senior Planner Rogers said that the City Council information item on September 11 for the Facebook West project would establish a 30-week process of nine public meetings. He said one of those was a study session with the Commission on September 24.

d. Commonwealth Corporate Center – City Council, September 18, 2012

Senior Planner Rogers said the City Council at its September 18 meeting would consider contracts for the Commonwealth Corporate Center environmental and fiscal reviews. He said the Council would also consider Commission comments made at the last Commission meeting on such issues as the use and the potential for a development agreement.

Commissioner Riggs said that the applicant had documented the previous use of 695 Bay Road as a convenience store and there had been more recent use as office space. He said that with certain items such as parking and traffic demand that after 12 months of vacancy that these items were not counted for a project and asked if that was different for the calculation of the Transportation Impact Fee (TIF). Senior Planner Rogers said that appeared to be the case but he would need more information to answer that question definitively, and would get back to Commissioner Riggs.

Commissioner Riggs asked for an update on the Commission's August request for a study session on the TIF. Senior Planner Rogers said staff had some initial thoughts about how to proceed but then had to work on the specifics related to 695 Bay Road. He said they would look at what would be the Commission's role and the best way to address the topic. He said staff thought that a study session would be a good first step to provide history and the intent of the TIF to the Commission. He said they would follow up on this item.

Commissioner Bressler asked if the next Steering Committee meeting would be the last consideration of potential sites for housing. Senior Planner Rogers said his understanding was that it effectively was the final. He said there were some abilities for the Housing and Planning Commissions and City Council later to deem some sites potentially inappropriate but it would be difficult to then propose new sites.

Commissioner Ferrick asked if the meeting room might be changed for the Steering Committee meeting as it was very small. Senior Planner Rogers said he would pass that request along.

B. PUBLIC COMMENTS

Ms. Maya Sewald, Menlo Park, said on behalf of the Sharon Heights residents, that she wanted to thank the City for preserving Sharon Park. She said the residents would direct attention to potential sites for housing. She asked if the Steering Committee would accept the proposed property list. Senior Planner Rogers said a number of Committee members had expressed some concerns about some of the sites. Chair Ferrick said that if some of the sites were not feasible those would not move forward.

C. CONSENT

Commissioner Riggs asked if the applicants for 192 Stone Pine Line decided to replace the windows whether that would be considered a change in the scope of the approval. Planner Ishijima said it could be a condition that the windows remain substantially the same design as current. Commissioner Riggs asked to pull item 2. He asked about the delay on getting 1340 Trinity Lane onto the consent calendar noting the plans were stamped June 25. Senior Planner Rogers said the plans were stamped August 20, 2012.

Commission Action: M/S Riggs/Ferrick to approve the consent calendar, items 1 and 3.

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

Motion carried 5-0 with Commissioners Kadvany and O'Malley not in attendance.

2. Architectural Control/Kama and Michael Best/192 Stone Pine Lane: Request for approval for architectural control for exterior modifications of the front facade on an existing residence in the R-3 (Apartment) zoning district.

Commissioner Riggs said due to the prominent nature of the façade that should the second floor window, which was divided light and matched other windows on the façade, not be reused, then any replacement window should essentially match the existing and noted the Commission's preference for divided lights with division on the outside of the glass as well as within.

Mr. Mike Best, property owner, said they planned to use the same window and keep the look and feel of the existing in their remodel. Commissioner Riggs said that during a remodel windows sometimes get damaged so that they cannot be reused. Mr. Best said if that occurred they would be happy to present the proposed replacement window to staff noting they wanted to keep the look of the existing façade.

Commission Action: M/S Riggs/Ferrick to approve the architectural control for 192 Stone Pine Lane with one modification.

1. Adopt a finding that the project is categorically exempt under Class 1 (Section 15301, "Existing Facilities") of the current California Environmental Quality Act (CEQA) Guidelines.
2. 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.

3. Approve the 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 David Hirzel Building Design, consisting of three plan sheets, dated received by the Planning Division on August 22, 2012, and approved by the Planning Commission on September 10, 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 applicant shall comply with all Sanitary District, Menlo Park Fire Protection District, San Mateo County Health Department, and utility company's 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.
 - e. 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 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.
4. ***Approve the project subject to the following specific conditions:***
 - a. ***If the exterior window of the proposed addition is replaced, the replacement window shall match the character and design of the existing window subject to the review and approval of the Planning Division.***

Motion carried 5-0 with Commissioners Kadvany and O'Malley not in attendance.

3. **Architectural Control/Cynthia Lee Schreuder/1340 Trinity Drive:** Request for Architectural Control to modify the rear portion of the existing single-family townhouse by adding approximately 55 square feet over an existing deck located on the first floor in the RE-S(X) (Single Family Estate Suburban, Conditional Development) zoning district.

Commission Action: M/S Riggs/Ferrick to approve the consent calendar, items 1 and 3.

1. Adopt a finding that the project is categorically exempt under Class 1 (Section 15301, "Existing Facilities") of the current California Environmental Quality Act (CEQA) Guidelines.
2. 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.
3. Approve the 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 Brian David Peters, AIA, consisting of seven plan sheets, dated received by the Planning Division on August 28, 2012, and approved by the Planning Commission on September 10, 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 applicant shall comply with all Sanitary District, Menlo Park Fire Protection District, San Mateo County Health Department, and utility company's 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 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.

Motion carried 5-0 with Commissioners Kadvany and O'Malley not in attendance.

D. PUBLIC HEARING

Chair Ferrick noted that Commissioner Eiref was recusing himself from consideration of item 1 as he owns property within 300 feet of the subject property.

1. **Use Permit/Reynaldo Quintana/1040 Wallea Drive:** Request for a Use Permit for the modification of the first floor, and the construction of a new second story to an existing single-story, nonconforming single-family residence on a substandard lot with regard to lot width in the R-1-S (Single Family Suburban) zoning district. The proposed work would exceed 50 percent of the existing floor area, and is considered equivalent to a new structure. The project would also exceed 50 percent of the existing replacement value in a 12-month period and requires approval of a use permit by the Planning Commission. As part of the proposed development, one heritage magnolia tree (18-inch diameter) in poor condition in the front of the property would be removed. An initial version of the proposal was reviewed by the Planning Commission at the meeting of July 23, 2012, and was continued with direction for redesign. The proposal has since been revised, with changes to elements such as the architectural style, massing and roof pitch, front entry, windows, garage type and landscaping.

Staff Comment: Planner Ishijima said there were no additions to the staff report and a color and materials board had been distributed to the Commission.

Public Comment: Ms. Linda Butler, Intelligent House Design, said the design was changed from French Country to a contemporary Craftsman style and through that addressed the front entry, massing, windows, roof pitch, garage type and landscaping. She said the street was mostly ranch style homes but with Craftsman style additions. She said they also were providing a landscape plan and would add two cherry trees in the front to soften the façade. She said the first floor was now set back more than 20-feet from the property line and the second story was more than 34 feet from the property line.

Chair Ferrick closed the public hearing and noted that Commissioner O'Malley had arrived during the presentation at about 7:25 p.m.

Commission Comment: Commissioner Yu said the applicant had made significant changes to the design and the proposal was attractive. Commissioner Riggs asked if the two cherry trees were proposed replacements for heritage trees. Planner Ishijima said the City Arborist had reviewed and approved the proposed replacement trees.

Commissioner O'Malley said the applicant had done considerable work on the design. He noted that the neighbors were not objecting to a two story home.

Commission Action: M/S Yu/Riggs to make the findings and approve the use permit.

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 Intelligent House Design, consisting of 13 plan sheets, dated received August 23, 2012, and approved by the Planning Commission on September 10, 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

Motion carried 5-0 with Commissioner Eiref recused and Commissioner Kadvany absent.

2. **Use Permit/Young and Borlik Architects/742 Live Oak Avenue:** Request for a use permit to construct two single-family dwelling units and associated site improvements, on a lot that is substandard with regard to lot width, located in the R-3 (Apartment) zoning district. As part of this proposal, two heritage size trees (a 30-inch diameter oak located in the back-right corner of the property, and a 25-inch diameter cherry along the left-side property line) in poor condition are proposed to be removed. The proposal is a revision of an earlier application for a use permit and variance, which was reviewed and denied by the Planning Commission on June 25, 2012. The revised proposal does not require approval of a variance.

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

Public Comment: Mr. Billy McNair, applicant, provided handouts to the Commission and staff. He said after the variance request was denied on June 25 that they proceeded with a design to eliminate the variance and keep the street trees. He said they then brought that plan to the Commission for a study session in July with several redesign schemes. He said the primary constraints were the 50-foot width of the lot coupled with backup and turnaround requirements and preserving the street trees. He

said the new plan had a two-car garage for the front unit and one-car garage for the back unit with an uncovered parking space in the center of the lot. He said they reduced the width of the curb cut so the street trees were preserved. He said the Transportation Division and the Fire District were supportive of this configuration. He noted elements to connect the home with the street and pedestrian traffic. He said he sent a letter on April 26 to the surrounding property owners and held a meeting on May 12 for people to look at the plans. He said he had email communication with the property owners of the two single-family homes across from the project and both were now supportive of the project.

Commissioner Riggs asked if they would approach the City to do maintenance of the street trees rather than have PG&E do it. Mr. McNair said he would have done so but PG&E had already trimmed the trees.

Commissioner Eiref said he had noted the street trees had lifted the sidewalk in places, and asked how that was handled. Planner Perata said that there was a public works review of what frontage improvements were needed for projects. Mr. McNair said they were doing curbs and sidewalk for the project.

Chair Ferrick closed the public hearing.

Commission Action: M/S Bressler/Eiref to approve the use permit.

1. Adopt a finding that the project is categorically exempt under Class 3 of the current State CEQA Guidelines.
2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
3. Approve the use permit and variance requests subject to the following **standard** conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by Young and Borlik Architects, consisting of 15 plan sheets, dated received August 29, 2012, and approved by the Planning Commission on September 10, 2012, except as modified by the conditions contained herein.

- b. Prior to building permit issuance, the applicants shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.
- c. Prior to building permit issuance, the applicants shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
- d. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval of the Planning, Engineering and Building Divisions. Landscaping shall properly screen all utility equipment that is installed outside of a building and that cannot be placed underground. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
- e. Concurrent with the first building permit submittal, the applicant shall submit plans in conformance with the frontage improvements as shown on the approved tentative parcel map. These revised plans shall be submitted for the review and approval of the Engineering Division. All frontage improvements must be constructed and approved by the Engineering Division prior to approval and subsequent recordation of the parcel map.
- f. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a Grading and Drainage Plan for review and approval of the Engineering Division. The Grading and Drainage Plan shall be approved prior to issuance of a grading, demolition or building permit.
- g. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance. Prior to the building permit issuance, the applicant shall implement the tree protection plan and technique recommendations in the Arborist Report for all applicable heritage trees.

- h. Prior to building permit issuance, the applicant shall submit proposed landscape and irrigation documentation as required by Chapter 12.44 (Water-Efficient Landscaping) of the City of Menlo Park Municipal Code. If required, the applicant shall submit all parts of the landscape project application as listed in section 12.44.040 of the City of Menlo Park Municipal Code. This plan shall be subject to review and approval by the Planning and Engineering Divisions. The landscaping shall be installed and inspected prior to final inspection of the building.
- 4. Approve the use permit and variance requests subject to the following ***project specific*** conditions:
 - a. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a revised arborist report that assesses the impacts of the proposed development on the two street trees and Tree #3, and provides any necessary preservation measures, subject to review and approval of the Planning and Building Divisions.

Motion carried 6-0 with Commissioner Kadvany absent.

- 3. **Use Permit Revision/Courtney Lai for Sprint/3645 Haven Avenue:** Request for a modification to an existing wireless telecommunications facility located on an existing monopole in the M-2 (General Industrial) zoning district. Two existing panel antennas, located on the monopole would be replaced with new equivalent antennas and four remote radio units (RRUs) would be added to the monopole, two per each sector. The three existing equipment cabinets, located on the ground, would be removed and replaced with two new cabinets.

Staff Comment: Planner Perata said staff was distributing a color map of the coverage area and photo simulations.

Public Comment: Ms. Courtney Lai said she was representing Sprint. She said the plan was to swap two antennas, add four remote radio units, and replace three existing equipment cabinets with two new cabinets.

Commissioner O'Malley said it appeared the street view would be essentially the same as existing. Ms. Lai said that was correct.

Commissioner Riggs asked if Sprint had feedback on the proposed 10-year time limit. Ms. Lai said they did not. Commissioner Riggs said sheet B-8 showed equipment behind the antennas that looked bulky but which did not look so on the photo simulations. Ms. Lai said usually photo simulations do not show remote antenna units. She said that Planner Perata had commented on those units so they had discussed

their placement with the architect and team. She said that they were stacked to reduce visual impact.

Chair Ferrick closed the public hearing.

Commission Comment: Commissioner Riggs said that staff had suggested that the chain link fence could be made more opaque. He said he did not think that was necessary in this industrial area. Commissioner O'Malley said he agreed.

Commission Action: M/S Riggs/O'Malley to make the findings and approve the use permit revision.

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 Pacific Telecom Services, LLC dated received August 29, 2012, consisting of ten plan sheets and approved by the Planning Commission on September 10, 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.
 - 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. 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.

Motion carried 6-0 with Commissioner Kadvany absent.

E. COMMISSION BUSINESS

There was none.

ADJOURNMENT

The meeting adjourned at 8:08 p.m.

Staff Liaison: Thomas Rogers, Senior Planner

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on October 15, 2012