



PLANNING COMMISSION MINUTES

**Regular Meeting
January 7, 2013 at 7:00 p.m.
City Council Chambers
701 Laurel Street, Menlo Park, CA 94025**

CALL TO ORDER – 7:03 p.m.

ROLL CALL – Bressler (absent), Eiref, Ferrick (Chair), Kadvany (Vice Chair - absent), O'Malley, Onken, Riggs (arrived 7:07 p.m.)

INTRODUCTION OF STAFF – Jean Lin, Associate Planner; Thomas Rogers, Senior Planner

A. REPORTS AND ANNOUNCEMENTS

- A1.** Update on Pending Planning Items
a. Housing Element

Planner Rogers said the Housing Element Steering Committee would meet on January 10, and that there were be community workshops held on January 29 and 30 to consider technical updates to the General Plan for the implementation of the Housing Element update.

- b. 1976 Menalto Avenue – Appeal

- c. 2200 Sand Hill Road – Appeal

Planner Rogers said appeals of these two projects approved by the Commission in 2012 would be heard by City Council at one of their February meetings. He said the Heritage Tree Removal Permit for the 1976 Menalto Avenue project was also being appealed and was being reviewed by the Environmental Quality Commission on January 9.

Planner Rogers added that a Transportation Commission subcommittee would be holding a meeting on Wednesday, January 9 at 5:30 p.m., to discuss a potential process to update the Neighborhood Traffic Management Program (NTMP). He said this was a very preliminary discussion.

Commissioner Riggs arrived at the meeting.

B. PUBLIC COMMENTS

There were none.

C. CONSENT

There were no items on the consent calendar.

D. PUBLIC HEARING

D1. Use Permit and Variances/Young and Borlik Architects, Inc./15 Iris Lane: Request for a use permit to: 1) determine the Floor Area Limit (FAL) for a lot with less than 5,000 square feet of developable area; 2) construct a two-story, single-family residence on a substandard lot; and 3) install a 7-foot tall wood fence within the front yard setback in the R-1-U (Single Family Urban) zoning district. The project includes a request for variances to construct first and second story encroachments of 10 feet into the required 20-foot front yard setback and 9 feet, 5 inches into the required 20-foot rear yard setback. As part of the proposed development, two valley oak trees (8.5-inch diameter and 15-inch diameter), both in fair condition and located in the front yard, are proposed for relocation on site.

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

Questions of Staff: Commissioner O'Malley asked about the additional condition for the variance findings. Planner Rogers said because the Specific Plan amended development standards such as density, height, and floor area ratio that they did not want those discussions revisited with applications that were made for projects outside the area of the Specific Plan. Commissioner O'Malley suggested the preceding statement in the staff report be modified as the fifth finding was not something mandated by state law like the other four variance findings. Planner Rogers said it could be reworded.

Public Comment: Mr. Dan Rhoads, Young and Borlik Architects, said the neighborhood had a nice mix of housing with Highway 101 the dominant feature to the north and Flood Park to the west. He said the street had been influenced by the Hetch Hetchy pipeline which runs down Iris Lane and has a large median and right of way. He said this was a vacant lot and there were no records of it ever being developed. He said the lot size was 3,609 square feet and triangular in shape. He said the property line along Van Buren was determined the front because it was the shorter property line and Iris Lane was the side yard as it was the longer property line. He said with the yards determined so and the setbacks applied that left 387 square foot for a footprint to build a structure. He said a 10-foot by 20-foot one car garage would not fit within that envelope without some type of variance approval. He said they were proposing a two-story single family residence comparable in size, scale and amenities with the rest of the neighborhood at 1,592 square feet which was a floor area ratio of 49%. He said they were proposing to maintain the street side yard setback along Iris Lane at 12-feet and use that side as the functional front similar to other homes on Iris lane. He said the front yard along Van Buren would have a 10-foot setback where 20-foot was required. He said the rear yard which has a common property line with a neighboring property would have a 10-foot seven-inch setback where 20-foot was required. He said the rear yard was functionally made the side yard and that matched the neighbor's property. He said the distance between the finished structure and the neighbor's structure would be 23 ½ feet. He said for the rear yard there was no daylight plane requirement but since it abutted the neighbor's project, they made sure it would comply with the daylight plane. He said the area would also be used for the uncovered parking space. He said the overall height of the residence would be 23-feet 11-inches and that was less than the maximum height of 28-feet allowed. He said the lot size alone did not cause the hardships or need for variances. He said the acute triangle of the lot created hardship when zoning regulations were applied to it. He said related to the enjoyment and preservation of essential property rights that without a variance and use permit this lot would remain vacant. He said related to the third finding that the variance would not be detrimental to the general safety, health and welfare that

they had carefully designed adjacent easements and encroachments to be sensitive to neighbors. He said related to the fourth finding four that conditions upon which the requested variance was based would not be applicable, generally, to other properties within the same zoning classification could be made since the design was made specifically for this lot which has unique conditions from an irregularly shaped, substandard lot.

Commissioner Onken said it would have been better to have shown all of the neighbor's house on the variance drawings particularly for the variance requested related to the setback line along Van Buren.

There was discussion about the Hetch Hetchy construction project and that there might have been a development proposal made at one time for the lot.

Commissioner Onken asked about the trees being moved and saved. Mr. Rhoads said this stemmed from a desire to save the trees for the property as the trees were a size that could be relocated and having more mature trees would provide instant character for the project.

Chair Ferrick closed the public hearing.

Commission Comment: Commissioner Riggs said he thought this was a wonderful use of a lot that was a challenge. He said the project was very nicely planned and he appreciated the relocating of some of the oak trees. He said the submittal was exceedingly clear and complete. He moved to make the finding for the square footage, the variance requests and approve the use permit. Commissioner O'Malley seconded the motion. He said he usually had difficulties making the findings for variance requests but in this case he could make the findings. Chair Ferrick said she liked how the residence was designed on the lot and although triangular did not appear triangular. She said she could make the findings for the variance requests.

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

1. Make a finding that the project is categorically exempt under Class 3 (Section 15303, "New Construction or Conversion of Small Structures") of the current CEQA Guidelines.
2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
3. Make the following findings as per Section 16.82.340 of the Zoning Ordinance pertaining to the granting of variances:
 - a. The hardship is based upon the irregular lot shape and substandard width, depth and area of the lot, which limit the potential for construction of rooms of typical sizes and dimensions, and is particular to the property and not created by any act of the owner.

- b. The variance is necessary for the preservation and enjoyment of substantial property rights possessed by other conforming property in the vicinity, in particular with the ability to develop a residence that is not an irregular triangular shape. The variance would not constitute a grant of special privilege because it would not allow the applicant to construct floor area that would not already be permissible on the site, but would instead allow this floor area to be constructed in a more usable and efficient fashion.
 - c. The new residence would be located approximately 23 feet away from the nearest residence to the west and more than 100 feet away from the residence to the south. The second story will be within the required daylight planes, and the overall height of the residence would be well below the 28-foot maximum. In addition, the residence would comply with the daylight plane on the rear elevation, even though this is not required. As a result, granting of the variances would not be materially detrimental to the public health, safety, or welfare, and would not impair an adequate supply of light and air to the adjacent properties.
 - d. The conditions upon which the requested variance is based would not be applicable, generally, to other properties within the same zoning classification since the variance is based on the unique conditions of an irregularly shaped, substandard lot.
 - e. The property is not within any Specific Plan area, and as such no finding regarding an unusual factor is required to be made.
4. Approve the use permit and variances subject to the following **standard** conditions:
- a. Development of the project shall be substantially in conformance with the plans prepared by Young & Borlik Architects, Inc., consisting of 11 plan sheets, dated received December 11, 2012, and approved by the Planning Commission on January 7, 2013 except as modified by the conditions contained herein.
 - 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. 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 and 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 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.
5. 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 revise the plans to include the species for the two heritage tree replacements that is not English laurel, subject to review and approval of the Planning Division and City Arborist. The heritage tree replacements shall be a minimum of 15 gallon in size.

Motion carried 5-0 with Commissioners Bressler and Kadvany absent.

E. REGULAR BUSINESS

E1. Review of Draft Attendance Report for Calendar Year 2012

Planner Rogers asked the Commission to consider the referenced report and advise if there were any errors.

There were no corrections identified so the report will be finalized by staff with no changes.

E2. Review 2013 Planning Commission Meeting Date Change (Columbus Day)

Planner Rogers said that in reviewing the Commission meeting calendar staff realized that the October 14 meeting was Columbus Day which is a federal holiday. He said they were proposing to change that meeting date to October 7 noting that there would be a two week interim between that date and the second meeting date in September. Commissioners did not relay any concerns with the proposal, so it will be finalized by staff.

F. COMMISSION BUSINESS

There was none.

ADJOURNMENT

The meeting adjourned at 7:36 p.m.

Staff Liaison: Thomas Rogers, Senior Planner

Recording Secretary: Brenda Bennett

Approved by Planning Commission on February 4, 2013