



PLANNING COMMISSION MINUTES

**Regular Meeting
March 18, 2013 at 7:00 p.m.
City Council Chambers
701 Laurel Street, Menlo Park, CA 94025**

CALL TO ORDER – 7:04 p.m.

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

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

A. REPORTS AND ANNOUNCEMENTS

A1. Update on Pending Planning Items

- a. Housing Element – City Council – March 5 and 12, 2013

Planner Rogers said the Council at its March 12 meeting provided direction for five sites to be rezoned as part of the Housing Element Update. He said this was a reduction of the number of sites originally studied but it appeared the City could meet its obligation with those five sites. He said these were considered viable sites as there appeared to be substantial property owner interest. He said there would be a joint session of the City Council and Planning Commission on the Housing Element Update, Tuesday, April 9, 2013. After that the Planning Commission would hold a hearing on the Housing Element and then it would be heard by the City Council for approval.

- b. Facebook West Campus – City Council – March 26, 2013

- c. 555 Glenwood Avenue – City Council – March 26, 2013

Planner Rogers said that on March 26, 2013, the Council would consider two projects about which the Commission had made recommendations. He said he had nothing to add on the Facebook West Campus project but for the 555 Glenwood Avenue project, the City Attorney had negotiated a proposed term change to the license agreement and encroachment permit that derived from the Commission's direction to incorporate a fair market rent for the parking spaces after a period of five years.

d. SRI Campus Modernization Project– City Council Study Session – April 2, 2013

Planner Rogers said the City Council would hold a study session on April 2 to review the SRI Campus Modernization Project. He encouraged Commissioners interested in that project to attend the Council meeting.

B. PUBLIC COMMENTS

There were none.

C. CONSENT

C1. Approval of minutes from the February 25, 2013 Planning Commission meeting.

Chair Ferrick noted some Commissioners had sent corrections via email.

Commission Action: M/S O'Malley/Riggs to approve the minutes with the following modifications.

- Page 11, 1st full paragraph, 4th line: Replace “roof” with “parapet wall”
- Page 11, 4th paragraph, 1st line: Replace “He without that...” with “He said that...”
- Page 12, 7th paragraph, last sentence: Replace “He also, for trees 45 feet up...” with “He added that trees 45 feet up...”

Motion carried 7-0.

C2. Approval of the excerpt minutes for 555 Glenwood Avenue from the March 4, 2013 Planning Commission meeting

Commission Action: M/S O'Malley/Riggs to approve the minutes with the following modifications.

- Page 3, last paragraph, 4th line: Change “Traffic” to “Transportation”
- Page 6, last paragraph, 1st line: Replace “activity” with “option”
- Page 9, 2nd paragraph, last sentence: Replace “it not” with “it did not”

Motion carried 7-0.

D. PUBLIC HEARING

D1. Use Permit/Kenneth Buck/619 Bay Road: Request for a use permit for interior remodeling and the construction of a first and second floor addition to an existing single-story, nonconforming single-family residence on a substandard lot with

regard to lot width in the R-1-U (Single-Family Urban) zoning district. The project would exceed 50 percent of the existing replacement value in a 12-month period and requires approval of a use permit by the Planning Commission.

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

Public Comment: Ms. Abigail Buck, property owner, said they had lived in Menlo Park for seven years having moved here from San Francisco. She said their family was growing and they were looking to improve their existing home. She said they had reached out to their neighbors about their plans. She said no one had indicated concerns and some had indicated support.

Chair Ferrick closed the public hearing.

Commission Comment: Commissioner Riggs mentioned that the site plans provided to the Commission should have a firm first floor. He confirmed that the existing Magnolia tree was on the left side. He said the applicant was not being asked to bring the parking into conformance noting that as a corner lot a redesign could accomplish that in the rear setback. He said this could be an opportunity for the applicant to get an extra curb cut that they might not get otherwise without Planning Commission process.

Planner Ishijima said typically for remodels they have not required non-conforming parking to be brought into conformance. She said another curb cut on Henderson Avenue was not considered during the review process as there was a large Oak tree along that street. She said the applicants also have a play structure and area in the backyard and the applicants were not considering removing that for parking.

Commissioner Riggs asked if the windows would be true divided lights. Mr. Kenneth Buck, property owner, said the windows would match the existing ones, which had been replaced three years prior. He said those windows did not have grids noting they were vinyl double hung. Commissioner Riggs said that grids were shown on the plans but not the specification. He said it was indicated for the second floor that wood siding would be used to match the existing and noted the house was stucco. He asked if the garage was wood. Mr. Buck said that was correct. Commissioner Riggs asked if the applicant was comfortable with the result of the second floor plan. Mr. Buck said they were and that they had worked on it for nine months.

Commissioner Onken said the engineer who drew the plans was using a hatch on the roof that looked more like terra cotta tile although it indicated composite shingles. He said there were double hung windows with divided lights shown which was probably what the applicant did not want.

Planner Ishijima said that even though the hatching looked like terra cotta tiles the roof addition would match the existing roof materials. She said regarding the windows she had noted the applicant did not have the Craftsman style windows and believed that this was what they were proposing in the remodels.

Commissioner Eiref asked about the roof juxtaposition between the existing structure and the addition as it seemed awkward to him. Mr. Buck said they wanted to keep the addition within the existing footprint, had looked at several iterations of the addition, and thought this was the best solution.

Commissioner Ferrick moved to approve as recommended in the staff report. Commissioner Riggs said it would be better if the Commission saw what they were being asked to approve. He said if they had not shown the Craftsman style windows on the upper story plan he would not have questioned the windows. He said the continuation of materials and the pitched roof forms were pleasantly consistent with the neighborhood. He said he appreciated that the chimney was extended.

Chair Ferrick asked if the Commission could approve and allow the applicant to either install windows like the existing or use Craftsman style windows throughout. Planner Ishijima said that could be a condition.

Commission Action: M/S Ferrick/Riggs to approve the item with the following modifications.

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, 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 Verkie Engineering, consisting of 10 plan sheets, dated received February 27, 2013, and approved by the Planning Commission on March 18, 2013, 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 specific condition:***

- a. ***Simultaneous with the submittal of a complete building permit application, the applicant shall note the window type description to include true divided lights or simulated divided lights with grids if multi-paned windows are proposed, subject to review and approval of the Planning Division. All windows on the second floor addition shall be uniform in style and/or complementary to the existing windows on the first floor.***

Motion carried 7-0.

D2. Use Permit/Mehdi Jazayeri/850 Cambridge Avenue: Request for a use permit to demolish an existing two-story, single-family residence and a detached garage and construct a new two-story, single-family residence on a substandard lot with regard to lot width in the R-2 (Residential Low Density Apartment) zoning district. As part of the project, the applicant is proposing to remove a heritage buckeye tree (22-inch diameter, poor condition) located on the left side of the property.

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

Public Comment: Mr. Jack McCarthy, project designer, said that most of the weight of the buckeye tree was leaning over the neighbor's house and had been dangerously pruned over the years. He said they would do landscape and a replacement tree. He

said they thought the Craftsman style home would work well with the neighborhood and they had worked to create articulation so there were no blank walls.

Commissioner Eiref said he was confused about the basement as there appeared to be doors, siding, and windows. Mr. McCarthy said there was a light well on the left side where there was a bedroom and on the other side was a game room where they did not want the windows to face the neighbors so those windows were brought down to grade. Commissioner Eiref said on page 5 it looked like the front elevation had doors. Mr. McCarthy said those were doors to the rooms and were below grade. Commissioner Eiref said on page 6 it appeared there were windows and siding to the ground. Mr. McCarthy said they were continuing the siding to the ground. Commissioner Eiref confirmed that the garage in the rear corner would be removed. Mr. McCarthy said that it had no foundation. Commissioner Eiref confirmed with Mr. McCarthy that this was a spec home.

Commissioner Onken said on the upper level that both of the rear bedrooms had only side aspect windows and these could be a privacy issue. He asked if they had looked at rear aspect windows. Mr. McCarthy said he had but with raising the roof pitch this constrained the area needed for a window. Commission Onken said the drawings were scrappy and the Commission needed legible drawings that were clear.

Commissioner Kadvany said the roof looked like siding but confirmed it was composite shingles. He said they were moving the garage from the rear to the front, and asked why. Mr. McCarthy said partially it was to avoid a driveway from the front of the property to the rear.

Chair Ferrick closed the public hearing.

Commission Comment: Chair Ferrick said there was quite a collection of eclectic styles in the neighborhood. She said she liked the front elevation but had concerns about the windows on the right side elevation.

Commissioner Riggs said Mr. McCarthy tended to lay out a plan nicely, using the space to accomplish what the owner wanted. He said that the Commission used to check for cross-ventilation for bedrooms. He said it seemed two bedrooms in the plan had windows on only one wall. He said it appeared windows could be added to the two left side bedrooms. He said the first floor sloped roof seemed to box the design in. He said for the second floor he would have used a flat roof with good roofing material. He asked that the chimney not be lower than the second floor gutter.

Mr. McCarthy said he liked to have the chase (chimney) extend noting it was becoming a dying element. He said he was happy to take it up further.

Chair Ferrick said that the chimney should not exceed the building envelope for the rear elevation. She asked what the view was from the side elevation windows.

Mr. McCarthy said he could put a window in the rear of the left bedroom. He said in the right side bedroom he had tried to limit the exposure sideways by moving the closet and stairwell out which gave him a tunnel two feet back and a roof overhang that limited view.

Commissioner Onken said this scheme was maxing out the square footage, hitting the peak in terms of height, and without design guidelines, they had to look at other solutions. He said they have on other occasions required side facing windows to be obscure which was not desirable. He said there were things that could alleviate the impact of a double fronted garage door facing the street. He said there was a big flat roof in the back and it would be good to have a second window for one of the bedrooms in the rear. He said currently the side properties had sloped roofs and there was protection from the window view but when those homes were redeveloped there would probably be similar schemes as this one creating a situation where there would be windows facing windows.

Mr. McCarthy said he could put a rear window on the left bedroom but would like to keep the sloped roof. He said he would build a wall if he needed to get the window down, and he could put feature windows in the corners of the rear bedroom and left bedroom.

Commissioner Eiref said the design seemed massive and agreed with a different treatment for the garage doors.

Commissioner Kadvany said there were some nice features in the design but the project was going for scale and it was going to be overbearing to the street. He suggested putting the garage in the rear. He said the applicant might try to come back with two-single door garages. He said he would not support the project for this reason.

Chair Ferrick asked if they had considered a rear garage. Mr. McCarthy said they had but there really needed to be a 10-foot driveway with at least two feet on other side with landscaping to make it desirable for backing up to the street.

Commissioner Onken moved to continue the project to address the concerns raised. Commissioner Kadvany seconded the motion. Commissioner Onken said the direction was to reduce the effect of the double garage doors in the front and reconsider fenestration. Commissioner Bressler said many houses in Menlo Park have double garage doors. Commissioner Onken said on these smaller lots in these non-suburban development type neighborhoods, it was not desirable to have garages dominating the front elevation.

Chair Ferrick asked about the neighborhood outreach. Mr. McCarthy said they sent letters and complete drawings 11-inches by 17-inches to 12 adjacent neighbors prior to the first mailing notice from the City. He said they did not get any response and staff had not either.

Commissioner Riggs said he agreed with the comments made but he was sensitive to the disparity between conforming and nonconforming lots. He said he would like to see a less complex roof but was not sure he could require that.

Commissioner Kadvany said there were some other houses with a double garage in the area but the houses were not nearly as large as this proposed house. He said his sense would be to have less width at the frontage.

Commission Eiref said he was not wed to the idea of having the garage in the rear. He said his concern was the sheer height and all of the different elevations. He said he was uncomfortable with the design.

Chair Ferrick said she was concerned with the volume but the proposal conformed to regulations. She said she would like the matter to be decided this evening and not continued. She said it was not clear what was needed in continuing.

Commissioner Riggs said they had requested second story windows for cross ventilation; to extend the chimney at least to the second story roof gutter for balance, reduce the visual effect of the double garage door on the front elevation, simplify forms and provide relief on the front elevation and to reduce massing which might be accomplished by reducing building width.

Commissioner Kadvany said he agreed that the house width on the lot was not a good design.

Mr. McCarthy said there was currently seven to eight feet on the sides and if he increased the one side to 13 feet he thought that would make the house look narrower and taller. He said it would feel heavier to the left than the right.

Commissioner Kadvany suggested there were alternatives to create a home smaller in scale that would be desirable to buyers and the neighborhood.

Mr. McCarthy expressed a preference for a continuance over a project denial.

Commissioner Kadvany said the garage could be articulated front to back as well as side to side.

Commission Action: M/S Onken/Kadvany to continue the item with direction including the following.

- Add second story windows on the rear elevation for better cross ventilation and balance, and reduce side aspect windows for neighbor privacy
- Reduce the visual effect of the double garage door on the front elevation (side to side as well as front to back)
- Extend the chimney height, at minimum, to the second story roof gutter for balance

- Simplify forms and provide relief on the front elevation by reducing massing and building width

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

D3. Conditional Development Permit Amendment/James K. Harris for the Boys and Girls Club of the Peninsula/401 Pierce Road and 400 Market Place:

Request for an amendment to an existing conditional development permit (CDP) to increase the maximum permitted floor area ratio (FAR) at the site from 35 percent to 45 percent, consistent with the maximum FAR of the R-3 (Residential Apartment) zoning district. The use of the site would remain a private recreation facility. At this time, the applicant is proposing to construct an approximately 747 square foot addition on the second floor, for a current total proposed FAR of 36.2 percent. Any potential future additions would be subject to architectural control review by the Planning Commission. The property is zoned R-3-X (Residential Apartment, Conditional Development).

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

Public Comment: Mr. James Harris, Director of Operations, Boys and Girls Club of the Peninsula, said they were seeking to construct a second floor addition to accommodate administrative office space. He said they were not adding staff but relocating staff out of program space.

Commissioner Riggs asked for clarification on whether staff was increased noting report statements that there were no increases and another that eight positions were added, and whether those additional employees were for the Menlo Park site. Mr. Harris said they had increased the administrative team by nine prior to this application; he said the administrative staff serves all of the organizational facilities in the area. Commissioner Riggs confirmed with Mr. Harris that the administrative staff at the Menlo Park site provides support to all of the other seven sites on the peninsula.

Chair Ferrick closed the public hearing.

Commission Comment: Commissioner Onken noted that the project was supportable as it was simple in scale and would not negatively impact the neighborhood.

Commissioner O'Malley moved to recommend to the City Council approval of the Conditional Development Permit Amendment as recommended in the staff report. He said he was proud there was a Boys and Girls Club in the community, and praised their work. Chair Ferrick seconded the motion noting the organization's positive impact in the community.

Commissioner Riggs said there seemed to be 38 staff members and one to two parking spaces. He asked staff if this was working and whether there was enough daytime parking without causing conflicts. Planner Perata said that staff has not been made

aware of any parking conflicts. He said the two onsite spaces were installed during the 1999 demolition and rebuild, and staff was not aware of any issues with parking.

Commissioner Bressler asked why the Conditional Development Permit had included a restriction on Floor Area Ratio (FAR) and if that percentage was above and beyond the zoning at the time it was approved. Planner Perata said the FAR was based on the development plans that were submitted in 1999 for the rebuild of the facility which was about 35% FAR. He said the applicant and staff were working together to allow for flexibility for future additions so they would not need to go back to the City Council. He said 45% FAR has been the R-3 standard for a number of years and was so in 1999. He said CDPs tend to reference development plans and the site plans were not to the maximum 45% FAR but to 35% FAR.

Commission Action: M/S O'Malley/Ferrick to recommend to the City Council:

1. Adopt a finding that the project is categorically exempt under Class 1 (Section 15301, "Existing Facilities") of the current CEQA Guidelines.
2. Adopt a Resolution approving the Conditional Development Permit amendment for the addition of 747 square feet of gross floor area to an existing private recreation facility and to increase the maximum FAR to 45 percent, subject to the requirements of the Conditional Development Permit. (Attachment D)

Motion carried 7-0:

D4. Use Permit/Circuit Therapeutics, Inc./1505 O'Brien Drive: Request for a use permit for the storage and use of hazardous materials for the research and development of new techniques for neuroscience research, within an existing building in the M-2 (General Industrial) zoning district. All hazardous materials would be used and stored within the building.

Staff Comment: Planner Perata said staff had been informed earlier that some of the numbers in the Emergency and Contingency Plan in the staff report needed updating. He said those updated plans had been provided to the Commission and made available to the public at the rear table. He said the missing form mentioned on page D9 had been received and similarly made available to the Commission and public.

Public Comment: Mr. John Tarlton, Menlo Business Park, noted that Mr. Alex Arrow, the Chief Medical and Strategic Officer for Circuit Therapeutics, was present. He said the company had promising technology and had grown considerably in a year.

Mr. Arrow said this was a young medical therapy company that was commercializing a set of human therapeutics based on the new science of oxa-genetics, a field of neuroscience invented at Stanford in 2006. He said if successful they would produce a

number of new combination medical devices and biologics to treat difficult human maladies.

Commissioner Bressler asked if this was a device or drug. Mr. Arrow said it was a combination of device and drug using light sensitive proteins.

Chair Ferrick closed the public hearing.

Commission Action: M/S Kadvany/O'Malley to approve the item 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 DES, consisting of 9 plan sheets, dated received March 4, 2013, and approved by the Planning Commission on March 18, 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 within 90 days, 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 7-0:

E. COMMISSION BUSINESS

There was none.

ADJOURNMENT

The meeting adjourned at 7:41 p.m.

Staff Liaison: Planner Rogers, Senior Planner

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on April 22, 2013