



PLANNING COMMISSION AGENDA

Regular Meeting
April 7, 2014 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 (Vice Chair), Ferrick, Kadvany (Chair), Onken, Riggs, Strehl

INTRODUCTION OF STAFF – Jean Lin, Associate Planner; Kyle Perata, Associate Planner; Thomas Rogers, Senior Planner; Corinna Sandmeier, Contract Planner; Elizabeth Schuller, Assistant Planner

A. REPORTS AND ANNOUNCEMENTS

Under “Reports and Announcements,” staff and Commission members may communicate general information of interest regarding matters within the jurisdiction of the Commission. No Commission discussion or action can occur on any of the presented items.

A1. Update on Pending Planning Items

- a. Housing Element – City Council – April 1 and April 29, 2014
- b. SRI – Burgess Drive Reserved ROW Abandonment - City Council Study Session - April 1, 2014

B. PUBLIC COMMENTS

Under “Public Comments,” the public may address the Commission on any subject not listed on the agenda within the jurisdiction of the Commission and items listed under Consent. When you do so, please state your name and city or political jurisdiction in which you live for the record. The Commission cannot respond to non-agendized items other than to receive testimony and/or provide general information.

C. CONSENT

Items on the consent calendar are considered routine in nature, require no further discussion by the Planning Commission, and may be acted on in one motion unless a member of the Planning Commission or staff requests a separate discussion on an item.

C1. [Approval of minutes from the March 10, 2014 Planning Commission meeting](#)

C2. [Sign Review/VKK Signmakers Inc./1706 El Camino Real](#): Request for sign review to allow a second building sign on an office building that would be visible on the El Camino Real frontage in the SP-ECR/D (El Camino Real/Downtown Specific Plan) zoning district.

D. PUBLIC HEARING

- D1. [Use Permit/GACA Trust/700 Magnolia Street](#):** Request for a use permit to demolish an existing single-story, single family residence and 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 proposal, a heritage size magnolia measuring 22 inches in diameter, located at the right front corner of the property, and a heritage size English laurel measuring 20 inches in diameter, located at the left front corner of the side yard of the property, and a heritage size apple measuring 15 inches in diameter, located in the middle of the backyard, are proposed for removal.
- D2. [Use Permit/Shahriar Amiri and Stephen Mashhoon/712 Harvard Avenue](#):** Request for a use permit to demolish an existing single-story, single-family residence, and construct a new two-story, single-family residence with attached garage on a substandard lot with regard to lot width in the R-2 (Low Density Apartment) zoning district.
- D3. [Use Permit/Noel Cross/2307 Branner Drive](#):** Request for a use permit for excavation (removal of more than 12 inches of dirt) within the required interior side yard setback for a walkway, steps, and retaining wall, associated with the construction of an addition to an existing two-story, single-family residence on a standard size lot in the R-1-S (Single-Family Residential Suburban) zoning district. As part of the project, the applicant has requested a front lot line election to identify Branner Drive as the front lot line for Zoning Ordinance development standards.
- D4. [Use Permit/Avalanche Biotechnologies, Inc./1035 O'Brien Drive](#):** Request for a use permit for the indoor storage and use of hazardous materials for the research and development of products for sustained delivery of therapeutic proteins to the eye to treat wet age-related macular degeneration (AMD), as well as other retinal disorders, located in an existing building in the M-2 (General Industrial) zoning district. All hazardous materials would be used and stored within the existing building.
- D5. [Use Permit/Tricida, Inc./1430 O'Brien Drive, Suite F](#):** Request for a use permit for the indoor storage and use of hazardous materials for the research and development of therapeutics to address renal, metabolic, and cardiovascular disease, located in an existing building in the M-2 (General Industrial) zoning district. All hazardous materials would be used and stored within the existing building.

E. REGULAR BUSINESS

- E1. [2014-15 Capital Improvement Program/General Plan Consistency](#):** Consideration of consistency of the 2014-2015 projects of the Five-Year Capital Improvement Plan with the General Plan.

F. COMMISSION BUSINESS - None

ADJOURNMENT

Future Planning Commission Meeting Schedule

Regular Meeting	April 21, 2014
Regular Meeting	May 5, 2014
Regular Meeting	May 19, 2014
Regular Meeting	June 9, 2014
Regular Meeting	June 23, 2014
Regular Meeting	July 7, 2014
Regular Meeting	July 21, 2014

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At every Regular Meeting of the Commission, in addition to the Public Comment period where the public shall have the right to address the Commission on any matters of public interest not listed on the agenda, members of the public have the right to directly address the Commission on any item listed on the agenda at a time designated by the Chair, either before or during the Commission's consideration of the item.

At every Special Meeting of the Commission, members of the public have the right to directly address the Commission on any item listed on the agenda at a time designated by the Chair, either before or during consideration of the item.

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PLANNING COMMISSION

Agenda and Meeting Information

The Planning Commission welcomes your attendance at and participation in this meeting. The City supports the rights of the public to be informed about meetings and to participate in the business of the City.

ASSISTANCE FOR PERSONS WITH DISABILITIES: Person with disabilities who require auxiliary aids or services in attending or participating in Planning Commission meetings, may call the Planning Division office at (650) 330-6702 prior to the meeting.

COMMISSION MEETING AGENDA AND REPORTS: Copies of the agenda and the staff reports with their respective plans are available prior to the meeting at the Planning Division counter in the Administration Building, and on the table at the rear of the meeting room during the Commission meeting. Members of the public can view or subscribe to receive future weekly agendas and staff reports in advance by e-mail by accessing the City website at <http://www.menlopark.org>.

MEETING TIME & LOCATION: Unless otherwise posted, the starting time of regular and study meetings is 7:00 p.m. in the City Council Chambers. Meetings will end no later than 11:30 p.m. unless extended at 10:30 p.m. by a three-fourths vote of the Commission.

PUBLIC TESTIMONY: Members of the public may directly address the Planning Commission on items of interest to the public that are within the subject matter jurisdiction of the Planning Commission. The City prefers that such matters be presented in writing at the earliest possible opportunity or by fax at (650) 327-1653, e-mail at planning.commission@menlopark.org, or hand delivery by 4:00 p.m. on the day of the meeting.

Speaker Request Cards: All members of the public, including project applicants, who wish to speak before the Planning Commission must complete a Speaker Request Card. The cards shall be completed and submitted to the Staff Liaison prior to the completion of the applicant's presentation on the particular agenda item. The cards can be found on the table at the rear of the meeting room.

Time Limit: Members of the public will have **three** minutes and applicants will have **five** minutes to address an item. Please present your comments clearly and concisely. Exceptions to the time limits shall be at the discretion of the Chair.

Use of Microphone: When you are recognized by the Chair, please move to the closest microphone, state your name and address, whom you represent, if not yourself, and the subject of your remarks.

DISORDERLY CONDUCT: Any person using profane, vulgar, loud or boisterous language at any meeting, or otherwise interrupting the proceedings, and who refuses to be seated or keep quiet when ordered to do so by the Chair or the Vice Chair is guilty of a misdemeanor. It shall be the duty of the Chief of Police or his/her designee, upon order of the presiding officer, to eject any person from the meeting room.

RESTROOMS: The entrance to the men's restroom is located outside the northeast corner of the Chamber. The women's restroom is located at the southeast corner of the Chamber.

If you have further questions about the Planning Commission meetings, please contact the Planning Division Office (650-330-6702) located in the Administration Building.



PLANNING COMMISSION DRAFT MINUTES

Regular Meeting
March 10, 2014 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 (Vice Chair), Ferrick, Kadvany (Chair), Onken, Riggs, Strehl

INTRODUCTION OF STAFF – Deanna Chow, Senior Planner; Justin Murphy, Development Services Manager; Elizabeth Schuller, Assistant Planner

A. REPORTS AND ANNOUNCEMENTS

A1. Update on Pending Planning Items

a. General Plan – City Council – February 25, 2014

Senior Planner Chow reported the City Council at its February 25 meeting approved preparation of a Request for Proposals for the General Plan update.

b. Economic Development Study Session – City Council – February 25, 2014

Senior Planner Chow said also at the Council's February 25 meeting, the Council heard a presentation by Jim Cogan, City Business Development Manager, and Ron Golem, Bay Area Economics, at a study session on economic development for the City. She noted the presentation was available on the website, and the Council meeting could be streamed.

c. 350 Sharon Park Drive Conditional Development Permit – City Council – March 4, 2014 (*continued at the request of the applicant*)

Senior Planner Chow said the 350 Sharon Park Drive Conditional Development Permit project was scheduled to be considered by the City Council at their March 4 meeting, but the item was continued at the request of the applicant.

d. 389 El Camino Real – BMR Amendment – City Council – March 18, 2014

Senior Planner Chow said the applicant was requesting an amendment to the BMR (Below Market Rate) Agreement for their 389 El Camino Real project that was approved in 2012. She said the City Council would consider that request at their March 18 meeting. She said the original BMR agreement stipulated that a certain number of BMR units should be completed before the market rate units. She said the applicant was

requesting to reverse that so four market rate units could be finalled first and then two BMR units.

B. PUBLIC COMMENTS

There was none.

C. CONSENT

C1. Approval of minutes from the February 10, 2014 Planning Commission meeting

Commission Action: M/S Ferrick/Onken to approve the minutes from the February 10, 2014 Planning Commission meeting.

Motion carried 6-0 with Commissioner Riggs abstaining.

D. PUBLIC HEARING

Commissioner Eiref recused himself from consideration of Agenda Item D.1 noting he lived fairly close to the subject property.

D.1 Use Permit Revision/Jill Buathier/1900 Santa Cruz Avenue: Request for a use permit revision to add an approximately 1,930 square foot basement to a previously approved two-story residence on a substandard lot with regard to lot width in the R-1-U (Single Family Urban Residential) zoning district. The previous use permit was approved by the Planning Commission on October 7, 2013. No changes are proposed above grade.

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

Questions of Staff: Chair Kadvany confirmed with staff that the design above grade approved for the project on October 7, 2013 would not change with the addition of a basement.

Public Comment: Ms. Jill Buathier, co-applicant, said they were applying to add a basement with an office, two bedrooms and two-and-a half bathrooms to their previously approved project.

Chair Kadvany closed the public hearing.

Commission Comment: Commissioner Ferrick noted sheet plan A1.1 that showed the light wells and asked what those would look like from the street.

Ms. Pearl Renaker, project designer, said there was a light well on the right side of the house, when facing the house. She said the concrete wall would be about six inches above grade and then a metal railing, 42-inches high, with narrow slats.

Commissioner Onken and moved to make the findings and approve the use permit revision. Commissioner Bressler seconded the motion.

In response to a question from Commissioner Ferrick, Senior Planner Chow said a Traffic Impact Fee was assessed but there was no policy related to the excavation and building of basements done under ordinance and building code.

Commissioner Onken noted a number of homes have basements along Santa Cruz Avenue.

Commission Action: M/S Onken/Bressler 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. 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 Tektive Design, consisting of 11 plan sheets, dated received February 24, 2014, and approved by the Planning Commission on March 10, 2014 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.

Motion carried 6-0 with Commissioner Eiref recused.

Commissioner Eiref rejoined the meeting.

D2. City of Menlo Park Housing Element Update, Zoning Ordinance

Amendments, Environmental Review: The proposed Housing Element provides an update to the goals, policies and implementation programs of City's adopted Housing Element. The proposed Zoning Ordinance amendments would implement specific programs in the current Housing Element (2007-2014), some of which are required for compliance with State law.

Staff Comment: Senior Planner Chow said staff had received correspondence from Mr. Andrew Minor raising concern about the proposed overlay as it was located among existing residential uses. She said there was also a handout for the Commission and public from the February Steering Committee meeting and an 11 X 17 inch demonstrating existing and proposed daylight plane requirements for both accessory and secondary dwelling units.

Senior Planner Chow said this evening the Commission would conduct a public hearing on the Housing Element update of the General Plan, the zoning ordinance amendments associated with implementation of the current Housing Element, and environmental review that would cover the two items. She said following the adoption of the current Housing Element in May 2013 that the City Council adopted a new work program for the Housing Element Update and implementation programs. She said they authorized the

formation of a Steering Committee, which held four meetings between August 2013 and February 2014. She said there was a community workshop in September. The draft Housing Element was taken before both the Housing Commission and Planning Commission in November 2013, and then to the City Council. She said from that a draft Housing Element was submitted to the State Housing Commission in December 2013. She said the Planning Commission had a study session on secondary dwelling units in February 2014 and a negative declaration was issued based on an initial study that was still in review with the comment period ending March 14. She said last week the Housing Commission presented its recommendations to the Planning Commission and City Council that supported the proposed Housing Element Update and zoning ordinance amendments. She said the Housing Commission allowed for some modifications to address housing and the developmentally disabled. She said staff was looking at the Housing Element to see if there were opportunities to strengthen language related to housing and developmentally disabled. She said they were looking at adding a definition for special needs consistent with state law potentially in the definition section and also to update tables in the discussion on the developmentally disabled regarding just Menlo Park residents rather than just using the County's figures. She said the City Council would consider the Housing Element Update with the first reading of the zoning ordinance amendments at its April 1 meeting with the second reading conducted on April 29. She said the HCD had said the City's Housing Element update would be legal contingent upon certain requirements.

Senior Planner Chow said some of the key revisions to the draft Housing Element were for clarification and nothing that would change the City's policy direction. She said most of the Housing Element update remained similar to the current Housing Element with updates related to programs that have been implemented and addition of some programs required by new Housing Element law. Clarifications included defining affordable housing, at-risk affordable units, adding residential care facilities, and transitional and supportive housing. She showed a RHNA table which she said demonstrated how the City would meet its housing share of 655 units. She said the top of the table showed the numbers of the various income housing and the lower part showed how those would be accomplished showing current and future expected projects which showed meeting the required needs.

Senior Planner Chow said regarding implementation programs that AB 712 addressed zoning for the homeless and specifically that the City must recognize emergency shelters for the homeless in the zoning ordinance including identifying locations where an emergency shelter could be located to meet the City's unsheltered homeless needs. She said according to the County's 2013 survey the City's unsheltered homeless need was for 16 persons. She said the emergency homeless overlay would be an ordinance for a certain geographic area and would allow for an up to 16-bed facility as a permitted use and could be on one site or multiple sites. She said anything above 16 beds would require a use permit. She said the ordinance would also set up development regulations. She said through the Steering Committee it was identified to determine the standards of operation a shelter would need to maintain to be a good neighbor. She

said another component would be the compliance review process. She said the Planning Commission would act as an Advisory Board related to the compliance review process and would provide feedback to staff in the determination that the proposed shelter would meet the requirements outlined in the ordinance. She said it did not require property owners to sell their property or the City to acquire land for an emergency shelter. She said their requirement was to provide the zoning mechanism to construct and develop a homeless shelter and there were no proposals associated with the proposed overlay area. She said the area identified for the overlay was mainly in the VA property and multi-family residential portions adjacent to the VA along Willow Road to Clement and along Bay Road to Van Buren.

Senior Planner Chow said the second zoning ordinance amendment related to AB 2 was transitional and supportive housing and residential care facilities. She said the HCD commented that the City needed to regulate residential care facilities similarly to residential use regulations. She said one proposed zoning ordinance amendment was to define residential dwelling including transitional and supportive housing and residential care facilities. She said a seven or more beds residential care facility would be considered a large residential care facility and they were adding a definition regarding that to regulate more similarly to a convalescent home. She said compliance with AB 2 was critical to the adoption of the Housing Element. She said the City has one year to comply with AB 2 since the last adoption of the Housing Element which equated to May 21, 2014. She said another important item was reasonable accommodation and that would help the City meet a streamline process through HCD. She said reasonable accommodation was establishment of procedures for persons with disabilities and providing them with relief from zoning standards and other policies and practices that might impede persons with disabilities in housing. She said Attachment E to the proposed zoning ordinance amendment outlined application requirements by which findings might be made to approve modifications with a method for rescission if the accommodating modification is no longer needed.

Senior Planner Chow said the purpose for the proposed ordinance modification for secondary dwelling units was to clearly define how they might be used, and looked at living space vs. non-living space, to establish regulations consistent with the use of the building, to discourage the use of accessory buildings as secondary dwelling units without approval, and to encourage the development of secondary dwelling units from the outset. She said part of the purpose was to align regulations regarding living area more closely with secondary dwelling units.

Senior Planner Chow said currently the minimum lot size for development of a secondary dwelling unit without a use permit was 6,000 square feet and was now being proposed lower at 5,750 square feet. She said this was in response to requests from Belle Haven residents as most of the lots in that area were less than 6,000 square feet. She said part of the ordinance was clarifying where the setbacks would be if the secondary dwelling unit abutted an alley. She said as part of the modification to the zoning ordinance for secondary dwelling units the previous year there was a provision

to allow structures to have reduced setbacks with approval of the contiguous neighbors. She said with alleys there were not contiguous neighbors and the proposed change would clarify that for properties abutting an alley on the interior side or rear yards, the minimum setback was five feet. She said there had been discussion regarding adjusting the size of a secondary dwelling unit to accommodate access for person with disabilities. She said the City's Building Official reviewed and calculated another 48 square feet would be needed. She said staff rounded that figure up to 700 square feet which was the same as the maximum allowed for an accessory building.

Senior Planner Chow said one of the major changes proposed was to introduce the concept of a daylight plane for both secondary dwelling units and accessory buildings. She said the existing requirement was a 9-foot wall height. She said the flexibility for wall height for properties located in the flood zone would also be deleted, but would be resolved, and perhaps improved, through the proposed daylight plane concept. The daylight plane would be established at the three foot side setback line at a height of nine feet, six inches with a slope inwards at a 45 degree.

Senior Planner Chow said that parking requirements were proposed to be made explicit in the code. She said finally the Commission was being asked to consider the tenancy requirements, which currently was that the property owner must live in either the primary or secondary dwelling unit. She said proposed revisions to the code included a clarification that a property owner did not have to live at either the main dwelling unit or secondary dwelling unit so long as both units were not occupied as dwellings, to allow for a registration process by which both the main dwelling and secondary dwelling unit on a property might be occupied by persons other than the property owner, and the ability for a person to request a use permit for modification to the tenancy requirement on a permanent basis or a time period. She said the Commission was asked to consider if there should be a maximum time allowed for the temporary use until a use permit was needed; whether there should be a property manager during the property owner's absence; and sufficiency of tandem parking or individual access for both living units for parking.

Senior Planner Chow said the next item involved a process to allow for conversion of an accessory building to a secondary dwelling unit. She said that included documentation to demonstrate the building was legally built and constructed or under construction by the effective date of the ordinance; a one year period to submit an application for administrative review by the Community Development Director after which a use permit might be requested to modify the required development regulations; to upgrade the building to meet the Building Code requirements based on the change of occupancy at the time of the conversion; and finally, a consideration that was discussed by the Steering Committee as an incentive and that was to allow for the nonconforming building due to setbacks to be able to be rebuilt at the nonconforming setback, so long as the nonconformity was not expanded and the footprint remained the same or less than the existing building. She said there was also a discussion of a fee reduction for this conversion process.

Senior Planner Chow said that for consistency in the application of secondary dwelling units, permanent provisions for eating and cooking including counter, range, refrigerator and sink were proposed as the definition. She said that they were proposing to amend all of the single-family residential districts to identify that secondary dwelling units were a permitted use and to delete language regarding secondary dwelling units that was no longer relevant.

Senior Planner Chow said that Attachment G included the proposed modifications to the accessory building and structure section of the Zoning Ordinance (Section 16.68.030). She said it would be changed from a paragraph format to a table format for better presentation of the development standards. She said one of the key things proposed was to separate the definitions of accessory buildings and accessory structures. She said for accessory buildings with living space, which would be defined as a building with more than three plumbing structures, would be similar to the zoning district requirements except for rear setback that would be maintained at 10-feet. She said for accessory buildings not containing living space the setbacks would be maintained as existing which was three feet for the interior side and rear yards. She said for height, similar to secondary dwelling units, the maximum wall height would be replaced with the daylight plane concept. She said two clarifications were proposed for parking. One was that detached garages could be located on the interior sides but no closer than three feet from the property line. She said currently parking was not allowed in the front or side setback. She said for a detached structure they were clarifying that there was an allowance to have the accessory structure within the setback requirements. She said there was also a clarification on garage entrances noting that the code currently for attached garages required a 20-foot setback from the property line they face. She said staff and the Steering Committee were recommending that apply to detached garages as well.

Senior Planner Chow said regarding accessory structures that these currently were required to be on the rear half of a lot. She said the proposed change would allow accessory structures to be located in the front half of the lot as long as all the setback requirements were maintained and on the rear half of the lot where the setbacks could be maintained at three feet. She said the wall height requirement would be replaced with the new daylight plane, and the existing separation requirement between buildings would be eliminated for accessory structures (but not for accessory buildings).

In response to questions from Commissioner Eiref, Senior Planner Chow said the overlay for emergency shelter would be a new chapter in the City's zoning ordinance. She said regarding SB 2 compliance that the transitional and supportive housing, and residential care facilities would also be a zoning ordinance amendment, and would impact all dwellings as the definition of dwelling would be changed to include transitional and supportive housing. She said regarding emergency shelters that a proposal for that would be limited to the defined geographical area as proposed in the ordinance amendment and up to 16 beds would be allowed without discretionary review. She said

any proposal of more than 16 beds would require a discretionary review process through use permit. She said that each jurisdiction has to comply with SB 2 and that there had not been a formal discussion about partnering with other communities. Development Services Manager Murphy said the City was at the end of the period by which it had to comply which meant it was not an option available to the City to pursue regional solutions to homeless housing needs. Mr. Jeff Baird, Baird + Driskell Community Planning, consultants for the Housing Element, said that collaboration with other communities in that area could only be done if there was a specific project in mind.

Chair Kadvany clarified with staff that there were currently 142 beds throughout the City for the shelter of homeless individuals and that the 16 beds was an unmet need.

In response to questions from Commissioner Riggs about parking requirements for secondary dwelling units and accessory buildings, Senior Planner Chow said that the required dimensions of one covered parking space were 10-foot by 20-foot and that an uncovered parking space could potentially be less depending on where it was located. She said there had not been discussion about the size of parking spaces for secondary dwelling units or accessory buildings. She said there had been discussion about providing more possibility and flexibility as to the location of parking spaces such that tandem could be located in the front setback with a use permit.

In response to a question from Commissioner Riggs in reference to page 29 of the presentation related to cooking facilities definition and how it would be used in the administrative process, Senior Planner Chow said this was regarding secondary dwelling units and did not change the review process. She said if the proposal met the development requirements it was a permitted use. She said it was to help clarify for people who might want to take their building through the conversion process and what might be needed to qualify as a dwelling unit.

Commissioner Riggs referenced page 31 regarding minimum yards and noted that effectively if an area has three or more plumbing fixtures regardless of its intended use it would be defined as living space. He said for new construction there would now be a different setback. Senior Planner Chow said that was correct. Commissioner Riggs asked about converting an accessory building into a secondary dwelling unit if the accessory building would be ineligible if it did not have the 10 foot setback. Senior Planner Chow said it was recognized that there would likely be a nonconforming setback because accessory buildings were likely to be built at three foot setbacks whereas a secondary dwelling unit would have to meet the requirements of the zoning district, and this did not make the conversion ineligible. In response to a question from Chair Kadvany, Senior Planner Chow said that the converted structure could be rebuilt as long as the nonconformity was not increased.

In response to a question from Commissioner Riggs about detached garages and alleys, Senior Planner Chow said if the garage door faced the alley it had to be set back 20 feet from the property line.

Commissioner Bressler confirmed with staff that the proposed minimum lot size for a secondary dwelling unit was 5,750 square feet without a use permit and noted on page 20 of the presentation that showed about two-thirds of Belle Haven lots would not qualify under that rule. He asked if it was correct that if the lot was maxed out and Floor Area Ratio (FAR) was maxed out then a secondary dwelling unit could not be built. Senior Planner Chow said that was correct. He asked if there was any information on how many lots could actually accommodate the building of a secondary dwelling unit. Development Services Manager Murphy said that was a completely different research, and information not maintained by the City. He said also that would be a very different way at looking at the environmental review for the current Housing Element and for these proposed modifications. He said if this was something the Commission wanted to explore that would need to be a future implementation plan with its own allocation of time, research and environmental review. Commissioner Bressler said that if FAR and lot coverage was not increased then the environmental impact has not been increased. He said if those elements were increased then there would be a need for environmental review. Development Services Manager Murphy said the City's intent was not to maximize every single square foot of potential development for secondary dwelling units.

In response to a question from Commissioner Bressler regarding City applied fees for a secondary dwelling unit, Development Services Manager Murphy said the Master Fee Schedule would be considered by the City Council at their April 29 meeting, and once staff had accomplished what needed to be seen and reviewed by the Council on April 1, attention would be turned to the Master Fee Schedule.

In response to questions from Chair Kadvany, Senior Planner Chow said the overlay site was one of five potential sites considered for emergency shelter ordinance zoning. She said originally the boundary extended along Coleman Avenue to the Atherton border. She said through discussions of the Steering Committee, Planning Commission and City Council that area was reduced to the R-3 area abutting Willow Road and Coleman Avenue, partially to reduce the impacts to the larger single-family residential zoning district to the west. She said that feasibility of accommodation of that housing need had to be demonstrated and discussion of the Steering Committee was that the R-3 area might have multi-family units within it which might provide an opportunity for conversion to provide emergency homeless housing for a 16-bed facility.

In response to questions and comments about parking and secondary dwelling units by Commissioner Eiref and Chair Kadvany, Development Services Manager Murphy said that the parking situation was a different dynamic from FAR and lot coverage. He said with a change that was approved last spring, it was pretty easy for people to meet their

parking requirements on site. He said he did not see that as a deterrent to secondary dwelling units.

Public Comment: Mr. Dave Nellesen, Willow Road, said his home was in the small residential area of the overlay near the corner of Coleman Avenue and Willow Road. He said he had written comments about his concern with the suitability of the area for a homeless shelter noting in the vicinity there were three schools and a park. He said he would like the City to challenge mitigating the impacts from the proximity of a homeless shelter to the school and park facilities. He said the boundaries of the overlay had been reduced on the Coleman Avenue side to exclude properties some of which were single family residences. He said the overlay was mostly the VA campus and some small adjacent properties. He asked the Commission to consider the suitability of those residential properties for a homeless shelter. He said he lived in a three-unit complex with each unit approximately 1,700 square feet. He said the market value of each unit was about \$1,000,000 so he thought it highly infeasible that the three units would be purchased to provide emergency shelter. He said there was one large apartment building in the area that might be a possibility but it was on an acre of land and probably worth two to three million dollars. He said the VA campus was the right place for an emergency shelter and not the residential area. He said by zoning that area such the value of the residential area would be damaged.

Mr. Matthew Donohoe, Willow Road, said he had heard there were already 145 beds in the City to provide emergency housing for the homeless. He said the VA Campus was 100 acres and suggested it should be possible to find space for 16 beds there.

Ms. Kathy Neuman, Valparaiso Avenue, said her concern was related to the primary entrances for secondary dwelling units. She said she would like language in the ordinance addressing that, noting as an example flag lots. Her concern was that neighbors could have an entrance door facing them three to five feet away from their lot line.

Mr. Don Cornejo, Golden Gate Regional Center, said he appreciated including the language regarding special needs in the zoning ordinance amendment and he hoped that would be carried through so developers had a better sense of the range of special needs and disabilities. He said he knew one family with a severely disabled adult that was able to build a secondary dwelling unit with the very specialized substantial supports needed and provided by his agency.

Ms. Rose Bickerstaff, Belle Haven, said in her neighborhood there was no space for secondary dwelling units. She said there were some lots with large back yards but with no access. She questioned reducing the minimum square footage to 5,750 square feet to allow for a secondary dwelling unit. She said existing homes have four vehicles in many instances and questioned where additional parking would be found for a secondary dwelling unit. She said a percentage of the lot was required to be landscaping and asked how that would be accommodated. She urged the Commission

to not reduce the minimum lot size for a secondary dwelling unit to 5,750 square feet and to make it no less than 6,000 square feet.

Ms. Corrine Shelly Aulgur, Autism Society, thanked staff for working on including people with developmental disabilities in the affordable housing plan. She said people with developmental disabilities were a different category in the provision of housing for people with disabilities as these were cognitive disabilities including cerebral palsy and autism. She said that housing was not being provided for these people in Menlo Park now and asked for assurance that they would be included in low income housing for any new or rehabilitative developments. She said there were a variety of federal and state laws that mandate this and she thought the City was not in compliance. She said there was funding available for communities to integrate and include people with developmental disabilities.

Mr. Richard Recht, Menlo Park, said he wrote a letter that if they were trying to get smaller units that would allow for families to stay or come together or individuals to live and provide more housing units that the inflexibility about the FAR was a barrier. He said in his situation he had a serious health scare and they would like to build a secondary dwelling unit for him and his wife so that his son and family could live in their primary residence. He said they made a proposal which their neighbor supported but they were limited by their FAR because a storage only area was counted towards it. He asked for consideration of flexibility for marginal additional allowed FAR or a variance to consider case by case as that would help with what the City was trying to do to meet housing needs.

Chair Kadvany closed the public hearing.

Commission Comments: Chair Kadvany asked staff to address Ms. Neuman's comments about entry location. Senior Planner Chow said that setbacks were determined by lot dimensions. She said the shorter length was a front setback and there was no restriction on the orientation of a door. She said if the door faced the side that did not make the side the front property line, and setbacks would have to be met according to the lot dimension. She said she thought the concern was that because the City uses the lot dimensions as the setback orientation someone could effectively have a front door facing a side that has a smaller setback than a front setback. Development Services Manager Murphy said similarly but slightly different that the City could establish development requirements for secondary dwelling units that might include where a door might be placed on a building but at this time there was no such development regulation.

Chair Kadvany said reducing the minimum lot size for a secondary dwelling unit to 5,750 square feet did not permit every 5,750 square foot lot to build a secondary dwelling unit.

In response to Commissioner Ferrick, Development Services Manager Murphy said the change to the minimum lot size of 5,750 square feet was something residents in the Belle Haven area wanted. He said part of that had to do with lot dimension patterns. He said a number of lots were 50-feet by 115-foot which was how the 5,750 square feet was arrived.

Commissioner Ferrick asked if the increase to 700 square feet for a secondary dwelling unit complied with all aspects of needed support for disabled access. Senior Planner Chow said the Building Official looked at accessibility requirements for bathrooms, kitchens, and pathway travel and approximated that an additional 48 square feet would meet those needs, and that figure was rounded up to an additional 60 square feet.

Commissioner Eiref said he had read Mr. Recht's email and it seemed the concern was whether one could build beyond the floor area limits (FAL). He asked if that was a possibility. Senior Planner Chow said a variance to the development standards would not be applicable in this case as the FAL is set in the General Plan as well. Commissioner Eiref said that there was only 200 square feet remaining on that lot and suggested some modification could be made to the primary house to release some square footage. He suggested also a basement. Senior Planner Chow said a basement was an option to add additional square footage without affecting the FAL.

Chair Kadvany opened discussion on Emergency Shelter for the Homeless Overlay.

Commissioner Riggs said he thought the area selected was a good choice. Commissioner Ferrick said she thought the VA location was a good choice because of the availability of services onsite. She said she felt she could be flexible about the additional residential area adjacent to the VA as there was a point to providing the shelter needed at the VA. She said the concern was proposing to the state that the City was depending on federal government to meet that need as that was risky. She asked since it seemed now that the state liked that recommendation whether there was the possibility of removing some or all of the residential area next to the VA.

Mr. Baird said one issue was control over the housing. He said they strove to have the housing accommodated at the VA but because the City has no control over that it was necessary to zone areas that could accommodate a facility of 16 beds. He said one of the questions the HCD had was about the flexibility. He said that was not from the perspective of market value but whether there smaller lots that could accommodate a smaller project such as a 16-bed facility. He said they provided an assessment and HCD was comfortable with the feasibility of the adjacent residential area.

Commissioner Ferrick said there was a clear intention to have this need be met at the VA site. She said if that was filled at the VA there would no longer be a build by right of a 16-bed facility in the residential area of the overlay. Mr. Baird said he thought that might be the case but a question was future housing needs and state requirements in the future.

Responding to questions from Commissioner Bressler, Development Services Manager Murphy said that the current unmet need for homeless shelter was 16 beds. He said the homeless survey was conducted every two years and the 16 bed need was informed by the most recent one done. He said the City could not predict for the next eight year housing need cycle what the need would be for homeless shelter. Commissioner Bressler said that the City needed to be aware that the survey has had large numbers in the past and might again. He said there was a larger facility for emergency shelter he thought at the VA. Development Services Manager Murphy said a homeless facility at the VA had been deemed seismically unsound and was not proposed for reuse.

Chair Kadvany said it seemed that the City was trying to do all it could programmatically to maximize the likelihood the VA would be the site for emergency shelter for homeless individuals. He said should the next census indicate that housing for the homeless needed increasing, the City could again do rezoning. Chair Kadvany asked regarding the speaker's request about mitigations what the City would require in terms of operations and neighborhood integration should a homeless facility be developed in the residential area. Senior Planner Chow said that was part of the intent in establishing the performance standards as outlined in the proposed ordinance amendment and included such things as having a prepared plan, onsite management, hours of operations, types of services, making sure there was onsite sanitation, and importantly the shelter operator to establish a liaison to coordinate with staff, police, school district officials and local businesses.

Commissioner Strehl said she recalled the discussion through which the small residential area was included in the overlay. She emphasized that the allowed use to develop a 16-bed emergency homeless facility in the overlay did not mean anyone would propose to do so. She said in the future should the City have greater need determined by the state for providing emergency homeless shelter that it was incumbent upon the City to look at other sites, and as Commissioner Riggs had noted that there were sites closer to downtown that would be appropriate.

Mr. Baird said the draft Zoning Ordinance quoted the Best Practices and Quality Assurance Plan, and part of the Best Practices was the integration of such a facility with the neighborhood.

Chair Kadvany asked about the other sites that were considered and where those were in the record. Senior Planner Chow said those were not referenced in the Housing Element but in the materials leading up to the preparation of the Housing Element and Ordinance Amendments. Chair Kadvany said he thought a highlight or footnote of those other locations should be provided to the City Council. Development Services Manager Murphy said that a footnote could be appropriate on pages 14 through 17 of the Housing Element under the heading "Process for Preparing the Housing Element."

Chair Kadvany noted the Commission's consensus support of the footnote or reference to other sites considered for emergency homeless shelter.

Chair Kadvany opened discussion on Zone for Transitional and Supportive Housing and Residential Care Facilities.

Commissioner Onken said Transitional and Supportive Housing and Residential Care Facilities were being removed from special use categories and included with residential use, which he thought was a huge step forward. He said he thought that was something they all could support.

Chair Kadvany noted Commission support by consensus.
Chair Kadvany opened discussion on Secondary Dwelling Units and Accessory Buildings/Structures.

Commissioner Onken argued that removing the restriction requiring a property owner to live in either the primary or secondary dwelling, although not the intention would in fact create an R-2 district or multi-family district. He said the requirement needed to stay.

Commissioner Bressler said he thought this was unenforceable in any case and he did not want it regulated.

Commissioner Strehl said there was considerable discussion by the Steering Committee about this, and there was general agreement that a use permit was an onerous process. She said life circumstances could require a person to move away for some amount of time but the person would want to keep their property here. She said the alternatives that were being proposed as a legislation process would allow some flexibility. She said she did not think the occurrence of this situation would be great.

Commissioner Ferrick said she concurred. She said if the property owner had to move away for some reason than the renter would be kicked out. She thought that should allow for a default to a process that would allow the renter to stay and another renter to live in the other house and have an established agreement on parking. She said staff was presenting a great plan for these instances.

Chair Kadvany said that actually one renter could stay but there just couldn't be two. Commissioner Ferrick said that seemed onerous as well. She said a basic agreement covering the use of the residences should a life circumstance require the owner to be gone for a period of time would be preferable to the cost and time to go through a use permit process.

Commissioner Riggs said that parking for secondary dwelling units required a 10-foot by 20-foot space. He said that secondary dwelling unit renters were more inclined he thought to have a small car. He said the 10-foot by 20-foot parking space was created 20 years ago for ever increasingly large vehicles but there has been an increase in

smaller vehicles. He said the parking requirements were one of the toughest restrictions on the provision of secondary dwelling units. He said if not now, but at sometime in the future, he would encourage consideration of an 8-foot by 16-foot parking space, noting those were not uncommon in City parking lots. He said one of the speakers had mentioned looking across the street at a used car lot. He said in that instance parking was not particularly organized and he thought conversions would be more likely to have better organized parking. He said regarding the property owner tenancy requirement that if someone went to the hospital for six months they likely would not be returning to the property. He suggested allowing application for a six-month absence and that a good reason was needed for the property owner to apply for another six months. He said he found the three plumbing fixture rule for living space frustrating. He said his home office had a legally built full bathroom with three plumbing fixtures. He said in the computer area he had a bar sink. He noted it was a very small office and hardly livable. He said regarding side setbacks that the 10 foot setback should not be required nor for neighbors to approve to allow a five foot setback. He said less than five feet should require neighbor approval but additions should be allowed up to five feet from the property line. He said where garages and carports were regularized at 20 feet from the front or rear property line, he would like to ask that exclude alleys. He said he could not see the advantage of setbacks for the Willows lots that back onto alleys. He said some years ago the Commission had discussed how close to an alley the garage door could be and they settled on five feet as that provided the space to back out and turn into the garage without impacting the other side of the alley. He said regarding conversions they should specify what building code upgrades and inspections there should be and have those limited to the most basic health and safety issues including electrical, plumbing drains, and combustible materials. He said the greater the regulations regarding conversions the more people would not get permits, and build illegally.

Development Services Manager Murphy said there was a program in the adopted Housing Element that became effective today to look at potential amnesty programs. He said at the Housing Element Steering Committee, community workshops, commissions and Council, they spent time discussing this and what came forward from the Council in December was to pursue the realm of possibility that was being currently pursued, and not to go down the path of the more complicated community discussions about types of building code requirements and types of inspections. He said it could be done but there were City priorities and resources involved. He said this was not something that could be done in the next two months. He said if the Commission wanted to recommend this for the next Housing Element there could be time to do that but probably not until after the General Plan Update. Chair Kadvany noted language in the Housing Element strategies that provided a slot for this work in the future. Development Services Manager Murphy said if there was serious interest in pursuing that work in the next few years that the language should be strengthened.

Commissioner Strehl said regarding tenancy that the allowance should be for one year before a need to renew as usually a person leaving for a job would have a longer commitment than six months.

Commissioner Bressler said he shared some of Commissioner Riggs' frustration about the cost, and realized that there should be no greater fees for these units than what was charged for someone remodeling their home and adding square footage. He asked what made that more expensive. Development Services Manager Murphy said they wanted to do equal comparisons and make sure the way the fees were calculated accounted for the fact that secondary dwelling units were smaller than a primary residence. Commissioner Bressler said that adding 200 square feet to his home or building a separate 200 square foot habitable accessory building should be assessed the same amount of fees. Development Services Manager Murphy said that was the overall intention of what they would be doing in developing the master fee schedule. He said there might be some fees that were structured without secondary dwelling units in mind and they would flag those for the City Council. He said they would look at what would level the playing field as well as what would create incentives for building secondary dwelling units.

Commissioner Onken said the standard parking space in Mill Valley was 9-foot by 20-foot and a second space was allowed at 8-foot by 17-foot. He suggested for secondary dwelling units that the second parking space could be as small as 8-foot by 17-foot.

Commissioner Eiref said he thought that was a great idea. He said he thought the general goal was to allow secondary dwelling units as much as possible but people did not like the idea of a slumlord property. He said there needed to be something to prevent properties from becoming slumlord properties when the property owner was not living in the primary or secondary residence. He said there was a question about allowing a larger unit up to 700 square feet if there was handicapped access needed. He said that was a good idea. He said there was a good letter describing changes in residences such as micro-homes and suggested that if after this ordinance amendment if there were no applications for secondary dwelling unit that they have the ability to review it again, and iterate it until they got it right.

Commissioner Onken said regarding the daylight plane diagrams that generally it was an improvement. He said he agreed with Commissioner Riggs comments on three and five foot setbacks, and that three foot setbacks were acceptable. He said the ordinance would create the opportunity for many different properties to build a secondary dwelling unit and at the same time satisfy the state requirements. He said he was supportive of the ordinance and the daylight place, and thought they needed to reduce the parking standard, and go forward with approving the Housing Element.

Commissioner Riggs said he also liked the daylight plane revisions. He said having a primary residence and a secondary dwelling unit of 600 square feet was very different

from what could be built on an R2 lot. He said in encouraging secondary dwelling units and conversions they would see better and safer dwelling units.

Chair Kadvany asked if there was a specific proposal for parking. Commissioner Onken said to state within the ordinance that the second required parking space could be reduced to 8-foot by 17-foot. Responding to a question from Chair Kadvany, Senior Planner Chow said 8-foot by 17-foot would be different from what was currently required for an uncovered parking space standards. She said the smaller size would need to be reviewed by the Transportation Division. She asked if the reduced size was intended for both covered and uncovered spaces. Commissioner Onken said that was correct. Senior Planner Chow said there was one parking space required for a secondary dwelling unit in addition to the parking the main dwelling has. She said the flexibility for parking that was added last year allowed it to be located in a driveway of a two-car driveway or a single-car driveway leading into another parking space. Commissioner Onken suggested the second parking space uncovered could be 8-foot by 17-foot and a covered space or garage situation 9-foot by 20-foot. Commissioner Riggs said he thought in Lorelei Manor that the garage spaces were reduced to 9-foot by 18-foot, and he parks two cars in his 18-foot by 18-foot garage. There was consensus to ask staff to look at 8-foot by 17-foot parking space requirement for secondary dwelling unit.

Chair Kadvany asked what the Commission's position was on the tenancy requirement for secondary dwelling units being proposed. He said the option indicated that if the property owner moved the renter did not have to. He asked about the parameter to register. Commissioner Ferrick said she would like to see it be one year. Commissioner Strehl asked if that offered an opportunity to renew the registration.

Senior Planner Chow said if a property owner has a property with a secondary dwelling unit and found it necessary to relocate out of the area, the property owner would be able to go through a registration process to have the tenancy requirement temporarily modified for one year to have the flexibility to rent out both the main and secondary dwelling units. She said if there was a second year registration and then a third year, it was discussed to have a use permit process to permanently request a waiver from the tenancy requirement. Chair Kadvany asked if there could be a public record of the registration process. Senior Planner Chow said if notification was done for registration that could be done.

Commissioner Strehl said that the property owner could register multiple times or apply for a use permit to permanently request a waiver from the tenancy requirement. Commissioner Ferrick said that was what she understood as otherwise she did not think property owners would bother to register. Chair Kadvany said it would be code violation. He said the process should be designed to prevent abuse. Commissioner Riggs said he had concerns with a scenario of a property owner building a secondary dwelling unit and then renting both places. He said if the property owner was away for more than a year that the secondary dwelling unit should be decommissioned. Commissioner Strehl said with the expense of building a secondary dwelling unit she doubted someone

would do that just to rent both homes. Commissioner Ferrick said the discussion at the Housing Element Steering Committee was that the registration to waive the tenancy requirement would be simple and not require noticing. She said she would support a sunset of re-registration at five years. She said the point was to have housing units of different types. Chair Kadvany said he did not think noticing was needed but more to have information that was available to the public regarding the property owner registering. Senior Planner Chow said the registration forms would be available for the public to view. Commissioner Strehl suggested that as part of the registration the owner could designate the parking arrangement for the property. Chair Kadvany suggested having the staff work on the details. Commissioner Ferrick said there seemed to be some type of agreement for a registration process for an unknown period of time. Chair Kadvany said the registration was for one year and there should be further details defined by staff at the renewal point. Commissioner Riggs said he thought they were setting the City up for abuse noting statistics that the average Californian moves every seven years and in the Bay area every four years as people like to upgrade their residence. He said the secondary dwelling unit was intended and born out of state law to allow a property owner who was outgrowing their residence to build a smaller unit so they did not have to sell their property and move. He said leaving the property and renting both properties out created an R-2 property. He said he was okay with one year but after that only the one main home should be occupied and the secondary dwelling unit decommissioned.

Commission Action: M/S Riggs/Kadvany to recommend one year of non-tenancy by registration and after that to require a use permit process. Chair Kadvany seconded the motion.

Commissioner Ferrick asked about the cost of a use permit application. Development Services Manager Murphy said they would be developing a fee schedule to include secondary dwelling unit use permit fees and those would be different than the general use permit category.

The motion carried 4-3 with Commissioners Eiref, Onken, Kadvany and Riggs supporting and Commissioners Bressler, Ferrick and Strehl opposing.

Responding to a question from Commissioner Strehl, Development Services Manager Murphy said there would be a multi-step process for noncompliance. He said the first step would be notification to the property owner to bring the property into compliance. He said should there be continuing communication with no compliance occurring, a violation would then be imposed on a per day basis for noncompliance. He said that it was very rare for that to occur as most property owners would come into compliance before that point.

Commissioner Ferrick said she said not want the City Council to think that those who voted against the motion were unsupportive of the registration process but that they or

at least she supported a longer period to allow renewing registration to two years. She asked if they could make another motion to express that.

Commissioner Bressler moved to recommend approval of a registration process and renewal up to four years before a use permit was required to waive the tenancy requirement. Commissioner Strehl seconded the motion.

Chair Kadvany clarified that the second motion would be considered a substitute motion.

There was discussion about the small number of secondary dwelling units and what would occur with registration for a waiver of tenancy if there were complaints. Development Services Manager Murphy said staff could envision a process with terms of the registration such as non-renewal for cause or revocation. He said they could look at that between now and the Council meeting, and incorporate that with whatever time frame for the registration and renewal the Commission was considering. Commission Action: (Substitute motion) M/S Bressler/Strehl to recommend a registration process and renewal up to four years before a use permit was required to waive the tenancy requirement.

Motion carried 7-0.

Commissioner Onken asked regarding setbacks and the public comment about the inconsistency of front doors on flag lot whether there should be language to mandate that the entrance to the secondary dwelling unit was either on the front of the building or to the interior of the lot but never to the side of the unit. Commissioner Eiref said a seven-foot fence could be built. Commissioner Ferrick said she thought it was case by case. Commissioner Riggs said he thought it would be good to have less restrictive setbacks for secondary dwelling units. Chair Kadvany said his concern would be light impact or view impact to a neighboring home, which was why he would not want to liberalize setbacks.

Commission Action: M/S Onken/Ferrick to recommend the adoption of the daylight plane as recommended by staff.

Motion carried 6-0 with Commissioner Eiref abstaining.

Commission Action: M/S Ferrick/Eiref to recommend support the incentive of allowing 700 square feet for ADA compliant secondary dwelling unit as recommended by staff.

Motion carried 7-0.

Chair Kadvany noted that fees would be a policy action. He asked if they should consider anything else about secondary dwelling units. Senior Planner Chow asked if they supported reducing the minimum lot size to 5,750 square feet for a secondary

dwelling unit.

Commissioners Onken and Strehl supported the reduction to a minimum lot size of 5,750 square feet. Commissioner Riggs said he could support a minimum lot size of 5,000 square feet. He said a cutoff was not needed as percentage of coverage on a lot determined feasibility of building a secondary dwelling unit. He said reducing the size to 5,000 square feet might encourage more secondary dwelling units but he did not think there would be a proliferation of secondary dwelling units. Commissioner Eiref said he thought FAL would determine the capacity of the lot.

Development Services Manager Murphy said at the last Steering Committee meetings there had been discussion about reducing the minimum lot size below 7,000 square feet, between 5,000 and 6,000 square feet and that there was more comfort with the 6,000 square feet. He said the request for the 5,750 square feet came from Belle Haven residents. He said given lot coverage, setbacks and other requirements some of the smaller lots might be more challenging but there might be configurations that worked. He said if the Commission wanted to recommend less than 5,750 square feet minimum lot size, staff would look closely to make sure nothing was being overlooked. He said the environmental review document that was released listed 5,750 square feet so they needed to make sure that worked with all of the documents. He said otherwise there was the use permit process and perhaps a fee structure to make the fee lower to go through that process, which could be another way of providing incentive to people who have lots less than 5,750 square feet.

Commissioner Onken questioned why a minimum lot size was needed. He said when setbacks, parking and gross floor area (GFA) were applied that would indicate what was left to build. Commissioner Ferrick noted her home was on a 5,150 square foot lot and there was not enough room to build a secondary dwelling unit. She said there might be configurations of smaller lots that might accommodate a secondary dwelling unit.

Development Services Manager Murphy said that they would not want to reduce the minimum lot size under 5,000 square feet as FAL was not established under 5,000 square feet. He said recommending reducing to 5,000 square feet was easy for staff to analyze before taking this to the City Council.

Commission Action: M/S Riggs/Kadvany to recommend looking at reducing the minimum lot size to allow for a secondary dwelling unit to 5,000 square feet.

Motion carried 7-0.

The Commission began consideration of the proposed ordinance amendment for the conversion process for legally built accessory buildings into secondary dwelling units. Chair Kadvany said a nonconforming setback could be maintained as long as nonconformity was not increased but the building could be made bigger within available space. Senior Planner Chow said this was currently a program in the Housing Element.

She said the proposal was to modify it to reflect the ordinance being brought forward in the proposed Housing Element. She said if there was interest in continuing to pursue options for an amnesty program to deal with illegal construction staff could look at that. Commissioner Onken said he supported that and would like to see a report back on results. Commissioner Eiref suggested they might want to set a goal of some number of conversions, otherwise he thought they were wasting time. He said also goals for the overall secondary dwelling unit program were needed.

Development Services Manager Murphy said over the past eight years, the City had possibly one secondary dwelling unit application. He said over the past year there had been seven. He said there were target projections in the program. He said every year the City will need to report on how it was doing with the housing programs with a minimum of report making to the City Council but staff would suggest reports be made to the Housing and Planning Commissions, and to the City Council.

Development Services Manager Murphy reviewed the objectives of the H4.E and H4.F programs over the next eight years to gain 55 secondary dwelling units. Chair Kadvany asked if there was a way to track the income levels for those units. Development Services Manager Murphy said the RHNA table called out 75 units in the eight years but noted elsewhere 55 units were indicated so they would need to reconcile those numbers. He said there were objectives and goals built into the Housing Element.

Commission Action: M/S Kadvany/Eiref to recommend approval of the recommended conversion process.

Motion carried 7-0.

Senior Planner Chow said there was one clarification related to the setback on an alley for five feet so it was closer than the 10-feet needed for a rear setback. She said the minimum requirement would be for five feet.

Chair Kadvany asked about the number of plumbing fixtures and accessory buildings.

Commission Action: M/S Strehl/Riggs to recommend changing the definition of living space to four or more plumbing fixtures.

Motion carried 7-0.

Senior Planner Chow asked if there was any more discussion on the garage entrance 20-foot requirement from the property line in the front yard, side property line, rear yard, or facing an alley. She said the purpose was to have a car parked fully on the property and not obstructing a sidewalk, an alley, or public right of way. Commissioner Riggs said he thought the garage entrance for an alley could be located at a five-foot setback. Planner Chow said under current ordinance an accessory building could be located five-feet from an alley. She said a garage needed to be located at least eight feet to allow

for adequate back up and turning radius in a 15-foot alley. Commissioner Riggs asked if all alleys were 15-feet wide. Planner Chow said they would look at the width of an alley to establish the needed setback. She said generally the alleys in the Willows were 15-feet wide. Commissioner Riggs said cars can back up and turn around in less than 23 feet.

Commission Action: M/S Riggs/Kadvany to recommend requiring covered parking entrances to be located 20 feet from the property line it faces, with an exception to the garage entrance setback from the property line when facing an alley. The requirement when facing an alley would be a minimum five-foot setback.

Motion carried 7-0.

The Commission considered the recommendations for the Housing Element Update and the associated zoning ordinance amendments. Senior Planner Chow said staff was still exploring opportunities to strengthen the language addressing housing and developmental disabilities, and asked if that might be included in the motion.

There was majority consensus supporting the strengthening of language addressing housing and developmental disabilities.

Commission Action: M/S Riggs/Strehl to recommend to the City Council to adopt a Resolution adopting the Negative Declaration for the Housing Element Update and Associated Zoning Ordinance Amendments.

Motion carried 7-0.

Chair Kadvany said on page 73, line 5, of the Housing Element update, that the font changed. Commissioner Riggs said he objected to RHNA being imposed upon the City by the regional agency. Chair Kadvany said that the process impelled the City to look at housing.

Commission Action: M/S Onken/Riggs to recommend to the City Council to adopt a Resolution updating the Housing Element for the 2015-2023 Planning Period.

Motion carried 7-0.

Commission Action: M/S Ferrick/Strehl that the Commission's recommendations regarding Zoning Ordinance Amendments as previously discussed and voted upon be forwarded to the City Council.

Zoning Ordinance Amendments

1. Introduce an Ordinance Amending the Zoning Ordinance to Add the Emergency Shelter for the Homeless Overlay and a Definition of Emergency Shelter

Majority consensus to recommend and to include a footnote as to other areas previously considered.

2. Introduce an Ordinance Amending the Zoning Ordinance to Modify and Add Definitions Related to Transitional and Supportive Housing and Residential Care Facilities

Majority consensus to recommend approval.

3. Introduce an Ordinance Amending the Zoning Ordinance to Add Provisions for Reasonable Accommodations

Majority consensus recommending approval and supporting the strengthening of language addressing housing and developmental disabilities.

4. Introduce an Ordinance Amending the Zoning Ordinance to Modify Requirements Related to Secondary Dwelling Units (Attachment F)

Majority consensus to recommend that staff review an 8-foot by 17-foot uncovered parking space requirement for secondary dwelling unit.

Commission Action: (Substitute motion) M/S Bressler/Strehl to recommend approval of a registration process and renewal up to four years to waive tenancy requirement before a use permit was required.

Motion carried 7-0.

Commission Action: M/S Onken/ Ferrick to recommend the adoption of the daylight plane as recommended by staff.

Motion carried 6-0 with Commissioner Eiref abstaining.

Commission Action: M/S Ferrick/Eiref to recommend support for the incentive to allow 700 square feet for ADA compliant secondary dwelling unit as recommended by staff.

Motion carried 7-0.

Commission Action: M/S Riggs/Kadvany to recommend looking at reducing the minimum lot size to 5,000 square feet to allow for a secondary dwelling unit.

Motion carried 7-0.

Commission Action: M/S Riggs/Kadvany to recommend an exception to the garage entrance setback from the property line when facing an alley to be a minimum five feet.

Motion carried 7-0.

5. Introduce an Ordinance Amending the Zoning Ordinance to Modify Requirements Related to Accessory Buildings and Accessory Structures (Attachment G)

Commission Action: M/S Kadvany/Eiref to recommend approval of the recommended conversion process.

Motion carried 7-0.

Commission Action: M/S Strehl/Riggs to recommend changing the definition of living space to four or more plumbing fixtures.

Motion carried 7-0.

E. REGULAR BUSINESS - None

F. COMMISSION BUSINESS

- F1. Residential Design Review:** The subcommittee will provide a small sample of draft Residential Guidelines text for Commission feedback. The goal is to have consensus on the general approach for the Guidelines before investing extensive effort needed for a complete draft. A nominal process component for how the Guidelines are expected to be used by the Planning Commission will also be briefly discussed.

Chair Kadvany said the Residential Design Guidelines subcommittee put together a sample in rough draft to give a sense of what they were trying to do with residential guidelines. He said for his part he took the old Menlo Park guidelines that were not in effect and reworked the language to make it softer, more advisory rather than prescriptive and clarifying that the design guidelines were not intended to limit style or the size of a building. He said Commissioner Onken developed a short question/answer format to make the Guidelines user-friendly. He said they were trying to make it simple but it would be a project. He said they wanted to see if there was support for this path. He said the process would be advisory and for the Planning Commission only.

Commissioner Riggs said in Menlo Park historically some buildings have untoward impacts on their neighbors, and the challenge was how to create some guidance for those who would seek it without narrowly limiting what an applicant might do. He said he thought that they wanted to set goals rather than restrictions.

Commissioner Eiref said he thought they should learn from the previous attempt to have City residential design guidelines and try to be more empiric. He suggested real case

studies about projects that had come to the Commission to demonstrate great and not so good projects. He suggested those be documented simply on the website as factual case studies but not called guidelines.

Commissioner Bressler said they might want to add case studies but he thought the proposed residential design guideline document prepared by the subcommittee was the right approach. He said it was very simple and provided context. He said samples had to be interpreted.

Commissioner Ferrick said she thought how the last few pages that began with the word "Preface" were presented was a good way to frame the document.

ADJOURNMENT

The meeting adjourned at 11:18 p.m.

Commission Liaison: Senior Planner Deanna Chow

Recording Secretary: Brenda Bennett



PLANNING COMMISSION STAFF REPORT

FOR THE PLANNING COMMISSION
MEETING OF APRIL 7, 2014
AGENDA ITEM C2

LOCATION:	1706 El Camino Real	APPLICANT:	VKK Signmakers Inc.
EXISTING USE:	Office	OWNER:	1706 El Camino Real PTP LLC
PROPOSED USE:	Office	APPLICATION:	Sign Review
ZONING:	SP-ECR/D (El Camino Real/Downtown Specific Plan) - ECR NE-L (El Camino Real North-East – Low Density)		

PROPOSAL

The applicant is requesting sign review to allow a second building sign at an office building that would be visible on the El Camino Real frontage in the SP-ECR/D (El Camino Real/Downtown Specific Plan) zoning district.

BACKGROUND

The subject site contains a newly constructed two-story office building. Pacific Union Real Estate is an office use that occupies two suites on the second floor, or approximately 45 percent of the total square footage of the building. The remaining tenant suites are occupied by two medical office tenants.

In January 2014, the applicant was granted administrative Sign Permit approval for two building signs, including one sign on the west elevation facing El Camino Real and one sign on the north elevation facing Buckthorn Way. Each of the two signs is identical, consisting of “Pacific Union Real Estate” in translucent acrylic push-through channel letters with a brushed aluminum overlay on a black aluminum background. Each sign comprised 25 square feet in sign area, for a total sign area of 50 square feet. Approval of these signs was based on the understanding that the other two tenants did not intend to pursue building signage, and the property owner’s consent to allow Pacific Union to utilize the sign area that would otherwise have been allocated to the other two tenants. Both of the approved building signs have since been installed.

The applicant originally proposed a third building sign on the south elevation facing the parking lot which would be visible from the northbound direction on El Camino Real, but

this third sign was not approved as it is not in conformance with the Design Guidelines for Signs, and is being proposed for consideration by the Planning Commission.

ANALYSIS

Site Location

The subject property is located at 1706 El Camino Real, at the southeast corner of El Camino Real and Buckthorn Way, in the SP-ECR/D (El Camino real/Downtown Specific Plan) zoning district. The adjacent side and rear parcels are also part of the El Camino Real/Downtown Specific Plan area, and are currently occupied by personal service and office uses. Vehicular access to the subject property is through a driveway on El Camino Real that is shared between the subject property and 1704 El Camino Real (Red Cottage Inn). There is no vehicular entry to the subject property from Buckthorn Way.

Project Description

The applicant is proposing to install a building sign on the second floor of the south elevation of the building, perpendicular to El Camino Real. The proposed sign would be the third building sign for Pacific Union Real Estate, the subject tenant, and the second sign on the El Camino Real frontage. The proposed sign is intended to provide visibility when traveling in the northbound direction on El Camino Real. The applicant has submitted a project description letter which describes the proposal in more detail, included as Attachment C.

Design and Materials

The proposed signage includes "Pacific Union Real Estate" in translucent acrylic push-through channel letters with a brushed aluminum overlay on a square black aluminum background. The push-through channel letters would be the only component that is illuminated. The overall sign would be five feet in height by five feet in width, for a sign area of 25 square feet. The size and design of the proposed sign is consistent with those of the two previously approved building signs. Staff believes that the design of the sign is compatible with the overall design of the building.

Sign Area

The subject property is permitted to have up to 200 square feet of signage, with up to 100 square feet of sign area for a freestanding sign. This signage allowance includes the 150 square feet of sign area for the subject property, and an additional 50 square feet of sign area to accommodate signage for the Red Cottage Inn property since construction of the office development on the subject site required the removal of Red Cottage Inn's previous monument sign located in the shared driveway. The proposed 25-square-foot sign would result in a total building sign area of 75 square feet, and would comply with the site's sign area allowance.

Currently, there is a joint temporary monument sign along the shared driveway, and the owners of both properties have submitted an administrative Sign Permit application for a permanent monument sign to be installed. Pacific Union Real Estate currently does not have a monument sign, and has indicated that they are interested in pursuing the building sign in lieu of a monument sign.

Sign Review

Staff reviews a sign application for conformance with both the Zoning Ordinance regulations and the Design Guidelines for Signs. If the request meets the requirements in both documents, staff can approve the sign request administratively. If, however, the sign request would violate the regulations of the Zoning Ordinance and/or be incompatible with the Design Guidelines for Signs, the review of the application is forwarded to the Planning Commission, either through a variance application (in the case of noncompliance with the Zoning Ordinance) and/or as a general review of the sign for consistency with the Design Guidelines.

For this application, staff determined that the proposed sign would comply with all Zoning Ordinance regulations. However, the proposed sign would not be consistent with the Design Guidelines for Signs. Specifically, the sign would not comply with item B.11 of the Design Guidelines for Signs, which limits each business or tenant to one building-mounted sign on each street frontage of a parcel. Given that Pacific Union Real Estate currently has a building sign facing El Camino Real, the proposed sign, which is intended to provide added visibility along El Camino Real is considered a second sign for the same tenant along the El Camino Real frontage, and would not strictly comply with the guideline criterion B.11.

The applicant states that the proposed sign is intended to address visibility challenges due to the speed of traffic on El Camino Real, in particular from the northbound direction. Furthermore, the inability to access the site from Buckthorn Way would require drivers who fail to turn into the driveway along El Camino Real to either park at nearby businesses and residential streets, or negotiate a “u-turn” on El Camino Real. Although the proposal would feature two signs on the same frontage, due to their placement, only the existing El Camino Real-facing sign or the proposed south-facing sign would be effectively visible at any one time.

Staff believes the proposed sign location may be justified due to the visibility challenges along El Camino Real, and that the overall signage would be comparable with the signage for other buildings in the area.

Correspondence

Staff has not received any correspondence on this project.

Conclusion

Staff believes the location of the proposed sign would be justified due to the visibility challenges along El Camino Real, and that the overall signage would be consistent with other businesses and signage in the area. Staff recommends approval of the sign review request.

ENVIRONMENTAL REVIEW

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

RECOMMENDATION

1. Make a finding that the project is categorically exempt under Class 1 (Section 15301, "Existing Facilities") of the current CEQA Guidelines.
2. Make a finding that the sign is appropriate and compatible with the businesses and signage on El Camino Real.
3. Approve the sign review subject to the following **standard** conditions of approval:
 - a. Development of the project shall be substantially in conformance with the plans prepared by VKK Signmakers Incorporated, dated received on April 2, 2014, consisting of seven plan sheets and approved by the Planning Commission on April 7, 2014, 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 requirements of the Building Division that are directly applicable to the project.

Report prepared by:

Jean Lin
Associate Planner

Report reviewed by:

Thomas Rogers
Senior Planner

PUBLIC NOTICE & APPEAL PERIOD

Public notification consisted of publishing a legal notice in the local newspaper and notification by mail of owners and occupants within a 300-foot radius of the subject property. Planning Commission action will be effective after 15 days unless the action is appealed to the City Council, in which case the outcome of the application shall be determined by the City Council.

ATTACHMENTS

- A. Location Map
- B. Project Plans
- C. Project Description Letter

Note: Attached are reduced versions of maps and diagrams submitted by the applicants. The accuracy of the information in these drawings is the responsibility of the applicants, and verification of the accuracy by City Staff is not always possible. The original full-scale maps, drawings and exhibits are available for public viewing at the Community Development Department.

EXHIBITS TO BE PROVIDED AT MEETING

None

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PLANNING COMMISSION STAFF REPORT

FOR THE PLANNING COMMISSION
MEETING OF APRIL 7, 2014
AGENDA ITEM D1

LOCATION: 700 Magnolia Street **APPLICANT:** Matthew Mosey, AIA

EXISTING USE: Single-Family Residence **OWNER:** Andrea and Jason Auerbach

PROPOSED USE: Single-Family Residence **APPLICATION:** Use Permit

ZONING: R-1-S (Single Family Suburban Residential)

	PROPOSED PROJECT	EXISTING DEVELOPMENT	ZONING ORDINANCE
Lot area	10,010 sf	10,010 sf	10,000 sf min.
Lot width	70.0 ft.	70.0 ft.	80 ft. min.
Lot depth	143.0 ft.	143.0 ft.	100 ft. min.
Setbacks			
Front	25.7 ft.	25.0 ft.	20 ft. min.
Rear	60.0 ft.	77.0 ft.	20 ft. min.
Side (left)	12.0 ft.	5.3 ft.	10 ft. min.
Side (right)	10.9 ft.	12.0 ft.	10 ft. min.
Building coverage	2,645.32 sf	2,261.0 sf	3,503.5 sf max.
	26.43 %	22.59 %	35 % max.
FAL (Floor Area Limit)	3,551.62 sf	2,080 sf	3,552.5 sf max.
Square footage by floor	1,979.0 sf/basement	1,560 sf/1st	
	1,609.65 sf/1st	520.0 sf/garage	
	1,248.24 sf/2 nd	181 sf/porches	
	241.56 sf/>12'		
	452.17 sf/garage		
	17.5 sf/fireplace		
	566 sf/porches		
Square footage of building	6,114.12 sf	2,261.0 sf	
Building height	27.0 ft.	14.9 ft.	28 ft. max.
Parking	2 covered	2 covered	1 covered/1 uncovered
Note: Areas shown highlighted indicate a nonconforming or substandard situation.			
Trees	Heritage trees 7*	Non-Heritage trees 5	New Trees 6
	Heritage trees 2	Non-Heritage trees 4	Total Number of Trees 12
	proposed for removal	proposed for removal	
* Three heritage trees are located on the adjacent property to the south (right) of the subject site.			

PROPOSAL

The applicant is requesting use permit approval to demolish an existing single-story single-family residence, and 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. Two heritage trees in poor to fair condition are proposed for removal as part of the proposed project.

ANALYSIS

Site Location

The subject site is located at 700 Magnolia Street between Stanford Avenue and Oakdell Drive. The property is surrounded by single-family residences, all of which are in the R-1-S (Single Family Suburban) zoning district. The immediate neighborhood consists of primarily single-story ranch-style residences, with newer homes having two stories. The greater neighborhood contains a mix of single- and two-story residences in a variety of styles.

Project Description

The applicant is proposing to demolish the existing single-story, single-family residence with a detached carport, and construct a new two-story, single-family residence with a detached garage. The subject lot is substandard with regard to lot width, and the proposed project requires approval of a use permit. The proposed project would comply with all other Zoning Ordinance requirements of the R-1-S zoning district, as discussed below.

The new residence would have a total floor area limit (FAL) of 3,551.62 square feet, inclusive of a 452.17 square foot two-car garage, where the maximum permissible FAL is 3,552.5 square feet. As specified by the Zoning Ordinance, the 1,979 square foot basement would be exempt from the floor area limit calculation. The proposed building coverage would be approximately 26.43 percent, where 35 percent is the maximum permissible. The new residence would consist of six bedrooms and five bathrooms, with two bedrooms in the basement, one bedroom located on the first floor, and the remaining three bedrooms on the second floor. The proposed residence would comply with front, side and rear yard setback requirements. The light wells for the basement would not encroach into any required setback and would be protected by a Building Code-compliant railing. The light wells would generally not be viewable from the street or adjacent properties, due to fencing and landscaping. The residence would also include a second floor terrace that complies with required side and rear yard balcony setbacks.

The attached two-car garage would comply with minimum depth and width requirements, and would meet all on-site parking requirements. The maximum height of the residence would be 27 feet, one foot below the maximum permissible height of 28 feet, and the proposed structure would adhere to the daylight plane requirements. The

applicant has submitted a project description letter, which discusses the proposal in more detail (Attachment C).

Design and Materials

The applicant states that the contemporary style of the proposed residence is inspired by its immediate surroundings and context with its gabled roofs, shingle siding, and wrap-around front porch. The exterior walls would be clad primarily with wood shingles, with a board and batten siding accent on the south elevation. The roofing material would be high-profile asphalt shingles, dark brown-grey in color. All windows would be comprised of aluminum; the windows on the front elevation would also have a projected wood window frame with wood inlay panels. The proposed windows would be true divided light where intermediate mullions are shown.

Although the project proposes a two-story residence, the applicant has taken measures to protect the privacy of their immediate neighbors. The sill heights of windows on the south elevation would be approximately seven feet, two inches on the first floor, and approximately four feet, ten inches on the second floor, with the exception of the bedroom egress window. The roof line of the second story would jog down approximately three feet in height after approximately twenty-five feet of roof line (as measured from the front of the house). The second story terrace at the rear of the residence would be set back approximately 78 feet from the rear property line, and approximately 34 feet and 27 feet from the left and right side property lines, respectively.

While the existing residence has a nonconforming setback of approximately five feet on the left side (project north) of the property, the proposed exterior walls of the new residence would be located more than fifteen feet from the property line where 10 feet is required. The right side elevation (project south) exterior wall would be approximately 11 feet from the property line, approximately 16 feet from the neighboring residence at 670 Magnolia Street. Recognizing that the residence at 670 Magnolia Street has a nonconforming side setback of five feet (where 10 is required), the applicant has stated that there would be no windows in the second-story master bedroom on the south elevation (that faces 670 Magnolia) in order to allow for more privacy.

Although the proposed contemporary style would be new for the immediate vicinity, the forms would echo traditional residential styles, and similar shingle materials are used on nearby residences at 670 and 800 Magnolia Street. In addition, there are other contemporary residences in the greater neighborhood, including a residence at 785 Evergreen Street, approved by the Planning Commission in 2012. The applicant has also shown that proposed design elements on the front elevation, the large window on the front elevation and the wood canopy porch structure, were derived from the shapes and forms of the adjacent residences. The diagram in the project description letter shows that the applicant was continuing the line of the plate height of 720 Magnolia in the proposed wood canopy. The diagram also shows that the dimension of the large window that frames the stairwell on the front elevation was derived from the bay windows on the front elevation of 700 Magnolia.

Staff believes that the scale, materials, and style of the proposed residence would be compatible with the neighborhood.

Trees and Landscaping

There are currently 12 trees on or near the subject site, including seven heritage trees. The applicant has submitted an arborist report (Attachment D) detailing the size, species, and condition of all the trees on or near the site. The report determines the present condition, discusses the impacts of the proposed improvements, and provides recommendations for tree preservation.

A total of six trees are proposed for removal, including two heritage trees and four non-heritage trees. The two heritage trees that would be removed include:

- a 20.8-inch diameter at breast height (DBH) English laurel in poor to fair condition located in the left side yard (tree #10);
- a 15.4-inch DBH apple tree in fair condition located in the middle of the backyard (tree #7)

The City Arborist has reviewed the proposed removals and provided tentative approval for the removal of both heritage trees based on structural issues in the English laurel and construction conflicts with the apple tree. The applicant has proposed six new trees of varying species (trident maple, maidenhair, eastern redbud, and seiryu) in the left side yard and rear yard to replace the two heritage trees proposed for removal, as shown on the proposed site plan.

The applicant's initial proposal included the removal of a 22-inch DBH southern magnolia tree (tree #2) in the front yard to allow for site improvements. This request was denied by the City Arborist, and the final plans reflect that the heritage tree will remain. The revised arborist report lists recommendations for protecting both existing heritage magnolia trees during construction, including fertilization and hand excavation during driveway construction (see Attachment D).

The proposed garage would be located within three feet of a heritage coast live oak (tree #5) on the neighboring property to the south, 670 Magnolia Street. The arborist report states that the foundation would be hand dug under supervision of the arborist and a pier and beam foundation system would be utilized to minimize any potential impacts that the excavation would have on the existing tree. The existing carport has a similar footprint to the proposed garage, and the arborist report further states that when excavation occurs outside of the existing carport footprint and within the tree's drip line, it shall not be deeper than six inches.

The arborist report states that the over-excavation for the basement would extend within seven to eight feet of the trunk of the existing heritage redwood tree (tree #4) located on the neighboring property to the south, 670 Magnolia. The report states that standard tree protection measures will be in place, and as with the garage, any excavation within the drip line of the tree would be hand dug under the supervision of the project arborist. Tree protection fencing would be installed to restrict access to the

south property line area during construction. The recommendations for tree protection identified in the arborist report shall be implemented and have been included as condition 3.g.

Correspondence

Staff has received 11 letters of correspondence regarding the proposed project. Two letters received were from the applicant's former neighbors in the state of Massachusetts where the neighbors state that they thoughtfully renovated a house. Three letters in full support of the project were received from neighbors in the greater neighborhood. Six letters received were from neighbors within the immediate neighborhood, including a letter from the neighbors to the immediate north (720 Magnolia) and a letter from the neighbors to the immediate south (670 Magnolia). Bill Epperly, the property owner at 720 Magnolia Street, wrote a letter in full support of the proposed residence, stating that he believed the home would be a positive addition to the neighborhood. Nancy Rosenthal, the property owner at 670 Magnolia Street, wrote an email to staff with concerns regarding the proposed residence. Their concerns were:

- The right side of the elevation of the proposed residence (project south) extends to approximately 87 feet from the front property line, 18 feet more than the residence at 670 Magnolia extends. The Rosenthals have stated that this increased wall length along the side of the property will have a negative impact on the enjoyment of their backyard.
- The neighbors also stated that the proposed residence extends more than five feet in front of their residence, again changing their current view.

The applicant has indicated that the majority of the mass of the second story has been located on the south side of the property to minimize shadows cast onto the adjacent neighbor to the north. The neighbor at 670 Magnolia feels that this design decision has resulted in a long two-story wall along their shared property line. Staff believes that the existing heritage redwood tree approximately six feet from the side property line on the 670 Magnolia property should block a portion of the two story portion from their view. To further minimize the two story plane, staff has added a condition that the applicant provide vertical vegetation against the elevation where there is currently a three foot area allocated for vegetation (condition 4.a). This vertical vegetation would provide visual relief to the two-story plane as viewed from the neighboring property to the south.

Conclusion

Staff believes that the scale, materials, and style of the proposed residence are complementary to those of the greater neighborhood. Side-facing second-story windows have been limited to reduce the potential for privacy impacts. The project-specific condition proposed by staff would moderate the visual effect of the second story as viewed from the south. Protection measures would limit the impact to nearby heritage trees. The overall height would be within the maximum that could be permitted in this zoning district. Staff recommends that the Planning Commission approve the proposed project.

ENVIRONMENTAL REVIEW

The project is categorically exempt under Class 3 (Section 15303, "New Construction or Conversion of Small Structures") of the current California Environmental Quality Act (CEQA) Guidelines.

RECOMMENDATION

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 Dumican Mosey Architects, consisting of 18 plan sheets, dated February 18, 2014, and approved by the Planning Commission on April 7, 2014, 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 building permit issuance, the applicant shall submit a proposed landscape plan for the three-foot area at the right-rear corner of the first floor that will create a vertical vegetative relief to the two-story plane, subject to review and approval of the Planning Division.

Report prepared by:
Elizabeth Schuller
Assistant Planner

Report reviewed by:
Thomas Rogers
Senior Planner

PUBLIC NOTICE & APPEAL PERIOD

Public notification consisted of publishing a legal notice in the local newspaper and notification by mail of owners and occupants within a 300-foot radius of the subject property. Planning Commission action will be effective after 15 days calendar days unless the action is appealed to the City Council, in which case the outcome of the application shall be determined by the City Council.

ATTACHMENTS

- A. Location Map
- B. Project Plans
- C. Project Description Letter
- D. Arborist Report prepared by Kielty Arborist Services, dated revised on April 1, 2014.
- E. Correspondence
 - Email from Domonique and Grant Matthews, dated January 23, 2014
 - Email from Wendy Engels, dated January 26, 2014
 - Email from Susan Loveland and Douglas Hodes, dated January 28, 2014
 - Email from Nancy Rosenthal, dated January 31, 2014
 - Letter from Bill Epperly, received February 4, 2014
 - Email from Shannon and Jasson Cohen, dated February 12, 2014
 - Email from Gwen Campbell, dated February 19, 2014
 - Email from Katherine and Mark Hochstetler, dated February 26, 2014

- Letter from Claudia Claussen, dated March 28, 2014
- Email from Susan Bower, dated March 28, 2014
- Email from Norman and Leslie Harris, dated March 28, 2014

Note: Attached are reduced versions of maps and diagrams submitted by the applicants. The accuracy of the information in these drawings is the responsibility of the applicants, and verification of the accuracy by City Staff is not always possible. The original full-scale maps, drawings and exhibits are available for public viewing at the Community Development Department.

EXHIBITS TO BE PROVIDED AT MEETING

None

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PLANNING COMMISSION STAFF REPORT

FOR THE PLANNING COMMISSION
MEETING OF APRIL 7, 2014
AGENDA ITEM D2

LOCATION: 712 Harvard Avenue **APPLICANTS:** Shahriar Amiri/
Stephen Mashhoon

EXISTING USE: Single-Family Residence **OWNER:** Stephen Amir Mashhoon

PROPOSED USE: Single-Family Residence **APPLICATION:** Use Permit

ZONING: R-2 (Low Density Apartment District)

	PROPOSED PROJECT		EXISTING DEVELOPMENT		ZONING ORDINANCE	
Lot area	7,707.2	sf	7,707.2	sf	7,000	sf min.
Lot width	55.0	ft.	55.0	ft.	65	ft. min.
Lot depth	140.1	ft.	140.1	ft.	100	ft. min.
Setbacks						
Front	20.0	ft.	20.8	ft.	20	ft. min.
Rear	63.6	ft.	65.2	ft.	20	ft. min.
Side (left)	7.4	ft.	8.5	ft.	5.5	ft. min.
Side (right)	5.7	ft.	5.3	ft.	5.5	ft. min.
Building coverage	1,968.0	sf	1,599.3	sf	2,698.5	sf max.
	25.5	%	20.8	%	35	% max.
FAL (Floor Area Limit)	3,077.5	sf	1,599.3	sf	3,082.9	sf max.
Square footage by floor	1,488.2	sf/1st	1,223.6	sf/1st		
	1,155.4	sf/2nd	296.9	sf/garage		
	433.9	sf/garage	78.8	sf/accessory structure		
	32.1	sf/porch				
	13.8	fireplaces				
Square footage of building	3,123.4	sf	1,599.3	sf		
Building height	26.8	ft.	17.9	ft.	28	ft. max.
Parking	2 covered		1 covered		1 covered/1 uncovered	
Note: Areas shown highlighted indicate a nonconforming or substandard situation.						
Trees	Heritage trees	3*	Non-Heritage trees	11*	New Trees	1**
	Heritage trees proposed for removal	0	Non-Heritage trees proposed for removal	1**	Total Number of Trees	14

*One heritage tree and two non-heritage trees are located in public right-of-way

**One street tree is proposed for removal and will be replaced by a new street tree

PROPOSAL

The applicant is requesting use permit approval to demolish an existing single-story, single-family residence, and construct a new two-story, single-family residence with attached garage on a substandard lot with regard to lot width in the R-2 (Low Density Apartment) zoning district.

ANALYSIS

Site Location

The project site is located at 712 Harvard Avenue, between Cornell Road and El Camino Real. All of the surrounding properties are also in the R-2 zone. The R-2 designation allows for the development of two residential units per parcel on parcels at least 7,000 square feet in size. The property to the left of the subject site is developed with two single-family homes and the property to the right is developed with two attached dwelling units. Both of these properties are two-story developments. The surrounding area is a mixture of one and two unit developments consisting of one or two stories.

Project Description

The site is currently developed with a single-family residence and an associated accessory structure, which would both be demolished as part of the project. The applicant seeks to construct a two-story, single-family residence on the 7,707.2-square-foot project site. The new residence would have a total floor area of 3,077.5 square feet where 3,082.9 is the floor area limit (FAL) for the lot. The second-story FAL within the R-2 zone is limited to 15 percent of the lot square footage. The proposed second story would be 1,155.4 square feet or 15 percent of the lot square footage. The proposed building coverage would be approximately 26 percent, where 35 percent is the maximum permissible. Approximately 62 percent of the lot would be occupied by landscaping, where a minimum of 40 percent is required.

The proposed residence would have four bedrooms and three bathrooms, with three of the bedrooms and two of the bathrooms located on the second floor. A balcony is proposed adjacent to the master bedroom. The balcony is set back over 20 feet from the side property lines and approximately 59 feet from the rear property line. The attached two-car garage would comply with minimum depth and width requirements, and would meet all on-site parking requirements. As part of the proposed development, the driveway would be shifted from the right side of the parcel to the left. The maximum height of the residence would be 26.8 feet, below the maximum permissible height of 28 feet, and the proposed structure would comply with daylight plane requirements. The applicant has provided a project description letter, which discusses the proposal in more detail (Attachment C).

Although the project site is zoned R-2 and allows for construction of two primary dwelling units, the applicant is requesting development of one single-family residence.

The applicant's neighborhood outreach letter states that the neighbors the applicant spoke with about the proposed project all favored one single-family development on the subject property. Because the parcel is currently occupied by one dwelling unit, the proposal would not result in any net change in the number of residential units on this site.

Design and Materials

The project applicant indicated that the proposed residence is designed in the craftsman style to match the architectural style of the neighborhood. The windows would be aluminum clad wood with interior and exterior grids and an internal spacer bar. There would be painted wood trim around the windows and doors. The exterior would be shingle-style horizontal siding and the roof would be composition shingle. The front elevation would feature other elements to add visual interest, including shutters and wood trim panels around certain windows. The attached garage would be located on the left side of the house and include two separate garage doors. A skylight is proposed over the staircase.

The proposed two-story project is adjacent to two-story homes on both sides. The applicant has taken measures to set the second floor back on the front and rear sides, and proposes varying projections and articulations to reduce massing. The immediate area is a mixture of one and two-story homes. Staff believes the scale, materials and style of the proposed residence are compatible with the neighborhood.

Trees and Landscaping

The applicant has submitted an arborist report (Attachment D) detailing the species, size, and condition of the two heritage trees located on the subject site, the heritage tree located in the right-of-way in front of the site, the four non-heritage flowering pear trees located just left of the subject property and a non-heritage red maple street tree located in front of the existing house. The report determines the present condition and provides recommendations for tree preservation. No heritage trees are proposed for removal.

Two heritage coast redwood trees are located in the rear right hand corner of the lot and a valley oak heritage tree is located in the right-of-way just past the front right corner of the lot. The applicant has indicated that the four non-heritage size trees along the right hand side of the property, approximately half way between the front and rear of the property, are black stemmed pittosporum trees. There are two street trees in front of the existing house. The applicant has indicated that both of these are red maple trees and that the smaller of the two has a diameter of approximately one and a half inches. This tree is proposed for removal because it is in the path of the proposed driveway and would be replaced by a 24-inch box red maple tree, in the area immediately to the left.

Correspondence

The applicant indicated that he shared the proposed plans with the neighbors on either

side as well as other nearby neighbors, who all expressed support for the project as well as for the lot to be developed with a single-family home. The applicant provided a letter, which discusses the outreach that was conducted in more detail (Attachment E). Staff has received an email from residents at 736 Harvard Avenue, who express support for the proposal and for redevelopment of the subject site with one single-family home (Attachment F).

Conclusion

Staff believes that the scale, materials, and style of the proposed residence are in keeping with those of the greater neighborhood. The applicant has taken measures to set the second floor back on the front and rear sides, and proposes varying projections and articulations to reduce massing. Staff recommends that the Planning Commission approve the proposed project.

ENVIRONMENTAL REVIEW

The project is categorically exempt under Class 3 (Section 15303, "New Construction or Conversion of Small Structures") of the current California Environmental Quality Act (CEQA) Guidelines.

RECOMMENDATION

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 Jeanette Coran Architects, consisting of 11 plan sheets, dated received March 27, 2014, and approved by the Planning Commission on April 7, 2014, 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.

Report prepared by:
Corinna Sandmeier
Contract Planner

Report reviewed by:
Thomas Rogers
Senior Planner

PUBLIC NOTICE & APPEAL PERIOD

Public notification consisted of publishing a legal notice in the local newspaper and notification by mail of owners and occupants within a 300-foot radius of the subject property. Planning Commission action will be effective after 15 calendar days unless the action is appealed to the City Council, in which case the outcome of the application shall be determined by the City Council.

ATTACHMENTS

- A. Location Map
- B. Project Plans
- C. Project Description Letter
- D. Arborist Report, prepared by Helen E. Winkler, dated March 5, 2014
- E. Description of Neighborhood Outreach
- F. Correspondence

- Leslie and Matt Peters, 736 Harvard Avenue, received December 27, 2013

Note: Attached are reduced versions of maps and diagrams submitted by the applicants. The accuracy of the information in these drawings is the responsibility of the applicants, and verification of the accuracy by City Staff is not always possible. The original full-scale maps, drawings and exhibits are available for public viewing at the Community Development Department.

EXHIBITS TO BE PROVIDED AT MEETING

None

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PLANNING COMMISSION STAFF REPORT

FOR THE PLANNING COMMISSION
MEETING OF APRIL 7, 2014
AGENDA ITEM D3

LOCATION: 2307 Branner Drive **APPLICANT:** Noel Cross
EXISTING USE: Single-Family Residence **OWNER:** William Dower
PROPOSED USE: Single-Family Residence **APPLICATION:** Use Permit
ZONING: R-1-S (Residential Single Family Suburban)

	PROPOSED* PROJECT	EXISTING DEVELOPMENT	ZONING ORDINANCE
Lot area	12,587.4 sf	12,587.4 sf	10,000 sf min.
Lot width	110.8 sf	114.0 sf	80 ft. min.
Lot depth	114.0 sf	110.8 sf	100 ft. min.
Setbacks**			
Front	20.0 ft.	20.0 ft.	20 ft. min.
Rear	24.9 ft.	23.9 ft.	20 ft. min.
Side, Corner	20.0 ft.	20.0 ft.	12 ft. min.
Side	10.0 ft.	24.9 ft.	10 ft. min.
Building coverage	4,095.0 sf 32.6 %	3,502.5 sf 27.8 %	4,405.6 sf max. 35 % max.
FAL (Floor Area Limit)	4,180.2 sf	3,544.8 sf	4,196 sf max.
Square footage by floor	2,730.4 sf/main 579.2 sf/lower 864.6 sf/ garage 6 sf/attic > 5 ft. 812 sf/porches	2,564.2 sf/1st 864.6 garage 116 pool equipment	
Square footage of building	4,180.2 sf	3,544.8 sf	
Building height	24 ft.	24 ft.	28 ft. max.
Parking	2 covered	2 covered	1 covered/1 uncovered
Note: Areas shown highlighted indicate a nonconforming or substandard situation.			
Trees	Heritage trees 1	Non-Heritage trees 0	New Trees 0
	Heritage trees to be removed 0	Non-Heritage trees to be removed 0	Total Number of Trees 1
*Proposed addition is not subject to review of the Planning Commission			
**The applicant has submitted a lot line election to elect for Branner Drive to be the front lot line			

PROPOSAL

The applicant is requesting a use permit for excavation (removal of more than 12 inches of dirt) within the required interior side yard setback for a walkway, steps, and retaining wall, associated with the construction of an addition to an existing two-story, single-family residence on a standard size lot in the R-1-S (Single-Family Residential Suburban) zoning district. As part of the project, the applicant has requested a front lot line election to identify Branner Drive as the front lot line for Zoning Ordinance development standards.

ANALYSIS

Site Location

The subject property is located at 2307 Branner Drive, in the Stanford Hills neighborhood. The subject property is a corner lot, with frontages on Campbell Avenue and Branner Drive. The adjacent parcels are zoned R-1-S (Single-Family Residential Suburban) and contain single family developments. The Stanford Hills neighborhood is located south of Sand Hill Road, using Sand Hill Road in an east to west configuration.

Front Lot Line Election

Per the Zoning Ordinance, in the case of a corner lot fronting on two public streets, a line separating the shorter street frontage of the lot from a public street is considered the front lot line. Currently, Campbell Avenue is the shorter frontage and considered the front lot line for setback purposes. However, the Zoning Ordinance contains provisions to allow property owners to elect that the longer frontage be considered the front lot line. In order for City staff to approve the front lot line election, the following two criteria must be met by the project:

1. The lot is conforming in regard to minimum lot area, width and depth requirements before the election; and
2. The improvements on the lot will be conforming in regard to setbacks after the election.

The existing lot meets the minimum depth, width, and lot area of the Zoning Ordinance. In addition, with the exception of a detached accessory structure currently used to house the pool equipment, the improvements on the lot would be conforming with regard to setbacks in the proposed configuration. Therefore, in order to enable the lot line election, the applicant is proposing to demolish the detached structure, which would result in the improvements on the lot conforming to the setbacks after the front lot line election. Once the structure is demolished and the demolition permit is finalized, the Planning Division will take action on the lot line election, which would make Branner

Drive the front lot line, and Campbell Avenue the corner-side property line. The lot line election is a ministerial permit, subject to review and action by the Community Development Director.

After the accessory structure is removed, all necessary criteria would be met to allow the Community Development Director to approve the lot line election, which would enable the applicant to submit a building permit application for the proposed first and second floor additions. Because the parcel is considered a standard lot both before and after the lot line election, Planning Commission use permit review is not required for a new or expanded residence. However, because the proposal includes excavation within the interior side setback (post-election) for a new walkway from the front to back yards, Planning Commission use permit review of the excavation is required for the overall development to proceed. The following sections describe the site orientation and setbacks in the post-election configuration.

Project Description

The site is currently occupied by a two-story, single-family residence and detached pool equipment structure. The lot is not level, sloping upward approximately 20 feet from the front-right corner to the back-left corner, using Branner Drive as the front property line. The existing development at the site contains 3,545 square feet, inclusive of the detached pool equipment structure. As mentioned previously, the proposed project would result in the demolition of the existing accessory structure, which is approximately 116 square feet. The proposed project would add 746 square feet to the first and second levels of the house for a total floor area limit of 4,180 square feet, which is below the maximum permitted floor area limit of 4,196 square feet. The existing site contains 3,502.5 square feet of building coverage (27.8 percent), and the proposed development would result in 4,095 square feet of building coverage (32.6 percent), which is in compliance with the maximum permitted building coverage of 4,405 square feet (35 percent). The current development is 24 feet in height, which would not increase as part of the project. As part of the proposed project, the applicant is creating a terrace on the upper level, which is regulated by the Zoning Ordinance as a balcony. The proposed terrace would meet the 20-foot side setback requirement through the use of a code-compliant railing on the inside edge of a planter box area.

The subject parcel is a standard lot, meeting the R-1-S zoning district requirements for minimum lot area, lot width, and lot depth. Therefore, the proposed modifications to the single-family residence do not require Planning Commission review. In addition, the front lot line election is subject to review and action by City staff and is also not part of the Commission's review. In this particular case, the Commission's scope of review is the proposed excavation within the setback for the staircase and walkway. However, the excavation is integral to the overall proposed addition, as it is designed to allow access to the pool equipment from the outside. The applicant has submitted a project description letter, which is included in Attachment C, which describes the proposed project in more detail.

Excavation

The applicant is requesting a use permit to allow excavation in the required right side setback to create a pathway, steps, and retaining wall between the front and rear yards. Excavation, which is defined as the removal of dirt to a depth of more than 12 inches, within required setbacks requires use permit approval by the Planning Commission. The applicant states that the excavation is necessary to allow exterior access to the pool equipment for servicing, and would allow access from the front to rear yards, which is typical along the sides of houses. The pool equipment room would be located within the proposed lower level addition. The excavation would be limited to the width of the pathway, which is three feet, six inches, and therefore, would not allow for a usable seating or gathering area. The applicant states that the total area of excavation is approximately 124 square feet, or less than one percent of the total site area. The area of excavation would be screened from view from the adjacent parcel by fencing, and would also not be visible from the street, as it would be obscured by vegetation and fencing.

Trees and Landscaping

The applicant has submitted an arborist report (Attachment D) detailing the species, size, and conditions of the existing heritage tree on the site, which is a deodar cedar located at the front-right corner of the parcel. The report determines the present condition, discusses impacts of the proposed retaining wall and provides recommendations for tree preservation. Although this tree is located in the vicinity of the excavation, the project arborist has determined that the work will not damage the tree. All recommendations identified in the arborist report shall be implemented and have been included as condition 3.g.

Correspondence

Staff has not received any items of correspondence on the project.

Conclusion

Staff believes that the proposed excavation would have minimal impact on the adjacent neighbors, given the lack of visibility and that the excavation is limited to the width of a typical walkway. The excavation would allow for exterior access to the pool equipment and would create a usable path between the front and rear yards. The proposed excavation would be screened from view from the adjacent parcel by fencing and would not be visible from the street due to vegetation and fencing. Staff recommends that the Planning Commission approve the proposed project.

ENVIRONMENTAL REVIEW

The project is categorically exempt under Class 3 (Section 15303, "New Construction or Conversion of Small Structures") of the current State California Environmental Quality Act (CEQA) Guidelines.

RECOMMENDATION

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 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 subject to the following **standard** conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by Noel Cross Architects, consisting of 13 plan sheets, dated received April 2, 2014, and approved by the Planning Commission on April 7, 2014, 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 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. Prior to building permit issuance, the applicant shall submit plans indicating that the applicant shall remove and replace any damaged and significantly

worn sections of frontage improvements. These revised 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. 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. Concurrent with the submittal of a complete building permit application, the applicant shall provide documentation indicating the amount of irrigated landscaping. If the project proposes more than 2,500 square feet of irrigated landscaping, then a detailed landscape plan documenting compliance with the Water Efficient Landscape Ordinance (Municipal Code 12.44) will be required, subject to review and approval of the Engineering Division.

Report prepared by:

Kyle Perata

Associate Planner

Report reviewed by:

Thomas Rogers

Senior Planner

PUBLIC NOTICE & APPEAL PERIOD

Public notification consisted of publishing a legal notice in the local newspaper and notification by mail of owners and residents within a 300-foot radius of the subject property. Planning Commission action will be effective after 15 days unless the action is appealed to the City Council, in which case the outcome of the application shall be determined by the City Council.

ATTACHMENTS

- A. Location Map
- B. Project Plans
- C. Project Description Letter
- D. Arborist Report prepared by Urban Tree Management, dated received December 6, 2013

Note: Attached are reduced versions of maps and diagrams submitted by the applicants. The accuracy of the information in these drawings is the responsibility of the applicants, and verification of the accuracy by City Staff is not always possible. The original full-scale maps, drawings and exhibits are available for public viewing at the Community Development Department.

EXHIBITS TO BE PROVIDED AT MEETING

Color Renderings

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PLANNING COMMISSION STAFF REPORT

FOR THE PLANNING COMMISSION
MEETING OF APRIL 7, 2014
AGENDA ITEM D4

LOCATION:	1035 O'Brien Drive, Suite B	APPLICANT:	Avalanche Biotechnologies
EXISTING USE:	Research & Development	PROPERTY OWNER:	O'Brien Drive Portfolio, LLC
PROPOSED USE:	Research & Development	APPLICATION:	Use Permit
ZONING:	M-2 (General Industrial District)		

PROPOSAL

The applicant (Avalanche Biotechnologies) is requesting a use permit for the indoor storage and use of hazardous materials for the research and development of products for sustained delivery of therapeutic proteins to the eye to treat wet age-related macular degeneration (AMD), as well as other retinal disorders, located in an existing building in the M-2 (General Industrial) zoning district. All hazardous materials would be used and stored within the existing building.

ANALYSIS

Site Location

The project site is located at the corner of O'Brien Drive and Kelly Court, and is addressed 1035 O'Brien Drive. The site was recently redeveloped and the applicant, Avalanche Biotechnologies, is the first tenant to occupy the new 36,000 square foot office/R&D and manufacturing/warehousing building. For the purposes of this staff report, O'Brien Drive will be considered to be in a north to south orientation. The immediately adjacent parcels to the north of the subject site, along O'Brien Drive are also part of the M-2 zoning district, and are occupied by a variety of warehouse and light manufacturing uses. The properties to the east and south of the subject site, along Kelly Court, are also located in M-2 zoning district and also contain warehouse and light manufacturing uses. The parcels to the west of the subject site, along O'Brien Drive are located in the M-2 zoning district and contain warehouse and light manufacturing uses.

Parcels along the west side of O'Brien Drive border properties within the City of East Palo Alto, which contain single family residences. The Girls Club of the Mid-Peninsula, which is located within the City of Menlo Park but accessed from Ralmar Avenue in East Palo Alto, is located approximately 850 feet to the southwest of the subject site. Green Oaks Academy, a K-4th grade public school in the Ravenswood School District, is located at the end of Ralmar Avenue in East Palo Alto, approximately 980 feet from the subject site. In addition, a preschool (Casa Dei Bambini) is located at 1215 O'Brien Drive, approximately 525 feet from the project site, and a private high school (Mid-Peninsula High School) is located approximately 400 feet to the northeast of the subject site, along Willow Road. The project site and surrounding properties are located in the flood zone.

The use permit approval for the recent redevelopment of the building contained use limits for office/R&D uses and warehouse/manufacturing uses within the building. The approval limited the total amount of office/R&D uses to 14,432 square feet or 40 percent of the building. The proposed tenant, which is an office/R&D use, would occupy 14,256 square feet, or 39.6 percent of the building. As a result, any future tenants would be limited to warehouse/manufacturing uses, or the property owner would have to apply for a use permit revision to modify the permitted uses. Any such use permit revision would include California Environmental Quality Act (CEQA) review.

Project Description

Avalanche Biotechnologies is developing technologies and products for sustained delivery of therapeutic proteins to the eye to treat wet age-related macular degeneration (AMD), as well as other retinal disorders, such as diabetic retinopathy, retinal degeneration, and glaucoma. The company is currently located in San Francisco and is relocating to Menlo Park. The new facility at 1035 O'Brien Drive would be the company's corporate headquarters and R&D facility. The project description letter is included as Attachment C and describes the project proposal in more detail.

Proposed Hazardous Materials

Proposed hazardous materials include carcinogens, combustible liquids, corrosives, cryogens, flammable liquids, highly toxic chemicals, unstable reactive chemicals, non-flammable gases, toxic liquids, and water reactives. A complete list of the types of chemicals is included in Attachment F. The project plans, included as Attachment B, provide the locations of chemical use and storage, and hazardous waste storage. In addition, the plans identify the location of safety equipment, such as eyewash/shower stations, spill kits, fire extinguishers, first aid kits, and exit pathways. All hazardous materials would be used and stored inside of the building.

All personnel handling the hazardous materials would be properly trained. Except for amounts in daily use, all flammable liquids would be stored in fire resistant safety cabinets. Solid and/or liquid hazardous waste would be generated and stored in appropriate containers in an area separated from general employee traffic. Liquid wastes would be secondarily contained. The largest hazardous waste container would

be 55 gallons. Licensed contractors would be used to haul off and dispose of the hazardous waste.

The Hazardous Materials Business Plan (HMBP), included as Attachment D, provides the types and quantities of chemicals that would be used and stored above reportable quantities, and includes a spill prevention plan, an emergency response plan, an employee-training plan, and a closure plan. The applicant submitted a Supplemental Spill Prevention, Emergency Response, Training, and Closure Plan, which is based on the narrative style of the previous San Mateo County HMBP (Attachment E). The applicant has submitted a comprehensive chemical inventory (Attachment F) that identifies the current storage and projected storage quantities for the proposed chemicals.

Staff has included recommended conditions of approval that would limit changes in use of hazardous materials, require a new business to submit a HMBP to seek compliance if the existing use is discontinued, and address violations of other agencies in order to protect the health and safety of the public.

Agency Review

The Menlo Park Fire Protection District, City of Menlo Park Building Division, West Bay Sanitary District, and San Mateo County Environmental Health Services Division were contacted regarding the proposed use and storage of hazardous materials on the project site. Their correspondence has been included as Attachment G. Each entity found the proposal to be in compliance with all applicable standards and has either approved or conditionally approved the proposal. Although the subject parcel is located in proximity to residences and schools, there would be no unique requirements for the proposed use, based on the specific types and amounts of chemicals that are proposed.

Correspondence

Staff has not received any correspondence on this project.

Conclusion

Staff believes that the proposed use and quantities of hazardous materials would be compatible and consistent with other uses in this area. The Hazardous Materials Business Plan has been approved by the relevant agencies, and includes a training plan and protection measures in the event of an emergency. The proposed use permit would allow a new business to locate within Menlo Park. Staff recommends that the Planning Commission approve the proposed project.

ENVIRONMENTAL REVIEW

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

RECOMMENDATION

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 Architects/Engineers, consisting of ten plan sheets, dated received March 19, 2014, and approved by the Planning Commission on April 7, 2014 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.

Report prepared by:
Kyle Perata
Associate Planner

Report reviewed by:
Thomas Rogers
Senior Planner

PUBLIC NOTICE & APPEAL PERIOD

Public notification consisted of publishing a legal notice in the local newspaper and notification by mail of owners and occupants within a 1,320-foot radius of the subject property. Planning Commission action will be effective after 15 days unless the action is appealed to the City Council, in which case the outcome of the application shall be determined by the City Council.

ATTACHMENTS

- A. Location Map
- B. Project Plans
- C. Project Description Letter
- D. Hazardous Materials Business Plan
- E. Supplemental Spill Prevention, Emergency Response, Training, and Closure Plan
- F. Chemical Inventory
- G. Hazardous Materials Agency Referral Forms:
 - San Mateo County Environmental Health Department
 - Menlo Park Building Division
 - West Bay Sanitary District
 - Menlo Park Fire Protection District

EXHIBITS TO BE PROVIDED AT MEETING

None

Note: Attached are reduced versions of maps and diagrams submitted by the applicant. The accuracy of the information in these drawings is the responsibility of the applicant, and verification of the accuracy by City Staff is not always possible. The original full-scale maps and drawings are available for public viewing at the Community Development Department.

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PLANNING COMMISSION STAFF REPORT

FOR THE PLANNING COMMISSION
MEETING OF APRIL 7, 2014
AGENDA ITEM D5

LOCATION:	1430 O'Brien Drive, Suite F	APPLICANT:	Tricida, Inc.
EXISTING USE:	Research & Development (R&D)	PROPERTY OWNER:	Menlo Business Park, LLC
PROPOSED USE:	Research & Development (R&D)	APPLICATION:	Use Permit
ZONING:	M-2 (General Industrial District)		

PROPOSAL

The applicant (Tricida) is requesting a use permit for the indoor storage and use of hazardous materials for the research and development of therapeutics to address renal, metabolic, and cardiovascular disease, located in an existing building in the M-2 (General Industrial) zoning district. All hazardous materials would be used and stored within the existing building.

ANALYSIS

Site Location

The project site is an office and research and development (R&D) building located at 1430 O'Brien Drive, which is Building 7 of the Menlo Business Park. The subject building is occupied by multiple tenants that use hazardous materials as part of their R&D and manufacturing processes. The table on the following page outlines the active tenants and hazardous materials use permits at the subject building.

Suite	Tenant	Hazardous Materials	Most Recent Hazardous Materials Approval Date
Suite A	Kateeva	Yes	4/18/11
Suite D	Cellogy	Yes	12/17/12
Suite D & Suite E	Kateeva	Yes	5/20/13
Suite F	Tricida	Yes	Pending
Suite G	Kateeva	Yes	11/1/10
Suite H	Zeptor	Yes	1/27/14

Adjacent parcels to the north, east, and west are also located in the M-2 zoning district, and primarily contain warehouse, light manufacturing, R&D, and office uses. Single-family residences in the City of East Palo Alto are located directly south of the business park. These parcels front onto Kavanaugh Road, and many of the residential dwelling units are within 100 feet of the subject R&D building. The subject building is located approximately 1,000 feet from Costano Elementary School and approximately 500 feet from Cesar Chavez Elementary School, both of which are located within the City of East Palo Alto. In addition, a preschool (Casa dei Bambini) is located at 1215 O'Brien Drive, which is approximately 700 feet from the subject site.

Project Description

Tricida, Inc. is a discovery-stage biotech startup company focused on the discovery and early clinical development of novel therapeutics to address renal, metabolic, and cardiovascular disease. The company intends to use the facility at 1430 O'Brien Drive as its corporate headquarters, as well as its R&D facility. The project description letter is included as Attachment C and describes the project proposal in more detail.

Proposed Hazardous Materials

Proposed hazardous materials include combustibles, corrosives, flammable liquids, flammable solids, non-flammable gases, toxic liquids and solids, highly toxic liquids, oxidizer, unstable reactive materials, and water reactive materials. A complete list of the types of chemicals is included in Attachment F. The project plans, included as Attachment B, provide the locations of chemical use and storage, and hazardous waste storage. In addition, the plans identify the location of safety equipment, such as eyewash/shower stations, spill kits, fire extinguishers, and exit pathways. All hazardous materials would be used and stored inside of the building.

All personnel handling the hazardous materials would be properly trained. Except for amounts in daily use, all flammable liquids would be stored in fire resistant safety cabinets. Solid and/or liquid hazardous waste would be generated and stored in appropriate containers in an area separated from general employee traffic. Liquid wastes would be secondarily contained. The largest hazardous waste container would be five gallons. Licensed contractors would be used to haul off and dispose of the hazardous waste.

The Hazardous Materials Business Plan (HMBP), included as Attachment D, provides the types and quantities of chemicals that would be used and stored, and includes a spill prevention plan, an emergency response plan, an employee-training plan, and a closure plan. The applicant submitted a Supplemental Spill Prevention, Emergency Response, Training, and Closure Plan, which is based on the narrative style of the previous San Mateo County HMBP (Attachment E). The applicant has submitted a comprehensive chemical inventory (Attachment F) that identifies the projected storage quantities for the proposed chemicals.

Staff has included recommended conditions of approval that would limit changes in use of hazardous materials, require a new business to submit a HMBP to seek compliance if the existing use is discontinued, and address violations of other agencies in order to protect the health and safety of the public.

Agency Review

The Menlo Park Fire Protection District, City of Menlo Park Building Division, West Bay Sanitary District, and San Mateo County Environmental Health Services Division were contacted regarding the proposed use and storage of hazardous materials on the project site. Their correspondence has been included as Attachment G. Each entity found the proposal to be in compliance with all applicable standards. Although the subject parcel is located in proximity to residences and schools, there would be no unique requirements for the proposed use, based on the specific types and amounts of chemicals that are proposed.

Correspondence

Staff has not received any correspondence on this project.

Conclusion

Staff believes that the proposed use and quantities of hazardous materials would be compatible and consistent with other uses in this area, specifically the subject building. The Hazardous Materials Business Plan has been approved by the relevant agencies, and includes a training plan and protection measures in the event of an emergency. The proposed use permit would allow a new business to locate within Menlo Park. Staff recommends that the Planning Commission approve the proposed project.

ENVIRONMENTAL REVIEW

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

RECOMMENDATION

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 Architects/Engineers, consisting of eight plan sheets, dated received April 1, 2014, and approved by the Planning Commission on April 7, 2014 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.

Report prepared by:
Kyle Perata
Associate Planner

Report reviewed by:
Thomas Rogers
Senior Planner

PUBLIC NOTICE & APPEAL PERIOD

Public notification consisted of publishing a legal notice in the local newspaper and notification by mail of owners and occupants within a 1,320-foot radius of the subject property. Planning Commission action will be effective after 15 days unless the action is appealed to the City Council, in which case the outcome of the application shall be determined by the City Council.

ATTACHMENTS

- A. Location Map
- B. Project Plans
- C. Project Description Letter
- D. Hazardous Materials Business Plan
- E. Supplemental Spill Prevention, Emergency Response, Training, and Closure Plan
- F. Chemical Inventory
- G. Hazardous Materials Agency Referral Forms:
 - Menlo Park Fire Protection District
 - San Mateo County Environmental Health Department
 - West Bay Sanitary District
 - Menlo Park Building Division

EXHIBITS TO BE PROVIDED AT MEETING

None

Note: Attached are reduced versions of maps and diagrams submitted by the applicant. The accuracy of the information in these drawings is the responsibility of the applicant, and verification of the accuracy by City Staff is not always possible. The original full-scale maps and drawings are available for public viewing at the Community Development Department.

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PLANNING COMMISSION STAFF REPORT

**FOR THE PLANNING COMMISSION
MEETING OF APRIL 7, 2014
AGENDA ITEM: E1**

APPLICATION: **Consideration of General Plan Consistency for the 2014-15
Projects of the Five-Year Capital Improvement Plan**

APPLICANT: **City of Menlo Park**

PROPOSAL

The Planning Commission is required to review the Five-Year Capital Improvement Plan (5-Year CIP) and to determine consistency of the FY 2014-15 projects with the General Plan.

BACKGROUND

The 5-Year CIP has been utilized by the City since FY 2010-11 and is updated annually to provide a link between the City's General Plan and various master planning documents and budgets, providing a means for planning, scheduling and implementing capital and comprehensive planning projects over a five-year period. The plan includes long-range projects as well as near-term projects that will be budgeted in the upcoming fiscal year.

State law (Government Code Section 65401) requires the City planning agency (Planning Commission) to review and determine that the projects are consistent with the City's General Plan.

Although the 5-Year CIP includes projects in upcoming fiscal years, the Planning Commission is being asked to determine General Plan consistency for only the FY 2014-15 projects at this time. The Planning Commission will have opportunities to review the 5-Year CIP and determine consistency each year.

Separately, the Planning Commission (like other City Commissions) had the opportunity to provide input on the substance of the 5-Year CIP. Specifically, the Planning Commission's discussion from the meeting of December 16, 2013 has been transmitted to the City Council for consideration. On March 18, 2014, the City Council provided general direction on the 5-Year CIP and approved projects planned for FY 2014-15 to be included in the City Manager's Proposed 2014-15 Budget.

ANALYSIS

Many of the FY 2014-15 projects in the 5-Year CIP will have an impact on all residents of the community, while other projects will only affect residents of specific neighborhoods.

Staff has identified the General Plan goal and/or policy that it believes most directly pertains to each project. Overall, staff finds that the proposed projects do not directly or indirectly conflict with the General Plan goals and policies.

The project descriptions and General Plan reference for each can be found as part of Attachment A. The Draft 5-Year CIP can be found on the City's website at:
<http://www.menlopark.org/departments/pwk/5YRCIP031814.pdf>.

ENVIRONMENTAL REVIEW

The potential environmental impacts associated with the FY 2014-15 projects in 5-Year CIP will be assessed for each individual project at the time of implementation.

RECOMMENDATION

Adopt Resolution No. 2014-01 determining that the 5-Year CIP's projects for FY 2014-15 are consistent with the General Plan (Attachment A).

PUBLIC NOTICE

Public notification consisted of publishing a legal notice in the local newspaper and posting the agenda, at least 72 hours prior to the meeting, with this agenda item being listed.

ATTACHMENTS

- A. Draft Resolution of the Planning Commission Determining that the 5-Year Capital Improvement Plan's Fiscal Year 2014-15 Projects Are Consistent with the General Plan
 - a. Exhibit A: City of Menlo Park 5-Year CIP - Projects for Consideration in Fiscal Year 2014-15

Report prepared by:
Charles Taylor
Director of Public Works

EXHIBITS TO BE PROVIDED AT MEETING

None

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DRAFT RESOLUTION NO. 2014-01

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MENLO PARK
DETERMINING THAT THE FIVE-YEAR CAPITAL IMPROVEMENT PLAN'S FISCAL
YEAR 2014-15 PROJECTS ARE CONSISTENT WITH THE GENERAL PLAN**

WHEREAS, the Planning Commission of the City of Menlo Park has reviewed the Fiscal Year 2014-15 projects of the Five-Year Capital Improvement Plan (CIP); and

WHEREAS, the Planning Commission has held a public meeting on this subject on April 7, 2014, having provided public notification by publishing the agenda in accordance with the Brown Act and related procedures; and

WHEREAS, the Planning Commission of the City of Menlo Park has determined that all of the current CIP projects correlate with adopted goals of the City's General Plan, as shown in the attached Exhibit; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Menlo Park hereby determines that the Five-Year Capital Improvement Plan's Fiscal Year 2014-15 projects are consistent with the General Plan.

I, Arlinda Heineck, do hereby certify that the above and foregoing Resolution was duly and regularly passed and adopted by a majority of the total voting members of the Planning Commission of the City of Menlo Park at a meeting held by said Commission on the 7th day of April, 2014, by the following vote:

AYES:	Commissioners:
NOES:	Commissioners:
ABSTAIN:	Commissioners:
ABSENT:	Commissioners:

I further certify that the foregoing copy is a true and correct copy of the original of said resolution on file in the office of the Community Development Department, City Hall, Menlo Park, California.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City this 7th day of April, 2014.

Arlinda Heineck
Community Development Director
City of Menlo Park

DRAFT PC RESOLUTION NO. 2014-01 - Exhibit A:
City of Menlo Park 5 Year CIP
Projects for Consideration in Fiscal Year 2014-15

Project Name	Project Description
<p style="text-align: center;">General Plan Reference: Goal #I-B</p> <p style="text-align: center;">To strengthen Downtown as a vital and competitive shopping area while encouraging the preservation and enhancement of Downtown's historic atmosphere and character.</p>	
Downtown Parking Utility Underground	A project study was initiated in FY 2008/09 to investigate the use of Rule 20A funding for undergrounding utilities in the downtown parking plazas, and through recent communication with PG&E, it has been confirmed that this can be done. As a result, the City will begin the process of creating an underground utility district in the downtown area, then design and construction can begin.
Downtown Streetscape Improvement Project (Specific Plan)	The project will consist of planning and implementation of improvements in the downtown area per the Specific Plan considering the Chestnut Paseo and Santa Cruz Avenue Sidewalk and the development of new streetscape plans. The project will be comprised of four components which will consist of meeting with Downtown businesses and customers for an early implementation of a pilot sidewalk widening project. The second component will include development of the pilot plans for implementation of other elements of the specific plan. The third component will be the implementation of the pilot plan and the fourth component will be development of a master plan for the downtown area.
<p style="text-align: center;">General Plan Reference: Goal #I-G</p> <p style="text-align: center;">To promote the preservation of open-space lands for recreation, protection of natural resources, the production of managed resources, protection of health and safety and/or the enhancement of scenic qualities.</p>	
Bay Levee Project	A project team was selected, and project will start this year with Environmental Analysis, and Design. The Project's purposes are to provide evaluation, feasibility, alternatives analysis, design, and environmental documentation for coastal levee improvements that will improve flood protection, restore the ecosystem, and provide recreational opportunities within the project reach. The specific objectives of the Project include: 1) protect properties and infrastructure in the coastal floodplain within East Palo Alto and the City of Menlo Park between San Francisquito Creek and the Redwood City border resulting from a 100-year tide, including projected Sea Level Rise; 2) enhance habitat along the Project reach, particularly habitat for threatened and endangered species; 3) enhance recreational uses; and 4) minimize operational and maintenance requirements.
Heritage Tree Ordinance Program Evaluation	In the Summer of 2012, the Environmental Quality Commission (EQC) provided recommendations to staff and city council regarding updating and modifying the City's Heritage Tree Ordinance. This study would review the EQC's recommendation, analyze program's effectiveness and processes, and prepare revisions for the City Council to consider for adoption.

DRAFT PC RESOLUTION NO. 2014-01 - Exhibit A:
City of Menlo Park 5 Year CIP
Projects for Consideration in Fiscal Year 2014-15

Project Name	Project Description
General Plan Reference: Goal #I-H To promote the development and maintenance of adequate public and quasi-public facilities and services to meet the needs of Menlo Park's residents, businesses, workers and visitors.	
Administration Building Carpet Replacement	This project will replace the carpet of the administration building. The carpets were installed as part of the administration building remodel in 1998. Areas of the carpet are showing wear and have permanent stains.
Belle Haven Child Development Center Flooring Replacement	The project consists of replacing the carpet and vinyl floors in the Child Development Center. The existing has worn out.
Belle Haven Pool Analysis and Audit	This project would involve an analysis of the current and future use of the Belle Haven Pool. The study would include a review of the pump house and pool for ADA and current building code requirements in order to maximize the pool use. The Belle Haven Pool has traditionally been a seasonal pool only operating during the summer months. In FY 12-13, the City's pool operator expanded programming and pool usage to make the Belle Haven Pool a year-round operation. Since April 2013, the Belle Haven Pool has seen increased demand and usage as a result of the expanded programming. The current pool infrastructure is not likely to support the long term impacts of a year round operation and it is recommended that a comprehensive audit be conducted to determine the current and future needs of the pool.
Chrysler Pump Station Improvements	Improvements will include design and construction of upgrades to the aging equipment (may consist of pumps, motors, electrical system, heaters, fans, flap gates, generator).
City Buildings (Minor)	This ongoing project was established in Fiscal Year 2004-05. Projects programmed on an annual basis include minor improvements that extend the useful life of systems and equipment in City Buildings.
Fire Plans and Equipment Replacement at Council Chambers, Onetta Harris Community Center and Library	The project consists of replacing the fire panels, alarms, strobe lights, pull alarms and associated equipment in the Council Chambers, Library and Onetta Harris Community Center. The existing systems are becoming outdated and starting to trigger false alarms.
Implement Strategic Plan to Improve Public Area Trash and Recycling Citywide	The City of Menlo Park is currently in the process of implementing its 2009 National Pollutant Discharge Elimination System (NPDES) Permit. This Permit is issued by the San Francisco Bay Regional Water Quality Control Board (SFRWQCB). Section C.10 of this Permit identifies trash/litter as a priority pollutant and requires that the City adopt stringent and escalating control measures to reduce the amount of trash entering the storm drain system by 40% by July 1, 2014, 70% by 2017, and 100% by 2022. This project is one of various trash reduction measures needed to meet this mandate, and would reduce litter through improved public area trash and recycling container management through bin replacement, better labeling of containers, and increased service/maintenance. This project does not impact General Funds, and will be funded through the garbage service fund.
Library Landscaping	The project consists of replacing the landscaping and irrigation system around the library. The existing landscaping and irrigation system is in need of major upgrades and a portion of the system is over thirty years old.

DRAFT PC RESOLUTION NO. 2014-01 - Exhibit A:
City of Menlo Park 5 Year CIP
Projects for Consideration in Fiscal Year 2014-15

Project Name	Project Description
<p style="text-align: center;">General Plan Reference: Goal #I-H (continued)</p> <p style="text-align: center;">To promote the development and maintenance of adequate public and quasi-public facilities and services to meet the needs of Menlo Park's residents, businesses, workers and visitors.</p>	
Library Space Needs Study	<p>The Menlo Park Library Foundation (MPLF) proposes to fund a space needs assessment for the main library in FY 14-15 to determine how the building can be modified and updated to best accommodate changes to library services for the next twenty years. The goal will be to use the existing space to create greater flexibility, capacity and efficiency. There may also be a need to expand parts of the building to accommodate programs, such as those for children and teens, that have grown substantially. The library needs increased connectivity and spaces for quiet study and group work. The main library, originally constructed in 1957, was expanded in 1968 and 1992, and has internal load bearing walls and substructures that complicate internal remodeling. The MPLF has begun exploratory work with an architectural firm that has a track record in remodeling/repurposing libraries. Their approximate fee for the project is estimated to be about \$90,000. The Foundation Board has approved a grant of up to \$90,000.</p>
Park Improvements (Minor)	<p>The project addresses minor improvements to parks, such as repairing fences, irrigation systems, play equipment, resodding portions of fields and adding sand and fiber to play equipment.</p>
Playground Equipment Assessment & Replacement	<p>This is a new program that would begin to replace portions of play equipment that is not meeting current regulations and to replace equipment that needs upgrading.</p>
Pope/Chaucer Bridge Replacement	<p>The Santa Clara Valley Water District (SCVWD), a member agency of the SFCJPA, will replace the existing Pope/Chaucer Street Bridge crossing at San Francisquito Creek. The new bridge will be designed and constructed to accommodate a 1% (100-year) flow event under the bridge and prevent future flooding of the areas surrounding the creek. The project is part of the overall SFCJPA goal to provide 100-year flood capacity in the creek. Funding for this project is for staff assistance during the design phase.</p>
Radio Infrastructure Replacement	<p>The Dispatch Center utilizes an extensive network of radio equipment which has a useful lifespan of 10 to 15 years. If equipment is not replaced it can malfunction, leading to a loss of communication with police officers in the field. This would lead to an enhanced level of risk to officers and a decrease in service to the community. A multi-year Replacement Schedule was created in 2010 by the County which stipulates equipment to be replaced based on lifespan. All costs to install include labor.</p>
Reroof Reservoir #2	<p>During the design of the project, staff and the roof manufacturer representative inspected the underside of the roof and it was determined the roof joist hangers showed significant signs of rusting. In order to replace the hangers it is necessary to remove the underlayment of the roof which was not part of the original project. Additional funding will be supported by the water capital fund.</p>

DRAFT PC RESOLUTION NO. 2014-01 - Exhibit A:
City of Menlo Park 5 Year CIP
Projects for Consideration in Fiscal Year 2014-15

Project Name	Project Description
General Plan Reference: Goal #I-H (continued) To promote the development and maintenance of adequate public and quasi-public facilities and services to meet the needs of Menlo Park's residents, businesses, workers and visitors.	
Retractable Lights Installation at Gymnasium, Gymnastics, and Family Recreation Centers	The replacement process for the numerous lights at the Arrillaga Family Gym and Arrillaga Family Gymnastics Center poses a concern for the long-term maintenance of the facility due to the high replacement costs and the repairs potential impact to programs. Installing retractable lights in both facilities will allow staff to maintain the facility in the most efficient manner, keep repair costs low, and minimize or eliminate time needed to close the facility.
Storm Drain Improvements	This ongoing project will implement improvements that were identified in the Storm Drain Master Plan.
Urban Water Management Plan	This project will prepare an Urban Water Management Plan that is due to the State in the year 2015. This is a State requirement every 5 years. Having this plan in place makes the City eligible for grants. The plan is only for the City's Municipal Water District.
Water Rate Study	The existing 5 year water rates approved by the City Council will end in June 2015. This study will analyze the operating water budget and make new recommendations for proposed water rates for City Council approval.
Water System Master Plan	The Water Master Plan needs to be updated to be consistent with the new housing element, create a water model to evaluate major development projects and establish fair share cost for water system distribution upgrades, water rate study, inventory of aging infrastructure to establish a 5, 10, and 20 year CIP program and project priorities.
Willow Oaks Dog Park	This project will include a scoping and design phase in FY 2013/14, then construction in FY 2014/15 of upgrades and replacement at the Willow Oaks Dog Park.
Willow Place Bridge Abutment Repairs	This project will repair damages to the bridge abutment from the December 2012 storm event. Initial Study of repairs were completed, and need to move project forward to design and construction.
General Plan Reference: Goal #I-A To maintain and improve the character and stability of Menlo Park's existing residential neighborhoods while providing for the development of a variety of housing types. The preservation of open space shall be encouraged.	
Overnight Parking	This project would create a software program to allow a resident to apply, pay, and print an overnight parking permit from the internet. This would provide a convenience for residents to go online, pay and print the permit from home late at night and place the permit on their dashboard so they do not receive a ticket overnight. The remainder of the project would involve an update to the administrative procedures and the ordinance to reflect this new permitting functionality. In addition, the Ordinance would be updated to include the new R-4-S zoning district to the list of other residential districts, and potentially include a prohibition of overnight parking in the M-2 and M-3 zoning districts to prevent parking of tractor trailers.

DRAFT PC RESOLUTION NO. 2014-01 - Exhibit A:
City of Menlo Park 5 Year CIP
Projects for Consideration in Fiscal Year 2014-15

Project Name	Project Description
<p style="text-align: center;">General Plan Reference: Goal #II-A To maintain a circulation system using the Roadway Classification System that will provide for the safe and efficient movement of people and goods throughout Menlo Park for residential and commercial purposes.</p>	
El Camino Real/Ravenswood NB Right Turn Lane	This project will design conversion of the existing North Bound Right Turn Lane to the third North Bound through Lane and adding a NB Right Turn Lane.
Sand Hill Road Interconnect	The project seeks to improve capacity, safety and traffic control throughout our roadway network through the use of coordinated traffic signal systems. This study will review the Cities existing and planned traffic signal system for potential interconnect opportunities and highlight best practices, hardware and software for creating efficient multimodal systems.
<p style="text-align: center;">General Plan Reference: Goal #II-B To promote the use of public transit.</p>	
High Speed Rail Coordination	The California High Speed Rail Bay Area to Central Valley route is being planned along the existing Caltrain tracks through the City of Menlo Park. This project involves City staff coordination with the Peninsula Cities Coalition, neighboring jurisdictions, the High Speed Rail Authority and elected officials to protect the City's interests during the planning and implementation stages of the California High Speed Rail project. Funding will be used for technical expertise and consulting support.
<p style="text-align: center;">General Plan Reference: Goal #II-E To promote walking as a commute alternative and for short trips</p>	
Sidewalk Repair Program	This ongoing project consists of removing hazardous sidewalk offsets and replacing sidewalk sections that have been damaged by City tree roots in order to eliminate trip hazards.