



PLANNING COMMISSION AGENDA

Regular Meeting
June 9, 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, Combs, Eiref (Chair), Ferrick, Kadvany, Onken (Vice Chair), Strehl

INTRODUCTION OF STAFF – Jean Lin, Associate Planner; Kyle Perata, Associate Planner; Thomas Rogers, Senior Planner; Corinna Sandmeier, Contract 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. General Plan Update – Consultant Selection Process – City Council – June 3 and 17, 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 May 5, 2014 Planning Commission meeting](#)

- C2. [Architectural Control/Wegner Construction/21 Hallmark Circle](#):** Request for architectural control to modify the rear and left side of an existing single-family townhouse by modifying the windows and doors on the rear elevation and enclosing an existing recessed area of approximately 132 square feet on the first and second floors. As part of the proposal, the roof would extend to meet the existing roof line and cover the new floor area, and balconies on the side elevation would be modified to align with new doors. The proposed project is located in the R-E-S(X) (Residential Estate Suburban, Conditional Development) zoning district.

- C3. [Architectural Control/Karin Freuler/152 Stone Pine Lane](#):** Request for approval for architectural control for exterior modifications to the front and rear facades of an existing residence in the R-3 (Apartment) zoning district, including the addition of new gross floor area.

D. PUBLIC HEARING

- D1. Use Permit/William Young/1691 Bay Laurel Drive:** Request for a use permit to construct a new two-story, single-family residence on a vacant lot that is substandard with regard to lot width, in the R-1-S (Single Family Suburban) zoning district. Two heritage trees are proposed for removal as part of the proposed development: a 17-inch diameter English walnut in fair condition in the rear yard (tree #16) and a 13-inch diameter coast live oak in fair condition in the front yard (tree #40).
- D2. Use Permit and Variances/Danny Vo/324 Haight Street:** Request for a use permit to determine the Floor Area Limit (FAL) for a lot with less than 5,000 square feet of developable area, and to construct a two-story, single-family residence on a substandard lot in the R-1-U (Single Family Urban) zoning district. The proposal includes a request for variances for the building to encroach into the rear and side setbacks, and for a second-level deck to encroach into the rear balcony setback. As part of the proposed development, eight heritage oak trees in fair to good condition are proposed for removal.
- D3. Use Permit Revision/Tony Kim, Town Consulting for Sprint/300 Constitution Drive:** Request for a use permit revision to modify an existing wireless telecommunications facility located on the roof of an existing building in the M-2 (General Industrial) zoning district. An existing radome would be removed and a new shelter is proposed to house three existing antennas, three proposed antennas and associated equipment.

E. COMMISSION BUSINESS - None

ADJOURNMENT

Future Planning Commission Meeting Schedule

Regular Meeting	June 23, 2014
Regular Meeting	July 7, 2014
Regular Meeting	July 21, 2014
Regular Meeting	August 4, 2014
Regular Meeting	August 18, 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.

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PLANNING COMMISSION DRAFT MINUTES

Regular Meeting
May 5, 2014 at 7:00 p.m.
City Council Chambers

701 Laurel Street, Menlo Park, CA 94025

CALL TO ORDER – 7:01 p.m.

ROLL CALL – Bressler, Combs, Eiref (Vice Chair – arrived at dais at 7:37 p.m.), Ferrick, Kadvany (Chair), Onken, Strehl (absent)

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

A. REPORTS AND ANNOUNCEMENTS

A1. Update on Pending Planning Items

- a. Housing Element – City Council – April 29 and May 13, 2014

Senior Planner Rogers said the City Council at their April 29 meeting considered previously deferred ordinances related to secondary dwelling units and accessory buildings including recommendations made by the Planning Commission. One recommendation made by the Commission to lower the minimum lot size to 5,000 square feet to allow secondary dwelling units was not endorsed by the Council after hearing from neighbors in the Belle Haven neighborhood and their concerns about parking. He said the minimum lot size requirement to allow secondary dwelling units would remain at 6,000 square feet. He said these ordinances would have a second reading at the May 13 City Council meeting and if unaltered would go into effect 30 days from that date.

- b. 772 Harvard Avenue Appeal – City Council – May 6, 2014

Senior Planner Rogers said after the Commission's approval of the use permit request for 772 Harvard Avenue a neighbor appealed the approval to the City Council because of privacy concerns and proposed design changes in particular to windows on the wall of the shared property line. He said the City Council would consider that appeal the next evening.

- c. BMR Guidelines Update – City Council – May 6, 2014

Senior Planner Rogers said a technical change to the BMR Guidelines Update would be considered by the City Council at their meeting the next evening. He noted that the change was relatively minor, and was not policy related.

B. PUBLIC COMMENTS

There were none.

C. CONSENT

C1. Approval of minutes from the April 7, 2014 Planning Commission meeting

Commission Action: Minutes approved as submitted.

Motion carried 3-0 with Commissioners Combs and Onken abstaining and Commissioners Eiref and Strehl absent.

D. PUBLIC HEARING

- D1. Use Permit/Andrew Young/1153 Santa Cruz Avenue:** Request for a use permit to construct a single-story addition and a basement with light wells to an existing nonconforming single-story, single-family residence and for excavation (removal of more than 12 inches of dirt) within the required right side yard setback in the R-1-S (Single Family Suburban) zoning district. The project would exceed 75 percent of the existing replacement value in a 12-month period and requires approval of a use permit by the Planning Commission.

Staff Comment: Planner Lin noted a correction on page 4 of the staff report in the first sentence of the first paragraph in the correspondence section to strikeout as follows: "~~and 1155 Santa Cruz Avenue (adjacent neighbors to the north and east, respectively).~~" She said the adjacent neighbor to the left/east at 1155 Santa Cruz Avenue had contacted staff to clarify that his email correspondence with the property owners of the subject site was erroneously stated as being in support of the project. She said the neighbor's email was made regarding the removal of trees only and that the neighbor has not stated support of the project itself. She said an email from Joy Weintz, a neighbor at 1148 Windsor Way, had been omitted from the staff report attachments, although it was mentioned in the body of the staff report, and she expressed support for the proposed project. She said this correspondence and the clarification on the other piece of correspondence had been distributed to the Commission at the dais and was also available to the public.

Questions of Staff: Chair Kadvany confirmed with staff that there were no tree removals in the project being considered by the Commission this evening.

Public Comment: Mr. Andrew Young, Young and Borlik Architects, said his clients were Rosemary and Ben Eiref. He said they had considered various options in the design including a two-story addition but had ultimately decided to keep the one-story massing of the Eichler-style home. He said the home was 12-feet in height where 28-feet was

allowable. He said all of the windows facing the side yard were at a six-foot-two-inch sill height except for the stairwell. He said the project was about 1,080 square feet below the allowable site coverage. He said the location for the light well was really the only feasible location noting a heritage Oak in the rear yard preventing placing the light well there. He said there were also nine Redwood trees that shade the backyard which would also minimize the use of a light well in that area. He said the proposed light well was sized to the minimum requirements for light, ventilation and ingress/egress. He said the light well would encroach into the side yard three-foot-nine-inches not four-feet-three-inches as reported in the staff report as they had pulled the addition back six and five-eight-inches from the side yard setback and pulled it four-inches from the front yard setback. He said a neighbor had expressed concern about the stability of the soil. He said their geo-technical engineer had taken all measures and in working with a structural engineer they were using stitch piers along that side of the house to minimize any movement of the soil.

Commissioner Onken said a neighbor had commented on the accuracy of the survey. Mr. Young said the neighbor on the left hand side had done a survey when they had built a two-story house and had offered to the Eirefs to split the costs for the survey to place stakes that were used to build the fence. He said SMP, their surveyor, did a very complete survey, and used two points on Windsor Way as benchmarks for the basis based on the deed of the property as the basis for their bearings and came up with a different figure. He said it determined that the Eirefs' right side property line was further away from Santa Cruz Avenue. He said this raised concerns with both neighbors so they had the surveyor reexamine and this time they took 10 points along Santa Cruz Avenue and Windsor Way and discovered the previous survey done by the neighbors and Eirefs was more accurate.

Ms. Rosemary Labanara, co-owner, said they were excited about the addition as it would allow their family to visit and stay more comfortably. She said they loved the lighting of their existing home. She said as their windows primarily view the rear yard, there is no impact to neighbors' privacy.

Mr. Scott Morrow, Santa Cruz Avenue, said the two surveys obtained by the neighbor John Martin and the Eirefs in 2009 came up with certain points and corners that were agreed upon as the property lines at the time. He said there were four construction projects and several fences built based on those findings. He said he was concerned about the excavation next to his property and the discrepancies shown in the original survey submitted by SMP. He said he met with the architect, property owner, and planner, and at the end of that conversation there was an 18-inch discrepancy on the left side from the 2009 survey. He said if that had not been resolved the project should be delayed until neighbors could discuss this matter. He said there were other options for which there would be no loss of square footage, that would meet all building codes without excavation, and that there should be more sanctity related to setbacks.

Chair Kadvany closed the public hearing.

Commission Comment: In response to Chair Kadvany's questions related to encroachments of light wells into the side setback, Planner Lin said the zoning ordinance stipulates that excavation within any setback area triggers the need for a use permit. She said it was not stated in the ordinance how much encroachment into a setback was allowed through a use permit for excavation. She said there were, however, building code requirements such that if you have habitable space in a basement you needed to provide for sufficient egress, light and ventilation. She said there was no requirement that light wells needed to encroach in setbacks. She said there was no distinction made between a stair well or window well and that generically both are referred to as light wells. Senior Planner Rogers said the action requested was a use permit and the findings for a use permit were different than those for a variance. He said the finding for the use permit was whether a project would or would not create a negative impact on the health safety and welfare of neighbors or the general community. He said questions on excavation projects have sometimes related to visual effects when the excavation was on a public right-of-way, impacts to trees, questions about unique soil conditions that might affect excavation and construction. However, in this case, staff believed that such concerns were not applicable to this project, and are recommending approval. Planner Lin said Engineering Division staff had reviewed the surveys and found those satisfactory.

Chair Kadvany said he thought the design was handsome and he had no concerns about the project.

Commissioner Ferrick said there was an existing non-conformance on the right side. She said if the application had been for a second story she would want that brought into conformance but because it was a one-story project she did not find that necessary.

Commissioner Onken noted the project was not maxing out its allowable buildout and the light well and its railing were screened by a fence and would have no impact on neighbors. He moved to approve the use permit as recommended in the staff report. Chair Kadvany seconded the motion.

Commission Action: M/S Onken/Kadvany to approve the item as recommended in the staff report.

1. Make a finding that the project is categorically exempt under Class 1 (Section 15301, "Existing Facilities") of the current CEQA guidelines.
2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.

3. Approve the use permit subject to the following **standard** conditions:
- a. Development of the project shall be substantially in conformance with the plans prepared by Young and Borlik Architects, consisting of 15 plan sheets, dated received April 30, 2014, and approved by the Planning Commission on May 5, 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 applicant shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.
 - c. Prior to building permit issuance, the applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
 - d. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval 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. Prior to issuance of a demolition or building permit, the applicant shall implement the tree protection plan and recommendations in the Arborist Report for all applicable heritage trees for review and approval by the Building Division.
4. Approve the use permit subject to the following **project specific** condition:

- a. The project arborist shall be present to prune and cover any roots encountered during excavation of the rear light well. This requirement shall be incorporated into the site plan and/or revised arborist report as part of a complete building permit application, subject to review and approval of the Planning Division.

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

D2. Use Permit/Curt Cline/323 Oakwood Place: Request for a use permit for interior and exterior modifications and first and second floor additions that would exceed 50 percent of the value of an existing non-conforming residence located on a substandard lot in the R-1-U (Single-Family Urban) zoning district.

Staff Comment: Planner Perata said since the publication of the staff report, staff had received five pieces of correspondence in opposition to the project as presented, which had been distributed to the Commission and were available to the public. He said the applicant had provided renderings and a copy of their presentation for the Commission's review.

Public Comment: Mr. Curt Cline, Modern House Architect, said they were commissioned by Sandy and Allen Ritchie to remodel and add a second story to their existing single-story family home. He said the existing home was an example of many modernist homes that were constructed in the post-war years up until the mid-60s. He said they chose to use a vocabulary of limited articulated geometry in the remodel and addition to the home. He said they drew from elements of the existing home and from established architectural forms present on other homes in this style such as articulated planes of glass, walls, materials, and the incorporation of the existing stone chimney. He said the stair and foyer were at a different roof height deliberately to step back the front façade of the home. He said neighbors concerned with impact privacies had brought a few aspects of the design to their attention and noted the property owners would not want to impact the privacy of neighbors in this close knit community. He said it had also come to their attention in the past few weeks that neighbors do not think the existing home or proposed additions fit the context of the neighborhood. He said there were no prevailing styles in the neighborhood and other two-story and one-and-half-story homes most of which were taller than this proposed home.

(Commissioner Eiref joined the Commission at the dais at 7:37 p.m.)

Responding to a question from Chair Kadvany, Mr. Cline said they could procure stone very similar to the existing stone on the home.

Chair Kadvany asked about the left side second story and if that was a walkway the entire length of the side. Mr. Cline said it was to provide a hallway to the master bedroom on the second story. Chair Kadvany asked about the effect of illumination.

Mr. Cline said there would be some illumination dependent upon the opacity of the glass but that movement behind the glass would not be visible.

Chair Kadvany noted that Commissioner Eiref had joined the other Commissioners on the dais.

Mr. Bill Lamkin, Tehama Avenue, said he appreciated the difficult task in trying to identify and enforce the character of a neighborhood. He said he objected to the proposed design of this home in that it was too stark and did not even come close to matching the character of the neighborhood. He said the narrowness of the lot made it even more difficult for this structure to blend into the neighborhood. He said the architect's rendering showed a building that would look more appropriate for a contemporary business industrial park and not a warm friendly neighborhood. He requested that the Commission require the design to be redone to more appropriately match the neighborhood.

Mr. Don Harrier, Tehama Avenue, said the staff report alluded to many different architectural styles in the Flood Triangle area as support that this design would also fit well. He said however within the many styles in that area there was the contextual cohesion demonstrated by residential design that they needed to look at including, massing, scale and the appropriate use of materials. He said the charm of the home's contemporary character was being thrown out noting the wonderful curvilinear overhang, porch, a front patio and wonderfully scaled fireplace and windows that were being eliminated. He said it was these elements within the Flood Triangle area that unified residential styles. He said the currently proposed design turns inward and away from the street and sidewalk. He said the neighbors were now presented with a nine-foot wide, 18-foot tall glass enclosure of the stairway. He said the charming aspect of the front fireplace and chimney were now in a horizontal wall that was presented in two stories and at that second story level represented two-thirds of the façade at the existing street. He said the proposed design stepped away from the neighborhood context and did not necessarily represent a unifying of the neighborhood context.

Mr. Doug Bui, Oakwood Place, said his wife and son had given him their speaking time. He said he was a long time resident of Menlo Park and had been a member of the planning commission for 12 years. He said they have owned three homes in Menlo Park and have lived at their current residence for 10 years. He said they did not object to the concept of a second story building, mid-century modern or contemporary home style, but they had concerns with scale and the bulkiness and mass and loss of residential characteristics to this house. He said they met with the Ritchies and reviewed with them the impacts they expected from the proposed design on their home. He said he conducted a survey of Del Norte, Tehama, Sonoma and Ringwood and counted 129 homes. He said of those 129 homes, 71% were single-story, 22% were two-story and 8% were single-story contemporary. He said the proposed façade for this home looked like an office building. He showed slides of the streetscape including positioning of a story pole on his property noting the proposed residence has a flat room

not a pitched roof. He showed a view of the stairwell appendage which was about a 13 foot long, solid wall of etched glass. He showed various slides of the views of the proposed project noting visual impacts to his rear yard barbecue area. He said regarding the prominent stone chimney feature and continuing that on a horizontal façade that the chimney would not be visible yet this allowed them a 13-inch encroachment into the setback. He said the renderings showed two trees in the front and that there was only one tree there and not the size shown. He said the rendering of the rear façade also showed a tree but that did not exist and the view there would be the rear of his home. He said the true perspective for this home was the streetscape view and the scale, massing and materials were not compatible with the area.

Mr. Bob Giannini, Oakwood Place, said his home was a California mid-century modernist home and was across the street from this project. He said he wanted to support the project and said it would be a shame and missed opportunity if this home was not built as he thought it would add a lot of excitement and vitality to the street. He said he was an architect and he thought the pictures spoke for themselves. He said the house could not be better articulated, the proportions of the different parts worked well together and the materials matched existing.

Mr. Ramzi Nahas said he also lived across the street from the subject property and thought the proposed design was fantastic and would add diversity to the street. He said he did not think the design was monolithic in scale and would add a lot of vibrancy to the area.

Mr. Rich Durando said his home was to the rear of the Ritchies. He said the back of the house would create sound that would impact the use of their rear yards. He asked the Commission to consider changes to the design to respond to Mr. Bui and others' concerns.

Ms. Sandy Ritchie said they had spoken with a number of neighbors both those who supported and those who opposed their project. She said first and foremost they wanted to protect everyone's privacy. She said they understood their rear neighbors' concerns with privacy but noted there would be foliage and they would have drapery for their windows. She said the critical comments about the design were in their opinion very subjective as to what was appropriate and what was not. She said there were no prevailing styles in the neighborhood and no residential development guidelines. Mr. Allen Ritchie said they had purchased the mid-century modernist home which they loved and had features such as the fireplace they wanted to preserve and enhance. He said it was an older home and needed significant repair. He said they wanted to preserve the home's character and did an extensive search to find the right architect for the project. He said they were expanding their family and wanted to have the house of their dreams.

Mr. Daniel McMahon said he was renovating his nearby mid-century home and they had spent a lot of time considering what the "bones" of their house were. He said regarding

the beautiful opaque glass hallway about 20-foot in length that he was concerned with the light that would emanate from it at night and intrude into his backyard and his new master bedroom. He said in the daytime in the months from May to September he was concerned with glare from such a glass hallway. He said because of the location of the subject property it was a focal point from the street.

Mr. Sanjay Saigal, Oakwood Place, said his home was adjacent to the subject property. He said he had various opinions about what the redesign would look like but the main thing was if it met the regulations and if it did then the style was the property owners' preference.

Ms. Cindy Nathan, Sonoma Avenue, said in 2008 they rebuilt their home in a style called two-story contemporary Prairie. She said the Ritchies' design was beautiful and would add to the neighborhood.

Chair Kadvany closed the public hearing.

Commission Comment: Commissioner Onken said they had received photos with story poles and asked whether staff had been able to review and verify their accuracy. Planner Perata said he had visited the neighbor's property that day and the story poles were on the property line but he could not verify the height, or the distance from the front to the back of the property.

Commissioner Eiref asked about the daylight planes shown for the existing and proposed residence. Planner Perata said the daylight plane for single story in this residential district started at 12-foot six-inches and angled at 45 degrees and for two stories started at 19-foot-six-inches and angled at 45 degrees. Commissioner Eiref noted the existing home intruded into the left setback and asked if the second floor would increase that nonconformity. Planner Perata said the second story was at the required six-foot setback.

Commissioner Ferrick said with other rebuilds such as 207 Hedge Drive that the nonconforming setback had to be brought into conformance with the building of a first and second story. Senior Planner Rogers said the 207 Hedge Drive project was a unique project in that the applicants were planning to save only the nonconforming wall and build around it. He said this project in contrast would fall more into the Commission's historical examples of balancing the retention of the overall house and selected additions. Commissioner Ferrick said the side setback was five-foot-one-inch and they were building the second story, a sheer wall, at the same place which concerned her.

Commissioner Bressler said the top drawing on the left side on sheet A3.3 showed that both stories were on the same setback but on A2.3 it was shown that the second story was set back.

Responding to questions from Commissioner Ferrick, Mr. Cline said the whole side wall on the first floor was the same as existing. He said the stairwell was new and the second story above that was stepped in to comply with the side setback. He said on the driveway side that was all existing wall.

Commissioner Onken said he thought they needed to disregard the photos with the story poles as they were not erected on the exact line of the house. He said he thought the architectural style was fine but the bulk and massing were problems for the neighborhood. He said he could not support the intrusion of the chimney feature into the setback and that the two-story stair on the front of the house was a problem.

Commissioner Eiref said he thought the design was handsome on the front façade. He said looking around the neighborhood that there were a variety of styles and one and two-story homes in the area. He said the neighbors facing the house liked the design. He said on the second story there was a hot tub that tended to bulk out the left hand side he thought.

Commissioner Ferrick said she was not opposed to mid-century modern and if the project met the rule that was fine. She said it was not following the rules as there was a setback encroachment and that was not just for the chimney. She said the window in the master bedroom was a problem for neighbors. She said the project was too intrusive and imposing on the left side.

Commissioner Eiref suggested continuing the project. Commissioner Bressler said he would support that. Commissioner Onken said there were particular items to address through a continuance and he thought the glass hallway was something to be looked at. He said in transitional neighborhoods where homes were going from one-story to two-story it helped to set back the second story more. He said that here the two-story stairwell extending to the front setback was exacerbating the mass impact. He said he would like the architect to come back with some different options.

Chair Kadvany noted the lot was 60-foot in width and although not the required 65-feet, it was substantially more than the 50-foot width lots they often see. He said the Commission did not continue projects lightly and realized there were costs associated with the action but there were also costs to a neighborhood when a project impacts some quality of life. He said definitely the left side wall needed attention.

Commissioner Onken moved to continue the item with direction to look at the bulk and mass particularly along the left hand wall noting he had no objection to the stylistic intent of the house. Commissioner Ferrick seconded the motion. She said also regarding the left hand hallway that the setting sun would hit that side and she thought would create considerable glare. Commissioner Bressler said if the project came back with the front façade the same he would support it as long as the second story was set back more. Commissioner Ferrick said she wanted the large rear window modified to protect the privacy of the neighbors. Commissioner Onken said the matter of the 13-

inches for the chimney projection which encroached into the side setback and extended two stories was not an architectural feature and unnecessary. Commissioner Ferrick said she would accept the direction added by Commissioner Onken.

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

- Reevaluate and soften the bulk and massing of the left-side second story façade
- Modify the etched glass walkway on the second story to reduce glare from lights and the sun;
- Reduce the size of or otherwise modify the second story master bedroom rear window to reduce possible privacy impacts to neighbors; and
- The Planning Commission does not consider the wall/chimney an architectural feature, and therefore, must conform to the required side setback.

Motion to continue carried 6-0 with Commissioner Strehl absent.

D3. Use Permit Revision/Menlo Park Presbyterian Church/700-704 Santa Cruz Avenue: Request for a revision to an existing use permit for a social hall in a commercial building in the SP-ECR/D (El Camino Real/Downtown Specific Plan) zoning district. The revision would extend the expiration date for the use permit from 2014 to 2024. No building modifications are proposed, and all other conditions would remain in effect.

Staff Comment: Senior Planner Rogers said since the publication of the staff report there were two letters of support received for the use permit revision noting one from Molly Ashworth, Z-Ultimate Defense Studio, and the other from Kyun Lee, Bagel Street Café.

Questions of Staff: Responding to a question from Chair Kadvany, Senior Planner Rogers said the Ace Hardware was a retail permitted use and not part of the Commission's action regarding the Menlo Park Presbyterian Church Social Hall, but Ace was a sublease of the Church. He said part of the application was to extend the permit term which would allow the Church to extend the sublease term for Ace Hardware.

Mr. Bill Frimel, Menlo Park Presbyterian Church, said the landlord had offered them a 10-year lease. He said whatever the Church has to pay in terms of property tax and insurance that the Ace Hardware store has to pay its fair share. He said the Church also pays an in-lieu sales tax fee noting it was \$2.47 per square feet. He said if the Commission authorized the use permit revision their new lease term would start in September. He said all other terms of the use permit would remain the same.

Ms. Fran Dehn, Menlo Park Chamber of Commerce, said that this use permit revision was a win-win for the City and the Church, noting it kept buildings occupied and continued a retail use and in-lieu retail sales tax fee.

Mr. Vasile Oros, owner of the Ace Hardware Store, said this was a good relationship for his store, the Church and the City.

Commissioner Ferrick moved to approve the item as recommended in the staff report extending the term by 10 years. Commissioner Bressler seconded the motion.

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

1. Make a finding that the project is categorically exempt under Class 1 (Section 15301, "Existing Facilities") of the current California Environmental Quality Act (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 revision subject to the following **standard** conditions:
 - a. Development of the project shall be substantially in conformance with the plans submitted by the applicant, consisting of two plan sheets, dated received March 31, 2014, and approved by the Planning Commission on May 5, 2014, except as modified by the conditions contained herein, subject to review and approval of the Planning Division.
4. Approve the use permit revision subject to the following **ongoing, project-specific** conditions:
 - a. The social hall shall be limited to the following days and times of operation:
 - i. Monday – Friday:
 1. 7:00 a.m. – 10:00 a.m.; limited to one event per week
 2. 6:00 p.m. – 10:00 p.m.
 - ii. Saturday: 6:00 p.m. – 10:00 p.m.
 - iii. Sunday: 7:00 a.m. – 10:00 p.m.
 - b. Attendance shall be limited as follows:
 - i. Weekday mornings: 75 persons
 - ii. All other times: 250 persons

- c. Youth programs shall be limited to weekends. Attendees at youth programs shall be properly supervised at all times, and loitering before, during, and after the events shall be minimized. The Community Development Director shall review complaints received by the City regarding the youth programs. The Community Development Director shall have the discretion to modify the use permit conditions to address problems and/or bring complaints to the Planning Commission for review.
- d. The facility doors and windows shall be kept closed when live music is being performed and when other amplified sound is being used. The Community Development Director shall review complaints received by the City regarding noise. The Community Development Director shall have the discretion to modify the use permit conditions to address problems and/or bring complaints to the Planning Commission for review.
- e. During the period of the use permit, the applicant or property owner shall pay a fee (plus applicable yearly Business License fees) to the City in lieu of sales tax for the 10,898 square feet of ground-floor area leased by the applicant. The fee for the most recent year (effective April 1, 2013) is set at \$2.47 per square foot. The fee for each year thereafter shall be adjusted annually according to the percentage change in the All Urban Consumer Price Index (CPI) for the San Francisco-Oakland-San Jose area. Any annual sales tax generated for the City by the retail use (currently Ace Hardware) would offset this sales tax in-lieu fee. The procedure for collecting the in-lieu fee shall be established by the Finance Division.
- f. Contact information (e.g., cell phone numbers) for on-site facility supervisors shall be posted in a prominent location on the Menlo Park Presbyterian Church web site.
- g. The use permit shall expire on August 31, 2024, unless the applicant obtains approval of an extension of the use permit.

Motion carried 6-0 with Commissioner Strehl absent.

E. STUDY SESSION ITEMS

- E1. R-4-S Compliance Review/Greenheart Land Co./721-881 Hamilton Avenue:** Study session to review a 195 unit, multi-family residential development relative to the development regulations and design standards of the R-4-S (High Density Residential, Special) zoning district. The Planning Commission's review is advisory only and will be taken into consideration as part of the Community Development Director's determination of whether the proposal is in compliance with the R-4-S development regulations and design standards. ***Continued to the Planning Commission meeting of May 19, 2014***

F. REGULAR BUSINESS

F1. Selection of Planning Commission Chair and Vice Chair for May 2014 through April 2015

Commission Action: M/S Bressler/Kadvany to nominate Commissioner Eiref as Chair.

Motion carried 6-0 with Commissioner Strehl absent.

Commission Action: M/S Eiref/Ferrick to nominate Commissioner Onken as Vice Chair.

Motion carried 6-0 with Commissioner Strehl absent.

G. COMMISSION BUSINESS

There was none.

ADJOURNMENT

The meeting adjourned at 9:11 p.m.

Staff Liaison: Thomas Rogers, Senior Planner

Recording Secretary: Brenda Bennett



PLANNING COMMISSION STAFF REPORT

FOR THE PLANNING COMMISSION
MEETING OF JUNE 9, 2014
AGENDA ITEM C2

LOCATION:	21 Hallmark Circle	APPLICANT:	Wegner Construction
EXISTING USE:	Townhouse	OWNER:	Eric Brandenburg
PROPOSED USE:	Townhouse	APPLICATION:	Architectural Control
ZONING:	R-E-S(X) (Residential Estate Suburban, Conditional Development)		

PROPOSAL

The applicant is requesting architectural control to modify the rear and left side of an existing single-family townhouse by modifying the windows and doors on the rear elevation and enclosing an existing recessed area of approximately 132 square feet on the first and second floors. As part of the proposal, the roof would extend to meet the existing roof line and cover the new floor area, and balconies on the side elevation would be modified to align with new doors. The proposed project is located in the R-E-S(X) (Residential Estate Suburban, Conditional Development) zoning district.

ANALYSIS

Site Location

The subject property is located at 21 Hallmark Circle, near the intersection of Oliver Court, in the Sharon Heights neighborhood. The other nearby parcels are also located within the R-E-S (X) (Residential Estate Suburban, Conditional Development) zoning district, and contain townhomes. These properties were developed through a Conditional Development Permit (CDP), approved in 1974. In this area, the townhome development adjoins Sharon Hills Park, as well as residential properties located within unincorporated West Menlo Park.

Project Description

The subject townhouse is the left side unit of three attached townhouses, and the subject property has two main levels, designed in a split floor plan. The lower level contains the garage, entry, dining room, kitchen, living room, and nook, along with balconies/decks at the rear and inset at the middle of the property. The living room is split from the rest of the first level and is slightly lower. The upper level contains the master bedroom, a second bedroom, and office. Similar to the lower level, the office, located above the living room, is split from the rest of the second level and is slightly lower. At this level, the area above the inset, lower level balcony is open, forming a U-shaped floor plan.

The applicant is proposing to fill in the inset area on both levels, expanding the usable floor space, and to conduct some interior alterations. On the lower level, the former balcony would become a “gallery” area linking the entry and an expanded kitchen. A new protruding balcony would be added in this area. On the upper level, the filled-in open area would become a third bedroom, and a new balcony would be added in this area. An existing balcony located adjacent to the office would be removed. The balcony changes require approval of an easement to intrude into the townhome development’s common area (condition 4a).

The project would not increase the height of the structure, would maintain the existing two-car parking situation, and would remain in compliance with the building coverage limits for the overall townhome development. As a result, the proposed project would be in conformance with the approved CDP.

The project plans are included as Attachment B and the project description letter is included as Attachment C.

Design and Materials

The left and rear elevations of the townhouse are proposed to change, with a slight roof change partially visible from the front elevation. On the rear, windows and doors would be modified at the living room, dining room, and office, which would allow more light into the residence. The expanded roofline for the filled-in area would also be visible from this elevation, and would feature new clerestory windows.

On the left side, the recess would be fully filled in, bringing all of this façade to the same plane. Window changes would be made to reflect the interior room revisions. The new balconies would match the materials on the existing balcony and walkway railings. In all areas, the new windows, siding, and paint color would match the existing conditions. Along the rear and right side, landscaping would continue to screen direct views of the residence.

Staff believes the project would be compatible with the existing architectural style of the development, which features a number of townhomes with similar infill additions. In

addition, the project would have a relatively small impact to the neighbors given the limited scope of work and its location at the side and rear of the residence.

Correspondence

A letter from the Sharon Hills Community Association identifying approval of the project is included as Attachment D.

Conclusion

Staff believes that the project would have minimal impacts to the neighbors given the limited scope of work and the location in areas with existing landscape screening. Additionally, the project would be compatible with the existing architectural style of the development. 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. Adopt a finding that the project is categorically exempt under Class 1 (Section 15301, "Existing Facilities") of the current California Environmental Quality Act (CEQA) Guidelines.
2. Adopt the following findings, as per Section 16.68.020 of the Zoning Ordinance, pertaining to architectural control approval:
 - a. The general appearance of the structure is in keeping with the character of the neighborhood.
 - b. The development will not be detrimental to the harmonious and orderly growth of the City.
 - c. The development will not impair the desirability of investment or occupation in the neighborhood.
 - d. The development provides adequate parking as required in all applicable City Ordinances and has made adequate provisions for access to such parking.
 - e. The property is not within any Specific Plan area, and as such no finding regarding consistency is required to be made.

3. Approve the architectural control request subject to the following **standard** conditions of approval:
 - a. Development of the project shall be substantially in conformance with the plans submitted by the applicant, consisting of seven plan sheets, dated received by the Planning Division on May 19, 2014, and approved by the Planning Commission on June 9, 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 applicant shall comply with all Sanitary District, Menlo Park Fire Protection District, San Mateo County Health Department, and utility company's regulations that are directly applicable to the project.
 - c. Prior to building permit issuance, the applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
 - d. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval of the Planning, Engineering and Building Divisions. Landscaping shall properly screen all utility equipment that is installed outside of a building and cannot be placed underground. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
4. Approve the architectural control request subject to the following **project-specific** condition of approval:
 - a. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a complete application for easement(s) for all proposed or existing balconies intruding into the common area, subject to review and approval of the Engineering Division. The easement(s) shall be approved and recorded prior to the issuance of the building permit.

Report prepared by:
Thomas Rogers
Senior Planner

Report reviewed by:
Arlinda Heineck
Community Development Director

PUBLIC NOTICE & APPEAL PERIOD

Public notification consisted of publishing a meeting 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
- D. Sharon Hills Community Association Approval

EXHIBIT 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 JUNE 9, 2014
AGENDA ITEM C3

LOCATION:	152 Stone Pine Lane	APPLICANT AND PROPERTY OWNER:	Karin Freuler
EXISTING USE:	Townhouse		
PROPOSED USE:	Townhouse	APPLICATION:	Architectural Control
ZONING:	R-3 (Apartment)		

PROPOSAL

The applicant is requesting approval for architectural control for exterior modifications to the front and rear facades of an existing residence in the R-3 (Apartment) zoning district, including the addition of new gross floor area.

ANALYSIS

Site Location

The subject property is located at 152 Stone Pine Lane, off El Camino Real, near the City's northern border (using El Camino Real in a north to south orientation). The contiguous parcels along Stone Pine Lane are also in the R-3 zoning district and occupied by townhomes and associated common space. The nearby properties along El Camino Real are primarily commercial, with the exception of the Atherton Park Forest Apartments located at 1670 El Camino Real, and are located within the El Camino Real/Downtown Specific Plan area. The parcel and the townhomes surrounding the parcel were originally developed under the jurisdiction of San Mateo County as a Planned Unit Development and are known collectively as the Park Forest development. The area represents a variety of architectural styles, and many residents have modified their units, including the addition of gross floor area and/or building coverage, since being annexed into the City of Menlo Park in 1984, subject to Planning Commission architectural control review.

Project Description

The existing townhouse contains approximately 2,156.5 square feet of gross floor area. The existing townhome also includes a 466 square foot garage, which is not included in the calculation of gross floor area. The townhouse consists of three levels with two bedrooms, two-and-a-half bathrooms, and a two-car garage (which was partially converted to storage space). The applicant is proposing to completely reconfigure the interior space on all three levels, which would result in three bedrooms, and three-and-a-half bathrooms, and the conversion of the garage/storage space back into a two car garage. The applicant is also proposing to modify the materials and window system along the front façade, modify the window system on the rear façade, and expand the gross floor area of the second and third levels over the existing balconies. A portion of the balcony along the rear façade on the third level would remain. The proposed additions would not project beyond the outer edges of the existing balconies.

The proposal would result in an increase in the gross floor area of the building, as well as building coverage. The proposed modifications would result in an increase of approximately 452.5 square feet, for a total gross floor area of 2,609 square feet. All the proposed additions would be within the existing footprint. The existing building coverage is 1,395.6 square feet, and the applicant is proposing to add an awning over the front entryway, which would result in a 9.5 square foot increase in building coverage. Therefore, the proposed total building coverage at the site would be 1,371.4 square feet. The proposed modifications require Planning Commission approval for architectural control review. The applicant has submitted a project description letter (Attachment C) that describes the project in more detail.

Design and Materials

On the second level, the applicant is proposing a 124.6-square foot kitchen addition, over the existing balcony. The new exterior front wall would line up with the front edge of the existing balcony. The proposed addition would contain a standing seam metal roof, with two skylights. The applicant is also proposing to enclose the front balcony on the third level to create a new master suite. In addition, the rear balcony would be reduced from 153 square feet to approximately 34.1 square feet. The updated facades would contain aluminum clad windows with a bronze finish, a glass and steel awning over the entryway, wood trim at the roof edge, cement stucco walls, new wood and glass entry doors, and a new glass and metal panel garage door. The rear façade would be primarily composed of new aluminum clad windows, with a similar geometry as the existing window system, with minor changes to the entry on the lower level. The updated balcony would have a painted steel railing. Staff believes that the proposed façade modifications and expansion would be complementary to the existing architectural styles in the development, many of which feature second- and third-story elements close to the front, and would result in a contemporary and cohesive style for the subject residence.

Correspondence

The Park Forest development has four homeowners associations. A letter authorizing review of the project from the applicable homeowners association is included in Attachment D.

Conclusion

Staff believes that the project would result in a consistent architectural style for the individual unit. In addition, the proposed architectural style is complementary to the development as a whole, which includes a variety of materials and architectural styles. The proposed project has been reviewed by the homeowner's association. 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. Adopt a finding that the project is categorically exempt under Class 1 (Section 15301, "Existing Facilities") of the current California Environmental Quality Act (CEQA) Guidelines.
2. Adopt the following findings, as per Section 16.68.020 of the Zoning Ordinance, pertaining to architectural control approval:
 - a. The general appearance of the structure is in keeping with the character of the neighborhood.
 - b. The development will not be detrimental to the harmonious and orderly growth of the City.
 - c. The development will not impair the desirability of investment or occupation in the neighborhood.
 - d. The development provides adequate parking as required in all applicable City Ordinances and has made adequate provisions for access to such parking.
 - e. The property is not within any Specific Plan area, and as such no finding regarding consistency is required to be made.

3. Approve the architectural control request subject to the following **standard** conditions of approval:
- a. Development of the project shall be substantially in conformance with the plans prepared by K. R. Ledford, Architect, consisting of seven plan sheets, dated received by the Planning Division on May 28, 2014, and approved by the Planning Commission on June 9, 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 applicant shall comply with all Sanitary District, Menlo Park Fire Protection District, San Mateo County Health Department, and utility company's regulations that are directly applicable to the project.
 - c. Prior to building permit issuance, the applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
 - d. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval of the Planning, Engineering and Building Divisions. Landscaping shall properly screen all utility equipment that is installed outside of a building and cannot be placed underground. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.

Report prepared by:
Kyle Perata
Associate Planner

Report reviewed by:
Thomas Rogers
Senior Planner

PUBLIC NOTICE & APPEAL PERIOD

Public notification consisted of publishing a meeting 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
- D. Correspondence From Park Forest 1 HOA

EXHIBIT TO BE PROVIDED AT MEETING

Color and Materials Board

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 JUNE 9, 2014
AGENDA ITEM D1

LOCATION: 1691 Bay Laurel Drive **APPLICANT:** William Young

EXISTING USE: Vacant **OWNER:** Charlotte and Jason Pfannenstiel

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

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

	PROPOSED PROJECT	EXISTING DEVELOPMENT	ZONING ORDINANCE
Lot area	17,843 sf	17,843 sf	10,000 sf min.
Lot width	77.6 ft.	77.6 ft.	80 ft. min.
Lot depth	172 ft.	172 ft.	100 ft. min.
Setbacks			
Front	28.1 ft.	n/a ft.	20 ft. min.
Rear	35.2 ft.	n/a ft.	20 ft. min.
Side (left)	13.4 ft.	n/a ft.	10 ft. min.
Side (right)	11.7 ft.	n/a ft.	10 ft. min.
Building coverage	4,171.3 sf 23.4 %	n/a sf n/a %	6,245.0 sf max. 35 % max.
FAL (Floor Area Limit)	5,189.0 sf	n/a sf	5,510.7 sf max.
Square footage by floor	2,990.7 sf/1st 1,508.7 sf/2 nd 563.1 sf/garage 12.7 sf/floor>12' 113.9 sf/attic >5' 617.6 sf/porches and fireplaces		
Square footage of building	5,806.7 sf	n/a sf	
Building height	27.4 ft.	n/a ft.	28 ft. max.
Parking	2 covered	n/a	1 covered/1 uncovered
Note: Areas shown highlighted indicate a nonconforming or substandard situation.			
Trees	Heritage trees 29*	Non-Heritage trees 5**	New Trees 2
	Heritage trees 2 proposed for removal	Non-Heritage trees 3 proposed for removal	Total Number of Trees 31
* One heritage tree is located on the adjacent property to the left (1680 Bay Laurel Drive), one heritage tree is located on the adjacent property to the right (1701 Bay Laurel Drive), and one heritage tree is located on the vacant property to the rear. ** Does not include seven trees that were removed prior to use permit application.			

PROPOSAL

The applicant is requesting a use permit to construct a new two-story, single-family residence on a vacant lot that is substandard with regard to lot width, in the R-1-S (Single Family Suburban) zoning district. Two heritage trees in fair condition are proposed for removal as part of the proposed development.

ANALYSIS

Site Location

The subject site is located on a cul-de-sac at 1691 Bay Laurel Drive, near Brandon Way. The subject site is currently a vacant lot, and 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 a mix of single- and two-story residences in a variety of architectural styles.

Project Description

The applicant is proposing to construct a new two-story, single-family residence with an attached two-car garage. The subject lot is substandard with regard to lot width, with a lot with of 77.6 feet where 80 feet is required. 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 5,189 square feet, inclusive of a 563 square foot two-car garage, where the maximum permissible FAL is 5,510.7 square feet. The proposed building coverage would be approximately 23.4 percent, where 35 percent is the maximum permissible. The new residence would consist of five bedrooms and four-and-a-half bathrooms, with one bedroom located on the first floor, and the remaining four bedrooms on the second floor. The proposed residence would comply with front, side, and rear yard setback requirements.

The attached two-car garage would comply with minimum depth and width requirements, and would meet all on-site parking requirements. The overall height of the residence would be 27 feet, four inches below the maximum permissible height of 28 feet, with the majority of the roof below 26 feet in height, and the proposed structure would comply with 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 residence is designed in the California traditional style, with traditional design elements such as broad corniced roof eaves, box-out windows with gable ends, and a prominent front porch. The roof includes a mix of hip and gable roof forms clad with composition shingles. The walls would be clad with horizontal wood lap siding, accented by river rock stone veneer for the chimneys and the base of

the front porch. Decorative elements include wood trims, wood paneling, wood trellises, wood railing, and decorative chimney caps. Although the design features a two-car garage along the front, its massing is minimized through the offsetting of walls, the use of single garage doors, a decorative gridded door design, and wood trellises.

The proposed windows would consist of aluminum simulated true-divided light windows with interior and exterior grids and spacer bars between the glass. Although the project proposes a two-story residence, the applicant has taken measures to protect the privacy of their immediate neighbors. Second story windows along the side elevations are generally minimized, with higher sill heights to promote privacy. While the left elevation features a clerestory staircase window, the applicant is proposing to plant giant bamboo outside the window to help preserve privacy. Additionally, skylights are proposed along the right side elevation to promote privacy while providing access to natural light.

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

Trees and Landscaping

The subject site currently has 34 trees, which includes 29 heritage trees that are on or near the property. Seven non-heritage trees (six English walnut and one olive) have already been removed from the site prior to the application for the use permit. 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 five trees are proposed for removal, including two heritage trees and three non-heritage trees. The two heritage trees that would be removed include a 17-inch diameter English walnut in fair condition in the rear yard (tree #16) and a 13-inch diameter coast live oak in fair condition in the front yard (tree #40). The City Arborist has reviewed the proposed removals and provided tentative approval for the removal of both heritage trees based on construction impacts with the English walnut and structural issues with the coast live oak. The applicant proposes to plant two 24-inch box snow-in-summer ('*melaleuca linariifolia*') trees in the front and left side yard to replace the two heritage trees proposed for removal, as shown on the proposed site plan. The snow-in-summer has evergreen foliage, and would contribute to privacy screening with adjacent neighbors. The recommendations for tree protection identified in the arborist report shall be implemented through condition 3.g.

While a total of ten non-heritage trees (including seven trees that have already been removed and three trees proposed for removal) would be removed, replacement trees are not required for their removal. Given that the subject site is already heavily wooded, staff believes that the removal of ten non-heritage trees would not significantly degrade the landscaping on the site. Furthermore, planting any significant numbers of additional new trees beyond the two replacement trees may result in these trees

competing with each other for sunlight and nutrients.

According to the project arborist, none of the trees proposed to be retained will sustain life threatening impacts as a result of the proposed project, and all are expected to survive with the exception of tree #39, a 21.9-inch diameter coast live oak in fair condition located in the front yard. The arborist report states that tree #39 has a steel fence stake imbedded into the trunk of the tree along with other structural issues (i.e., excess end weight on the lateral limbs, its root crown is covered, and it has interior deadwood) that would make it a good candidate for removal. Although the project arborist recommends removing this tree, the applicant has expressed a strong desire to retain it, and has designed the walkway and driveway to circumvent it to the extent possible in an effort to continue to preserve it.

Correspondence

The applicant's initial proposal included a two-story residence with a full basement, larger second floor, and pool cabana. In the course of reviewing this application, the subject property was sold to the present owners, Charlotte and Jason Pfannenstiel, who have reached out to the neighbors and revised the proposal to address their concerns. Staff and the applicant have updated the neighbors regarding major project revisions, and met with the neighbors at 330 August Circle and 1680 Bay Laurel Drive to discuss their concerns.

Eight neighbors have provided feedback on the initial proposal and/or subsequent revisions (Attachment E), and their comments are summarized below:

- Maria Gomes and Joseph Andresen, residents of 1715 Bay Laurel Drive, stated concerns over the massing, privacy, access to natural light, impacts to heritage oak trees, soil stability near the creek due to excavation, and potential flooding from an increase in impermeable surfaces.
- Barbara and Robert Berkowitz, residents of 360 Brandon Way, expressed concerns over privacy, and the massing and setbacks of the proposed residence.
- Paul and Laurie Goldman expressed concerns over compliance with the daylight plane, impacts to heritage trees, parking impacts during construction, and the overall mass of the residence.
- Julie McEvilly and David Roman, residents of 345 August Circle, expressed that the massing of the residence is too large and does not fit in with the neighborhood, and concerns over potential impacts to trees.
- Michael Henkin, resident of 330 August Circle, expresses concerns over privacy, the setback of the second story, impacts to trees and tree canopies, and the large overall scale of the development.
- Brett and Wendy Fisher, residents at 1680 Bay Laurel Drive (adjacent neighbor to the left), expressed concerns over impacts to privacy, large massing of the house, access to natural light, and impacts to trees and tree canopies. An evaluation of four coast live oak trees on or close to 1680 Bay Laurel Drive was prepared by an independent arborist (Barrie D. Coate and Associates) and submitted as part of their comment letter. The evaluation included observations

on the existing conditions of these four trees and recommendations for their preservation.

- Daphne and Roger Royse, residents of 1701 Bay Laurel Drive (adjacent neighbor to the right), expressed concerns over the impacts to two heritage live oak trees on their property. Ms. Royse has subsequently indicated that she has no further comments on the building, and that she would like to see the project implement the project arborist's tree protection recommendations.
- Brad O'Brien, resident at 1655 Bay Laurel Drive (adjacent neighbor to the rear), expresses full support for the proposed project.

The table below summarizes the concerns raised by the neighbors, and the revisions to the proposed project that the applicant has already incorporated, with the intent of addressing these concerns:

Neighbors' Concerns	Revisions to the Project
1) Potential impacts to trees due to construction and excavation.	<ul style="list-style-type: none"> ○ The basement has been eliminated; and, ○ Tree protection plan has been revised to expand the tree protection zones, consistent with the recommendations of the project arborist and the City Arborist.
2) Overall height, size, massing, and placement of the proposed structure are not consistent with those of the surrounding neighborhood.	<ul style="list-style-type: none"> ○ The setbacks have increased on both the first and second floors; ○ The cabana building originally proposed in the rear yard has been eliminated; ○ The second floor has been reduced in size due to master bedroom being moved to the first floor, reducing building mass; and, ○ The first floor has increased in size due to relocating the master bedroom onto this floor.
3) Massing of structure limits access to natural light.	<ul style="list-style-type: none"> ○ Side setbacks on the second floor have been increased. Additionally, the structure will comply with the City's daylight plane requirements.
4) The need for a design that promotes greater privacy.	<ul style="list-style-type: none"> ○ There is an overall reduction in the number and size of windows, and the heights of window sills have been raised. On the left side elevation on the second floor, window sill heights for the bedrooms have all been raised to 5 feet, 6 inches; ○ On the second floor, window seats

	<p>previously proposed at the bay windows have been removed;</p> <ul style="list-style-type: none"> ○ Bamboo is proposed to be planted at the staircase window on the left elevation to provide privacy screening; and, ○ Two replacement trees are identified in conjunction with the proposed removal of two heritage trees. Both replacement trees are evergreens (snow-in-summer, 'melaleuca linariifolia'), and would be planted along the left side property line, with one along the street in the front, and one towards the middle of the left side yard to provide screening for privacy;
5) Soil stability concerns due to excavation for the basement and the pool.	<ul style="list-style-type: none"> ○ The basement has been eliminated; and, ○ The pool is not part of the current proposal, and any future proposal for a pool would require a soils report to ensure soil stability.
6) On-street parking impacts during construction.	<ul style="list-style-type: none"> ○ The applicant will work with the builder and their team on a suitable parking arrangement in order to minimize congestion on the cul-de-sac.
7) Noise generation from the use of the rear covered porch.	No changes are proposed to the location of the rear covered porch.

Staff believes the applicant has made a good-faith effort to address the concerns expressed by the neighbors. Several issues, such as access to natural light, soil stability, and noise impacts would be governed by the daylight plane requirements, building code regulations, and the noise ordinance, respectively. While the overall height of the proposed residence is 27 feet, four inches, the majority of the roofline would be below 26 feet, which is consistent with the overall height range from 22 feet, six inches to 27 feet, nine inches for two-story residences in the immediate vicinity. Staff believes the scale of the proposal is consistent with other nearby residential properties.

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 minimized and designed with high sill heights to reduce the potential for privacy impacts. Tree protection measures would limit the potential 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 J Maliksi and Associates, consisting of 15 plan sheets, dated received on June 2, 2014, and approved by the Planning Commission on June 9, 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:

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 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 Mayne Tree Expert Company, Inc., dated revised on April 28, 2014
- E. Correspondence
 - Email from Maria Gomes and Joseph Andresen, 1715 Bay Laurel Drive, dated February 11, 2014
 - Letter from Barbara and Robert Berkowitz, 360 Brandon Way, dated received February 13, 2014

- Letter from Paul and Laurie Goldman dated February 14, 2014, letter dated April 3, 2014, and email dated April 7, 2014
- Email from Julie McEvilly and David Roman, 345 August Circle, dated February 14, 2014
- Emails from Michael Henkin, 330 August Circle, dated February 14, 2014, March 30, 2014, and June 1, 2014
- Letters from Brett and Wendy Fisher, 1680 Bay Laurel Drive, dated February 14, 2014 and April 2, 2014
- Emails from Daphne and Roger Royse, 1701 Bay Laurel Drive, dated February 17, 2014 and June 4, 2014
- Emails from Brad O'Brien, 1655 Bay Laurel Drive, dated March 3, 2014 and May 22, 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 JUNE 9, 2014
AGENDA ITEM D2

LOCATION: 324 Haight Street

APPLICANT AND OWNER: Danny Vo

EXISTING USE: Vacant

PROPOSED USE: Single-Family Residence

APPLICATION: Use Permit, Variances

ZONING: R-1-U (Single-Family Urban Residential)

	PROPOSED PROJECT	EXISTING DEVELOPMENT	ZONING ORDINANCE
Lot area	3,892 sf	3,892 sf	7,000 sf min.
Lot width	n/a ft.	n/a ft.	65 ft. min.
Lot depth	~61 ft.	~61 ft.	100 ft. min.
Setbacks			
Front	20.0 ft.	n/a ft.	20.0 ft. min.
Rear	10.0 ft.*	n/a ft.	20.0 ft. min.
Side (left)	2.5 ft.*	n/a ft.	5.0 ft. min.
Side (right)	n/a ft.	n/a ft.	n/a ft. min.
Building coverage	974.0 sf 25.0 %	n/a sf n/a %	1,362.2 sf max. 35.0 % max.
FAL (Floor Area Limit)	1,800 sf	n/a sf	Established by use permit
Square footage by floor	712.0 sf/1st 758.0 sf/2nd 93.0 sf/hts. >12' 237.0 sf/att. garage 25.0 sf/porch	n/a sf	
Square footage of building	1,825 sf	n/a sf	
Building height	25.8 ft.	n/a ft.	28 ft. max.
Parking	1 covered/1 uncovered	n/a	1 covered/1 uncovered
Note: Areas shown highlighted indicate a nonconforming or substandard situation.			

Trees	Heritage trees 15	Non-Heritage trees 0	New Trees 4
	Heritage trees 8	Non-Heritage trees 0	Total Number 11
	proposed for removal	proposed for removal	of Trees
* Variance approval is being requested for these encroachments.			

PROPOSAL

The applicant is requesting a use permit to determine the Floor Area Limit (FAL) for a lot with less than 5,000 square feet of developable area, and to construct a two-story, single-family residence on a substandard lot in the R-1-U (Single Family Urban) zoning district. The proposal includes a request for variances for the building to encroach into the rear and side setbacks, and for a second-level deck to encroach into the rear balcony setback. As part of the proposed development, eight heritage oak trees in fair to good condition are proposed for removal.

ANALYSIS

Site Location

The subject site is located at 324 Haight Street, a small, vacant parcel located between 320 Haight Street and the US-101 right-of-way. Like some other properties in the vicinity, the subject parcel's original boundaries have been impacted by land acquisitions for US-101, and associated actions. A Caltrans project is currently underway to reconfigure the adjacent US-101/Willow Road interchange, although tentative plans for that project do not appear to show direct impacts on the subject parcel.

As a three-sided parcel, the subject property has a front property line (the line adjacent to the Haight Street right-of-way), a rear property line (the line most directly opposite the front, which in this case is adjacent to 320 Haight Street), and one side property line (the remaining line, adjacent to US-101). These designations are established by the Zoning Ordinance's definitions for lot lines.

The subject parcel is surrounded by parcels that are likewise in the R-1-U zoning district, and which are occupied by single-family residences. The nearby properties feature a variety of architectural styles and scales, although single-story ranch/bungalow designs are the most common.

Project Description

The applicant is proposing to construct a new, two-story residence on the subject parcel, which would require a FAL (Floor Area Limit) determination, variances for building and balcony setbacks, and eight heritage tree removal permits, all of which are discussed in more detail later in this report. The new structure would be a three-bedroom, two-and-a-half bath residence, with the bedrooms and the two full baths located on the second level.

The new residence would have a FAL (Floor Area Limit) of 1,800 square feet (including 93 square feet on the second level featuring an interior height greater than 12 feet, which is counted at 200 percent in two-story buildings), as discussed in more detail in a following section. The building coverage would be 25 percent, below the two-story maximum of 35 percent. The maximum height of the residence would be 25.8 feet,

below the maximum permissible height of 28 feet. In addition, the maximum height would only occur in a relatively limited portion of the structure, with remainder of the residence featuring typical heights of between 14.3 and 19.4 feet. The proposal would comply with the daylight plane requirements on the single side property line, as measured at the requested (variance) setback line.

The proposal would include a small deck on the second level, adjacent to the master bedroom and above the garage, which would provide additional usable outdoor space on this small parcel. The residence would comply with the off-street parking requirements, with one garage space, and one uncovered space located within the rear setback.

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

Design and Materials

The residence would feature a style described by the architect as simple and modern. The proposed materials would help distinguish the building forms and uses, featuring smooth stucco on the main building mass, with stained horizontal cedar siding used as an accent feature. The garage/deck element would be sided with square-edged rainscreen boarding, for further variation and interest. A metal edge would be used to distinguish the roof line, and a steel cable railing would be used for a portion of the upper level deck. The driveway would feature pavers, and a separate pedestrian walkway would lead directly from the street to the front door. The architect has stated that the residence is designed to provide a visual “foil” to the US-101 sound wall on the side property line. Staff believes that the scale, materials, and style of the proposed development are in keeping with those of the greater neighborhood.

Floor Area Limit (FAL) Determination

The subject parcel has a lot area of 3,991 square feet. In the R-1-U zoning district, the FAL for lots with less than 5,000 square feet of area is determined through the use permit process. Within this zoning district, lots with 5,000 to 7,000 square feet of area have a FAL of 2,800 square feet, which represents 56 to 40 percent of the lot area, respectively. For the subject parcel, the proposed FAL of 1,800 square feet represents approximately 46 percent of the lot area. Staff believes that the proposed project is a reasonable FAL for this lot area, in that it is within the percentage range enjoyed by parcels of 5,000 to 7,000 square feet in size, and thus is roughly proportional to other properties in the vicinity.

Variance

As part of this proposal, the applicant is requesting variances to the following standards:

Standard	Requirement	Variance Request
Rear Setback	20 feet	10 feet
Side Setback	5 feet	2.5 feet
Balcony Rear Setback	30 feet	15 feet

As required by the Zoning Ordinance, none of the variances would exceed 50 percent of the respective standard. The applicant has provided a variance request letter that has been included as Attachment D. The required variance findings are evaluated below in succession:

1. *That a hardship peculiar to the property and not created by any act of the owner exists. In this context, personal, family or financial difficulties, loss of prospective profits and neighboring violations are not hardships justifying a variance. Further, a previous variance can never have set a precedent, for each case must be considered only on its individual merits;*

Relative to other properties in the vicinity, the subject parcel is both unusually small and oddly-shaped. The three-sided nature of the parcel, in combination with the Zoning Ordinance's lot line definitions and setback requirements, create a uniquely small area for the permitted building footprint. This is relayed visually in an exhibit included with the variance letter, which shows that only 593 square feet are available in the official building envelope, of which 231 square feet (39 percent of the total) would be occupied by a required one-car garage. These hardships are unique to the property, and have not been created by an act of the owner.

2. *That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other conforming property in the same vicinity and that a variance, if granted, would not constitute a special privilege of the recipient not enjoyed by his/her neighbors;*

As noted above, the allowable building footprint is extremely limited, and would be dominated by the required garage element. Absent the requested building setback variances, a single-family residence with a proportional FAL does not appear feasible. Similarly, the balcony setback variance would provide usable, private space for the master bedroom, which otherwise would be difficult to achieve on this uniquely small lot. The variances would thus be necessary for the preservation and enjoyment of substantial property rights possessed by other conforming property. Given that other properties in the vicinity do not have similar constraints with regard to size and shape, the requested variances would not represent a special privilege.

3. *That the granting of the variance will not be materially detrimental to the public health, safety, or welfare, or will not impair an adequate supply of light and air to adjacent property; and*

The residence would generally be oriented to the side fronting the US-101 right-of-way, and as such should have limited impacts on the adjacent residential parcels. On the property line directly adjoining 320 Haight Street, the requested 10-foot rear setback would well exceed the equivalent five-foot side setback on the neighboring property, and the main building element in this area (the garage) would be limited to one story. The second-level deck would be limited in size and set back 15 feet, which is close to the 20-foot requirement for side property lines. No variances are requested on the front, which is the part of the property that would have the most effect on Haight Street as a whole. As such, granting of the variances would not be materially detrimental to the public health, safety, or welfare, and will not impair an adequate supply of light and air to adjacent property.

4. *That the conditions upon which the requested variance is based would not be applicable, generally, to other property within the same zoning classification.*

Although there are a few other parcels in the area with unusual shapes and sizes, these are clear exceptions to the prevailing neighborhood standard of R-1-U lots with a rectangular shape and an area of approximately 6,500 square feet. In addition, even among the other non-rectangular lots, the subject parcel is uniquely small and oddly-shaped. As such, the conditions on which the variances are based are not generally applicable to other property in the same zoning classification.

5. *That the condition upon which the requested variance is based is an unusual factor that was not anticipated or discussed in detail during any applicable Specific Plan process.*

The property is not within any Specific Plan area, and as such no finding regarding an unusual factor is required to be made.

Due to the above factors, staff is recommending approval of the variance requests, and has included findings to that effect in the recommended actions.

Trees and Landscaping

The applicant has submitted an arborist report (Attachment D) detailing the species, size, and conditions of the significant 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. All recommendations identified in the arborist report shall be implemented through condition 4.g.

The subject parcel is well-forested, with a total of 15 oak trees currently located on the small site. The trees do not appear to be deliberately planted, and in some cases, trees are located close together and may be competing for light and nutrients.

The applicant is proposing the following tree removals:

<u>Tree Number</u>	<u>Tree Type</u>	<u>Diameter</u>	<u>Location on Property</u>	<u>Condition</u>	<u>Basis for Removal Request</u>
#1	Coast live oak	32 inches	Front-right	Fair	To improve health of Tree #3
#2	Coast live oak	27 inches	Front-right	Fair	To improve health of Tree #3
#4	Coast live oak	22 inches	Rear-middle	Fair	Construction
#5	Coast live oak	18 inches	Rear-middle	Good	Construction
#6	Coast live oak	19 inches	Rear-middle	Fair	Construction
#7	Coast live oak	36 inches	Rear-left	Fair	Construction; to improve health of Tree #8
#9	Coast live oak	22 inches	Middle	Good	Construction
#10	Coast live oak	16 inches	Front-middle	Good	Construction

The City Arborist has tentatively granted approval for these removals, due to the reasons stated above. The applicant is proposing four new trees (including two new coast live oaks at the far rear-left corner of the site), which would not meet the heritage tree replacement guideline for replanting at a 1:1 ratio. However, the City Arborist has waived the strict application of this guideline due to the small size of the site and the fact that seven heritage oak trees would remain.

Flood Zone

The subject property is located within the “AH” zone established by the Federal Emergency Management Agency (FEMA). Within this zone, floodproofing techniques are required for new construction and substantial improvements of existing structures. Stated in general terms, for the proposed slab foundation type, the first story finished floor elevation is required at or above the base flood elevation for this site. As shown on the building sections (Attachment B10), the first floor level (25.1-25.2 feet) would be above the base flood elevation (25.0 feet). The Public Works Department has reviewed and tentatively approved the proposal for compliance with FEMA regulations.

Correspondence

Staff has not received any letters in reference to the proposed project. The applicant has summarized their own outreach, which is included as part of Attachment C.

Conclusion

Staff believes that the materials and style of the residence would be in keeping with the overall neighborhood. The requested floor area ratio is consistent with what would be permissible for lots of between 5,000 and 7,000 square feet in size. The variances

would be based on a unique hardship, and would not be generally applicable to other property in the same zoning classification. The heritage tree removals would be necessary to construct a residence on this small site, and the remaining trees would be protected in compliance with the Heritage Tree Ordinance. Staff recommends that the Planning Commission approve the proposed use permit.

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. Make the following findings as per Section 16.82.340 of the Zoning Ordinance pertaining to the granting of variances:
 - a. Relative to other properties in the vicinity, the subject parcel is both unusually small and oddly-shaped. The three-sided nature of the parcel, in combination with the Zoning Ordinance's lot line definitions and setback requirements, create a uniquely small area for the permitted building footprint. These hardships are unique to the property, and have not been created by an act of the owner.
 - b. The allowable building footprint is extremely limited, and would be dominated by the required garage element. Absent the requested building setback variances, a single-family residence with a proportional FAL does not appear feasible. Similarly, the balcony setback variance would provide usable, private space for the master bedroom, which otherwise would be difficult to achieve on this uniquely small lot. These variances would allow for the preservation and enjoyment of substantial property rights possessed by other conforming property in the same vicinity. Given that other properties in the vicinity do not have similar constraints with regard to size and shape, the requested variances would not represent a special privilege.
 - c. The residence would generally be oriented to the side fronting the US-101 right-of-way, and as such should have limited impacts on the adjacent residential parcels. On the property line directly adjoining 320 Haight Street,

the requested 10-foot rear setback would well exceed the equivalent five-foot side setback on the neighboring property, and the main building element in this area (the garage) would be limited to one story. The second-level deck would be limited in size and set back 15 feet, which is close to the 20-foot requirement for side property lines. No variances are requested on the front, which is the part of the property that would have the most effect on Haight Street as a whole. As such, granting of the variances would not be materially detrimental to the public health, safety, or welfare, and will not impair an adequate supply of light and air to adjacent property.

- d. The prevailing neighborhood standard is of R-1-U lots with a rectangular shape and an area of approximately 6,500 square feet. The subject parcel is uniquely small and oddly-shaped relative to this standard. As such, the conditions on which the variances are based are not generally applicable to other property in the same zoning classification.
 - e. The property is not within any Specific Plan area, and as such no finding regarding an unusual factor is required to be made.
4. Approve the use permit and variances subject to the following **standard** conditions:
- a. Development of the project shall be substantially in conformance with the plans prepared by John Onken Architects, consisting of 11 plan sheets, dated received May 27, 2014, and approved by the Planning Commission on June 9, 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 applicants shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.
 - c. Prior to building permit issuance, the applicants shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
 - d. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval of the Planning, Engineering and Building Divisions. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
 - e. Simultaneous with the submittal of a complete building permit application, the applicant shall submit plans indicating that the applicant shall remove and replace any damaged and significantly worn sections of frontage improvements. The plans shall be submitted for the review and approval of the Engineering Division.

- f. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a Grading and Drainage Plan for review and approval of the Engineering Division. The Grading and Drainage Plan shall be approved prior to issuance of a grading, demolition or building permit.
- g. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance.

Report prepared by:
Thomas Rogers
Senior Planner

Report reviewed by:
Arlinda Heineck
Community Development Director

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
- D. Variance Letter
- E. Arborist Report, prepared by Kielty Arborist Services, received April 16, 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 JUNE 6, 2014
AGENDA ITEM D3

LOCATION:	300 Constitution Drive	APPLICANT:	Tony Kim, Town Consulting for Sprint
EXISTING USE:	Industrial Campus with Wireless Telecommunications Facility	OWNER:	Tyco Electronics Corp
PROPOSED USE:	Industrial Campus with Wireless Telecommunications Facility	APPLICATION:	Use Permit Revision
ZONING:	M-2 (General Industrial)		

PROPOSAL

The applicant is requesting a use permit revision to modify an existing wireless telecommunications facility located on the roof of an existing building in the M-2 (General Industrial) zoning district. An existing radome would be removed and a new shelter is proposed to house three existing antennas, three proposed antennas and associated equipment. Utility transmission and distribution facilities are allowed in any zoning district subject to Planning Commission approval of a use permit.

BACKGROUND

On April 2, 2001, the Planning Commission approved a use permit to locate three panel antennas on an antenna tower, located on the roof of Building 105 (addressed 300 Constitution Drive) of the TE Connectivity (formerly known as Tyco Electronics) campus, for Sprint PCS for a period of five years from the date of installation. On July 16, 2007, Sprint PCS received Planning Commission approval of its renewal application

to continue operating at the site without a time limit. Sprint did not modify the antennas at that time. On May 21, 2012, the Planning Commission approved Sprint's request for a use permit to modify its existing wireless telecommunications facility located on the roof of the subject building. The proposal included replacing three existing antennas, enclosed within a radome and located on a tripod, with new equivalent antennas, and adding an additional radome containing three panel antennas to the roof. However, Sprint did not go forward with the proposal, and the use permit is no longer in effect. Metro PCS, AT&T, and Nextel have also obtained approvals to operate wireless telecommunications facilities at the subject property. The locations of these facilities are identified in the summary table below.

Carrier	Most Recent Approval Date	Location
Metro PCS	3/26/2007	305 Constitution Drive, Building A
Nextel	12/17/2007	307 Constitution Drive, Building E
AT&T	6/13/2011	300 Constitution Drive, (PG&E Transmission Tower)

ANALYSIS

Antennas are subject to review by the Planning Commission through the use permit process. The use permit allows the Planning Commission to determine whether the use is appropriate at the proposed location and consider the aesthetics of the site with and without the antennas and associated equipment. The Federal Communications Commission (FCC) establishes requirements for radio frequency (RF) emissions, with which wireless telecommunication providers must comply. Federal law preempts certain local regulations, and the City's decision on the requested use permit cannot be based on concerns over radio frequency emissions. As discussed below, the applicant has submitted a RF Emissions Compliance Report, which illustrates that the proposed revisions to the existing cell site comply with FCC requirements. In making a decision on this project, the Commission should consider whether the antennas are aesthetically appropriate for the site.

Site Location

The project site is located at 300 Constitution Drive, and is part of the M-2 (General Industrial) zoning district. Chilco Street and Bayfront Expressway in part, bound the TE Connectivity campus, which is currently developed with multiple industrial buildings.

The adjacent parcel to the north of the subject site, using Bayfront Expressway in east to west orientation, is located in the Flood Plain (FP) zoning district and consists of wetlands. The parcel to the east of the subject site, zoned M-2(X)(General Industrial, Conditional Development), was originally part of the TE Connectivity Campus and is now being developed as Facebook's West Campus. Parcels to the south of the site across Chilco Street and the Dumbarton Rail Corridor are zoned P-F (Public Facilities), R-1-U (Single-Family Urban Residential), and R-3(X) (Apartment, Conditional

Development). These parcels are generally occupied by single family homes as well as public facilities such as the Onetta Harris Community Center, Beechwood School, and Menlo Park Fire District Station #77. Parcels to the west of the subject site are located in the M-2 (General Industrial) zoning district and contain office, light manufacturing, and warehouse uses.

Project Description

The subject site currently contains three Sprint panel antennas mounted on a tripod located on the roof of the existing building. The existing antennas are completely contained within a radome (cylindrical enclosure), which is painted to match the building and provides a level of visual screening for the panel antennas. Associated equipment is located within an existing chain link enclosure on the ground, adjacent to the east side of the building.

Sprint is proposing to remove the existing radome and construct a new shelter to house the three existing antennas, three proposed antennas and associated equipment. The shelter would consist of a concealment screen that would be painted, textured and finished to match the stucco of the exterior building walls. The height of the proposed shelter would be 42 feet above grade, which is equivalent to the existing radome. The proposed shelter would be located toward the middle of the northern edge of the rooftop, approximately 100 feet from the existing radome. The existing GPS antenna would remain on the eastern edge of the roof. The applicant has submitted photo simulations, included as Attachment F of this staff report, which show the existing and proposed changes to the facility from the surrounding areas. The proposed shelter would be 13 feet in height to completely screen the antennas and associated equipment.

The applicant is proposing minor additions to the equipment in the existing Sprint lease area at the base of the building within two existing cabinets. The ground mounted equipment is located within a chain link enclosure. The project plans, which illustrate the placement of these elements on the roof and at the base of the building, are included as Attachment B of this staff report. The applicant has provided a project description letter, which discusses the proposal in more detail (Attachment C).

Aesthetics

In reviewing the request, the Planning Commission should consider the potential visual impacts of the proposed project, which includes both the equipment at the base of the building, as well as the proposed antennas. The equipment is located adjacent to the building, within a chain link enclosure. The equipment is generally screened from view from the public right-of-way and neighboring properties by existing landscaping both internal to the campus and along Chilco Street.

As discussed previously, antennas are already mounted on the roof and all antennas would be contained within a shelter, fully screening the antennas. The shelter would be

painted, textured and finished to match the stucco of the exterior building walls. The antenna shelter would look similar to a vent shaft, which can be a common feature of this type of light industrial building. Although the proposed shelter is located near Bayfront Expressway and Chilco Street, staff believes the shelter's location on the roof of the existing building would limit the potential visual impact. In addition, the speed of vehicle traffic along Bayfront Expressway would limit the ability of drivers to perceive a visual impact from the proposed antennas. The applicant has provided photo simulations in Attachment F.

Service Coverage and Radio Frequency

The Sprint modification is currently being implemented to improve capacity within the existing coverage area. The proposed antennas would allow Sprint to provide improved data service to the area and is intended to allow for faster wireless data transfers and overall improved wireless service to the area. Coverage maps showing the existing and proposed coverage with the proposed antennas are included in Attachment D. Because the proposal primarily affects data speed, the coverage maps show little to no coverage area change.

The applicant has submitted a radio frequency report (Attachment E) that concludes the proposed facility would comply with the prevailing standards for limiting human exposure to radio frequency energy and would not cause a significant impact on the environment. The equipment and antennas would not be accessible to the public, and warning and emergency shutdown procedure signs would be posted around the antennas and equipment, and at the access points.

Correspondence

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

Conclusion

The proposed antennas would improve existing service with regard to the data service coverage and overall improved wireless service to the area. While the number of antennas is increasing, the antennas would be enclosed within a shelter on the roof of the building, limiting the visual impact of the facility. Staff also believes that travel speeds on Bayfront Expressway would minimize the visibility of the antennas. Staff recommends that the Planning Commission approve the proposal to construct a new shelter to house three existing antennas, three proposed antennas and associated equipment.

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 necessary findings, pursuant to section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of the proposed use, and will not be detrimental to property and improvements in the neighborhood or general welfare of the City. *(Due to the Federal Communications Commission (FCC) preemption over local law regarding concerns over health where the proposed facility meets FCC requirements, staff has eliminated the standard finding for "health" with respect to the subject use permit.)*
3. Approve the use permit subject to the following **standard** conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by Town Consulting dated received May 28, 2014, consisting of eleven plan sheets and approved by the Planning Commission on June 9, 2014 except as modified by the conditions contained herein.
 - b. Prior to building permit issuance, the applicant shall comply with all County, State, and Federal regulations that are directly applicable to the project.
 - c. Prior to building permit issuance, the applicant shall comply with all requirements of the Building Division that are directly applicable to the new construction.
 - d. If the antennas or any portion of the antennas and associated mechanical equipment discontinue operation at the site, the antennas and associated equipment shall be removed from the site within 30 days.

Report prepared by:
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Contract Planner

Report reviewed by:
Thomas Rogers
Senior Planner

PUBLIC NOTICE & APPEAL PERIOD

Public notice 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. The 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 will be determined by the City Council.

ATTACHMENTS

- A. Location Map
- B. Project Plans
- C. Project Description Letter
- D. Existing and Proposed Coverage Maps
- E. Radio Frequency Report prepared by EBI Consulting, dated February 25, 2014
- F. Photo Simulations

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.

EXHIBITS TO BE PROVIDED AT MEETING

- Color version of existing and proposed coverage maps
- Color version of photo simulations

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