PLANNING COMMISSION ACTIONS

August 14, 2006
7:00 p.m.
City Council Chambers
701 Laurel Street, Menlo Park, CA 94025

Teleconference with participation by Commissioner Keith from:
13073 Northwoods Blvd.
Truckee, CA. 96161

(Posted August 11, 2006)

CALL TO ORDER – 7:02 p.m.

ROLL CALL – Bims (Chair), Deziel, Keith (Vice-chair)(via teleconference), O'Malley, Pagee, Riggs (arrived at 7:03), Sinnott

INTRODUCTION OF STAFF – Deanna Chow, Senior Planner, Megan Fisher, Assistant Planner, Arlinda Heineck, Director of Community Development, Thomas Rogers, Assistant Planner

A. PUBLIC COMMENTS - None

B. CONSENT ITEMS – None

C. PUBLIC HEARING

1. **Use Permit/Timothy C. Chappelle/225 Arden Road:** Request for a use permit to demolish an existing single-story, single-family residence and construct a new two-story, single-family residence on a substandard lot in regard to lot size in the R-1-S (FG) (Single-Family Suburban, Felton Gables) zoning district. **COMMISSION ACTION:** M/S Pagee/Riggs to approve as recommended in the staff report, 7-0.

2. **Use Permit/Grace S. Chizar/1201 University Drive:** Request for a use permit to demolish an existing single-story, single-family residence and construct a new two-story, single-family residence on a substandard lot in regard to lot size and width in the R-1-U (Single-Family Urban) zoning district. **COMMISSION ACTION:** M/S Bims/Pagee to continue the item to the regular meeting of August 28, 2006; 7-0.

3. **Use Permit/Jo Ann Sweeney/1311 Henderson Avenue:** Request for a use permit to determine the Floor Area Limit (FAL) of a substandard lot with less than 5,000 square feet of area, associated with the construction of a two-story addition to an existing single-story, nonconforming residence that would exceed 50 percent of the replacement cost of the existing structure in a 12-month period in the R-1-U (Single-Family Urban) zoning district. **COMMISSION ACTION:** M/S Riggs/O'Malley to deny the project without prejudice; 5-1 with Keith opposed and Bims not participating and not in the room due to a conflict of interest.

    1. Make a finding that the project is categorically exempt under Class 1 of the current State CEQA Guidelines.

2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed design of the two-story addition lacks proportion and rhythm, and would not blend with or enhance the surrounding neighborhood, resulting in the project being detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and being detrimental to property and improvements in the neighborhood and the general welfare of the City.

3. Deny the use permit without prejudice.

4. **Use Permit/Christopher Kummerer/624 Central Avenue**: Request for a use permit to determine the Floor Area Limit (FAL) of a lot with less than 5,000 square feet of area, associated with the construction of an addition to an existing single-story, single-family residence in the R-1-U (Single-Family Urban) zoning district. **COMMISSION ACTION:** M/S Pagee/Keith to approve as recommended in the staff report, 7-0.

5. **Use Permit Revision and Variances/Sam Sinnott/1981 Menalto Avenue:** Request for a revision to a use permit granted by the City Council to construct a new, one-story single-family residence with sole access from Menalto Avenue in the R-2 (Low Density Apartment) zoning district. The requested revision would allow for a new, one-story single-family residence with sole alley access. Variances are also requested to increase the allowable building coverage from 35% to 40.7%, to reduce the minimum distance between buildings in a dwelling group from 10 feet to 6 feet, to reduce the minimum rear yard from 20 feet to 10 feet, and to reduce the required distance between the rear property line and the garage entrance from 20 feet to 10 feet. A variance is also requested for the existing legal nonconforming parking situation on the front residence; this variance is not required at this time, but would be necessary for a future condominium subdivision. **COMMISSION ACTION:** M/S Deziel/O'Malley to adopt the following findings and action to approve the use permit revision and variances, 5-1 with Commissioner Pagee opposed and Commissioner Sinnott not participating and not in the room due to a conflict of interest:

1. Make a finding that the project is categorically exempt under Class 3 of the current State CEQA Guidelines.

2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that a new one-story structure on the rear portion of the property at 1981 Menalto Avenue with access from Walnut via the alley will be compatible with the existing neighborhood character and development patterns and will mitigate impacts to adjacent properties in regard to light access, privacy, alley use, and building mass, and, therefore 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 injurious or detrimental to property and improvements in the neighborhood or the general welfare of the City.

3. Make findings, as per Section 16.82.340 of the Zoning Ordinance pertaining to the granting of variances:

   (a) Council's requirement that this project be restricted to one-story development is an extraordinary situation and condition of the property that creates a hardship for the applicant with regard to developing the Floor Area Limit (FAL) allowed on the property, which Council did not intend to limit.
   (b) The proposed variances are necessary for the preservation and enjoyment of substantial property rights possessed by other conforming property in the

same vicinity, and the variances would not constitute a special privilege of the recipient not enjoyed by neighbors. The majority of lots in this area are able to develop the maximum allowed FAL. The excess coverage resulting from alleviating the first hardship creates a second hardship with regard to amount of yard space customarily enjoyed by lots in the area; this justifies the fifth variance, to allow the existing parking for the front unit (non-conforming covered parking and one tandem stall located on the property in the front yard) to count as meeting current requirements.

(c) Granting of the variances will 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 since the side setbacks meet zoning requirements, the project is only one-story, and there is ample distance between the proposed project and all buildings, including the front house, where although the project would be less than the minimum required 10 feet for the length of approximately eight feet, the two buildings will be separated by 14 feet or more along the majority of their facing walls. Except for the requested variance, the project will conform to all other requirements of the Zoning Ordinance.

(d) The conditions upon which the requested variances are based would not be applicable, generally, to other properties within the same zoning classification since the variances are based attempting to meet ad hoc development conditions and objectives imposed by City Council as a condition of granting a use permit specific to this property.

4. Approve the use permit revisions and variances subject to the following conditions:

(a) Development shall be substantially in conformance with the plans prepared by Samuel Sinnott and Company, Inc. dated received June 15, 2006 consisting of five plan sheets (excluding A1.2 titled Menalto Avenue Access Study) and approved by the Planning Commission on August 14, 2006, except as modified by the conditions contained herein.

(b) Prior to building permit issuance, the applicants shall comply with all sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.

(c) Prior to building permit issuance, the applicants shall comply with all requirements of the Building Division, transportation Division, and Engineering Division that are directly applicable to the project.

(d) Prior to issuance of a demolition permit or building permit, the applicant shall submit a plan for construction safety fences around the periphery of the construction area for review and approval of the Building Division. The Building Official may waive this requirement on a case-by-case basis. The fences shall be installed according to the plan prior to commencing construction.

(e) Prior to building permit issuance, the applicants 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.

(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) Prior to building permit issuance, the applicant shall submit a revised construction parking and materials storage plan that is incorporated into the building plan set and that is available at al times as part of the on-site job plans. The plan shall include the location of debris storage, materials storage, parking and traffic circulation. The plan shall indicate that no construction worker parking or storage of any materials is allowed in the alley. The plan shall be subject to review and approval by the Planning, Building and Transportation Divisions and the City Arborist to identify any impacts to trees.

(h) Construction shall conform to tree protection measures listed in the most recent arborist report.

(i) Prior to building permit issuance, project plans shall be revised to show an upgraded access alley, extending from the alley entrance on Walnut Street, including the areas identified in the plans dated received June 15, 2006. The improvements shall include a surface composed of compacted gravel that meets the Engineering Divisions requirements for an all weather surface and the Fire District requirement for 40,000 lb. loads.

(j) Prior to building permit issuance, the recorded Alley Maintenance Agreement shall be submitted for review by the City Attorney and any revisions required by the City Attorney shall be made by the applicant and the document shall be re-recorded with evidence of the re-recorded document provided to the Planning Division.

(k) Prior to building permit issuance, the applicant may alter the project plans to include additional windows subject to Planning staff review and approval.

6. **Conditional Development Permit Revision/Elizabeth Cullinan/1330 University Drive:** Request for a conditional development permit revision to reduce the off-street parking requirement from 122 spaces to 94 spaces, in order to allow for the removal of 33 parking lifts, in an existing 60-unit multi-family residential building in the R-3-X (Apartment - Conditional Development) zoning **district. COMMISSION ACTION:** M/S Deziel/Pagee to continue the item to a future meeting date to allow staff and the applicant time to explore whether there are ways to legally remove the lifts without a reduction in the parking requirement for the project and, if there are no legal remedies, the applicant shall return with an engineered feasibility determination of where additional parking stalls could be located in the event the Community Development Director required additional parking under the provisions of Condition 7.d., 4-2 with Pagee and Riggs opposed.

D. REGULAR BUSINESS - None

E. COMMISSION BUSINESS, REPORTS, AND ANNOUNCEMENTS

- Review of upcoming planning items on the City Council agenda.

ADJOURNMENT

Future Planning Commission Meeting Schedule

Regular Meeting	August 28, 2006
Regular Meeting	September 11, 2006
Special Meeting	September18, 2006 - Cancelled
Regular Meeting	September 25, 2006
Special Meeting	October 2, 2006
Regular Meeting	October 9, 2006
Regular Meeting	October 23, 2006