



PLANNING COMMISSION STAFF REPORT

FOR THE PLANNING COMMISSION
MEETING OF MAY 18, 2015
AGENDA ITEM D5

LOCATION: 1221-1275 Willow Road **APPLICANT:** Kirsten Belt of Mithun for Mid-Pen Housing

EXISTING USE: Multi-Family Residential Apartments **OWNER:** Menlo Gateway, Inc. (an entity of MidPen Housing)

PROPOSED USE: Multi-Family Residential Apartments with Seven Foot Tall Fence Located within the Front Setback **APPLICATION:** Use Permit

ZONING: R-4-S (AHO) - High Density Residential, Special (Affordable Housing Overlay)

PROPOSAL

The applicant is requesting a use permit to construct a seven foot tall fence within the required five-foot front yard setback along Willow Road. The fence is in conjunction with the development of a 90-unit, multi-family, affordable senior housing development at 1221 Willow Road.

A study session to review the proposed residential development, Gateway Senior Housing, relative to the development regulations and design standards of the R-4-S (AHO) (High Density Residential – Special with Affordable Housing Overlay) zoning district is a separate agenda item on May 18, 2015.

BACKGROUND

The applicant is proposing to comprehensively redevelop the site with a new 90-unit residential senior development and is seeking a number of requests from the City, including the R-4-S compliance review, the abandonment of public right-of-way, a sidewalk easement, and public utility easements, and heritage tree permits. Details about the

proposed new residential development are included in this staff report for context purposes only. The purpose of this staff report is to review the use permit request for an increased fence height within the front setback adjacent to Willow Road.

Chapter 16.64 of the Zoning Ordinance regulates fences, walls, trees, and hedges and states that the maximum height of fences within the required front setback in residential zoning districts is four feet. Outside of front yard setbacks fences are permitted a maximum height of seven feet. The Ordinance further states that the maximum heights may be exceeded upon the granting of a use permit.

The subject site is zoned R-4-S (AHO). The R-4-S zoning district includes development regulations as well as design standards specific to the zoning district. Multiple family dwelling units are permitted uses and not subject to discretionary review if all of the development regulations and design standards are met. Instead, the project is reviewed for compliance with a determination made by the Community Development Director. The R-4-S zoning district does not provide fence regulations or standards separately from regulations provided in Chapter 16.64 of the Zoning Ordinance; therefore, the applicant is pursuing a separate use permit for review and approval of the proposed fence.

ANALYSIS

Site Location

The subject site is located on Willow Road, mid-block between Newbridge Street and Ivy Drive on the west side of Willow Road as represented on the project documents. (Note: west is the most accurate description based on true north, but this location is commonly referred to as the north side of Willow Road). The shape of the subject property is wide and shallow, with approximately 700 linear feet of frontage along Willow Road.

Existing and Proposed Site Conditions

The subject site is currently developed with 48 residential units within multiple one-story buildings. The site's vehicular access is via public alleys from both Ivy Drive and Newbridge Street. A frontage road continues adjacent to the subject property and connects the two alleyways. The frontage road is technically public right-of-way, but primarily functions as circulation and a private parking lot for the residential development at the subject site. The frontage road is separated from Willow Road by an approximate seven-foot tall masonry wall with periodic sections where the wall is lower and topped with a metal railing. Therefore, the subject site has limited visibility to and from Willow Road. The wall was built in the mid-1990s for the purposes of coordinating with a similar masonry wall along the 1300 block of Willow Road. The wall spans the width of the property and is recessed approximately 15 feet in three locations with varying lengths from 60-86 feet, which creates variation in the design and helps break the massing of the wall. Most of the wall is currently covered in foliage.

As a part of the overall site development, Mid-Peninsula Housing is requesting that the City abandon a portion of the frontage road adjacent to Willow Road and a small swath of

land to the south of the property that connects to the alleyway from Newbridge Street. The right-of-way abandonment would be coupled with an abandonment of a sidewalk easement and multiple public utility easements. The function of this area would remain generally the same with on-site circulation and a parking lot to serve the residents, but the area would become private property and secured with vehicular and pedestrian gates. A new sidewalk would be created in the remaining public right-of-way along Willow Road.

Project Description

The applicant wishes to provide a secured site for its residents. As such and in conjunction with the redevelopment of the project site, the applicant is proposing to demolish the existing masonry wall and replace it with a seven-foot tall perforated metal panel fence. The fence would generally be located along the proposed front property line, which would be 25 feet, 3 inches from the edge of Willow Road and approximately 20 feet back from the existing wall location. The new fence would be located within the required five foot front setback for the property, thereby requiring use permit approval to exceed the maximum four foot height restriction. The applicant proposes to enhance the streetscape with a comprehensive landscaping plan in the right-of-way, in front of the proposed fence. Like the project itself, the relocation of the fence is dependent upon approval of the proposed right-of-way abandonment. If the abandonment is approved, the new fence would generally coincide with MidPen's new front property boundary and would be located on private property rather than within the right-of-way. Should there be changes to the location of the right-of-way the use permit may be subject to additional review and approval by the Planning Commission. The plans are included as Attachment B.

The proposed location of the fencing within the front setback is primarily due to site constraints. As mentioned earlier, the subject site is fairly shallow. Furthermore, the lot is encumbered with two public utility easements, a 30-foot easement along the frontage and a 20-foot easement along the rear property line. Given other programming needs such as parking, open space and the footprint of the building, the fence is proposed within the front setback area.

Design and Materials

The main entry to the building faces Willow Road. Access to the entry lobby is either from the side streets through access alleys into two parking lots for occupants or visitors arriving by car, or from a gate at the proposed fence along Willow Road for visitors or occupants taking transit or walking along Willow Road.

Similar to the existing wall, the proposed fence will have variation, with intermittent recessed areas. Around 420 feet of linear fence, or about 60 percent of the fence frontage, is located on the front property line. About 280 linear feet of fence is setback four feet from the front lot line. There are seven places where the fence is set back along the frontage and they vary in width from about 20 feet to 90 feet. One of the set back sections of the fence has the entry gate off the Willow Road sidewalk. The entry gate is directly forward of the main building lobby.

There is no height variation in the proposed fence along the width of the front setback. The preliminary landscape plans show an eight-foot deep landscape zone between the back of sidewalk and the fence where the fence is at the front lot line. At these locations, four feet of landscape is shown behind the fence. Where the fence is recessed, the landscape zone deepens to 12 feet in front of the fence. The proposed landscaping is a combination of low plantings not to exceed 3 feet in height and trees that sit behind the fence line for most of the fence or forward of the fence where planting pockets are created. The specific landscape choices are suggested in the rendering, but a detailed landscape plan will be submitted as part of the R-4-S zoning compliance review by staff.

At the intersection of the front and side lot lines, the fence continues down the side lot lines. These sections of fencing would be visible from the street. The applicant intends to continue the proposed fence design and material along the side property lines, but has not yet completed final cost estimates and would like to maintain flexibility in design and materials. A condition has been included that would require the side fences to be compatible with the fence along Willow Road, as determined through the R-4-S compliance review by staff. The existing block wall along the rear property line is proposed to remain.

The proposed fence along Willow Road would have perforated metal panels anchored to 4x4 tube steel posts. The tube steel posts would be set behind the fence as seen from the street and the fence panels would be attached to the outside face of the tube steel posts. The posts would likely be visible but not as visible as if the post location were reversed.

The most distinctive aspect of the panels is the vertical slot-like perforations cut into the panels that vary in number and width, and that create a rhythmic pattern of openings. The panel's perforations are based on Bok Modern's pattern #21. The perforations allow for some transparency into the property. The images suggest approximately 50 percent of the fence will be open. The vertical slots are coursed from the bottom to top of the fence to create a sense of horizontal secondary lines. The courses appear to be about eight inches high.

The fence is powder coat painted so that sections can be repainted if graffiti occurs. The perforation pattern and level of transparency are intended to discourage graffiti and the perforations are small and sharp edged to make it difficult to climb the fence. The color of the fence panels is slate grey and intends to be similar to the main building wall color.

In regards to lighting near the fencing, there are two pole lights in each parking area adjacent to the fence. The lights would not illuminate the fence directly, but rather provide general lighting. There are no other lighting fixtures proposed on either side of the fence for the sections of the fence adjacent to the parking lots.

For the area of fencing in front of the center section of the building, including the entry gate, there is one 12-foot pole light for ambient lighting located just inside the entry gate. There are also five three-foot tall path finding light bollards with downward directed light inside the fence. There are no light fixtures on the street side of the fence near the Willow Road gate or elsewhere.

Issues for Consideration

The applicant's stated purpose for the fence is to secure the property and help provide a clear delineation between the public and private realms along Willow Road. The proposed project is a senior community and the applicant wishes to provide a high level of security for residents with the help of a tall fence.

The Zoning Ordinance height requirement for a maximum of four feet is generally intended to allow for visibility into properties and to let building facades define public space rather than site walls. The low fence height at front yards could be seen as seeking to soften the delineation between the public and private realms. The fence height regulation is also likely intended to help improve the pedestrian experience along sidewalks and the overall neighborhood character.

Given the four-foot height, it is unlikely that the Zoning Ordinance views a front yard fence as providing a direct means to security for the occupants of residential properties. Also, there are alternative viewpoints on neighborhood safety, such as that safety is enhanced by defensible space concepts. These concepts encourage direct visibility from buildings to streets and other public spaces to encourage community and a sense that there are eyes on the public space.

The existing mostly solid wall along the street affects the overall character of Willow Road and the streetscape experience and the interruption in the urban fabric. The proposed fence is similar in height to the existing wall, but introduces materials with transparency and decorative effect as well as landscape variety to make the street environment more pleasant. Offsets in the fence alignment also help enhance the 700-foot length of the fenced frontage.

With the proposed fence, the perception is that pedestrians would experience some transparency from the public sidewalk into the property. Likewise, residents will be able to view outwards and see activity on the street. The level of transparency experienced by occupants of passing cars, however, could be reduced given the viewer's movement, distance, and angle of view.

The proposed fence is trying to balance aesthetics and security. Other factors besides height may contribute to a sense of security for the residents. For example, the fence design has narrow vertical slots, which makes it difficult to climb. To get over the fence a person would have to pull oneself over the fence, or have assistance. In either case, it would depend on the ability and motivation of the person seeking to climb over the fence. The primary aspect of the fence's security, even at seven feet, is that it is a deterrent rather than an actual barrier to some people. Staff believes that fencing taller than eye level offers a significant deterrent. In addition, the proposed landscaping between the sidewalk and fence adds another layer to deter someone from accessing the site. The type of landscaping can also discourage unwanted activity. As the applicant is suggesting in the planting palette, the low plantings will provide an attractive streetscape, but not serve as a good place for someone to hide.

Additionally, the Planning Commission's evaluation could consider other places in the Zoning Ordinance that permit fencing in the front setback taller than four feet. Along Santa Cruz Avenue an administrative permit can be achieved for fencing ranging from over four feet to up to seven feet when meeting specific design criteria. Specifically, the criteria suggest a relationship between fence height and setback, such that heights may increase with greater setback distances. Increased fence heights for properties on Santa Cruz Avenue have been recognized given the nature of how Santa Cruz Avenue functions as an arterial street. The subject site along Willow Road could make a similar case given the volume of cars along the roadway.

Lastly, consideration could be given to common fence heights in similar communities along arterials. In Palo Alto, for example, the fence height for residential properties is limited to four feet from the front lot line to 16 feet into the property and six feet in height for street facing fencing beyond 16 feet from the front lot line. Along University Avenue, however, six-foot tall fencing is permitted at the front lot line.

Given the interest in security, additional lighting could assist with visibility. Part of the evaluation may be whether to increase lighting on the surface of the fence from the street side for general illumination, visual effect, and/or security. Given the length of the fence and limited lighting overall, additional lighting would help with both pedestrian and resident safety as well as enhance the streetscape. Enhanced use of lighting could be an alternative to taller fencing.

Correspondence

Staff has not received any correspondence regarding the proposed project.

Conclusions

As shown in the plans, the fence has an attractive and interesting design with transparency that provides visual character and screening of the parking lots while allowing views into the property, and a color that blends well with both the building and landscape. The modulation in the fence plane helps to break-up the fence's length along the property frontage.

While the design and materials of the fence are attractive and would serve to provide some transparency, staff believes that a seven foot tall fence close to the front property line could create a visual barrier given the length of the property frontage. Staff believes a six foot tall fence would take resident security into consideration but balance it with other factors such as the character of the neighborhood, streetscape and the overall pedestrian experience. Heights between six and seven feet at strategic locations along the fence, including around the entry, could be appropriate design features and serve as focal points. Additionally, other elements such as proper landscaping and lighting would supplement the height of the fence to provide the desired site security.

Staff has discussed the recommendation for a six-foot height with the applicants. Although safety remains a primary concern, the applicants have said they would consider a possible height reduction. Staff also believes that the proposal could benefit from further

consideration of additional lighting, and has included a condition that as part of the R-4-S compliance review, staff will work with the applicants to develop an updated lighting plan. Additional lighting could include a light on the street side at the entry gate and a few landscape lights at the base of the fence or near feature landscape. This would help to illuminate the pedestrian way on the street and fence line, improving security at night.

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 as modified by conditions of approval.
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 Mithun and approved by the Planning Commission on May 18, 2015, 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. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance.
4. Approve the use permit subject to the following **project-specific** conditions:
 - a. Concurrent with the submittal for a building permit, the applicant shall revise the plans to reduce the maximum height of the fence to six feet within the front setback. Some height variation, up to a maximum height of seven feet, may be allowed around the front entry gate and other strategic and/or focal points.

- b. The design of the fences along the side property lines shall be compatible in design and materials with the fence along the frontage of the property, as determined through the R-4-S compliance review by staff.
- c. An updated lighting plan to enhance the aesthetics and security of the property shall be considered during the R-4-S compliance review by staff.
- d. The subject fence may only be installed if the associated project right-of-way and easements are abandoned, and a lot merger is recorded.

Report prepared by:
Arnold Mammarella,
Planning Consultant

Report reviewed by:
Deanna Chow,
Senior Planner

PUBLIC NOTICE

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.

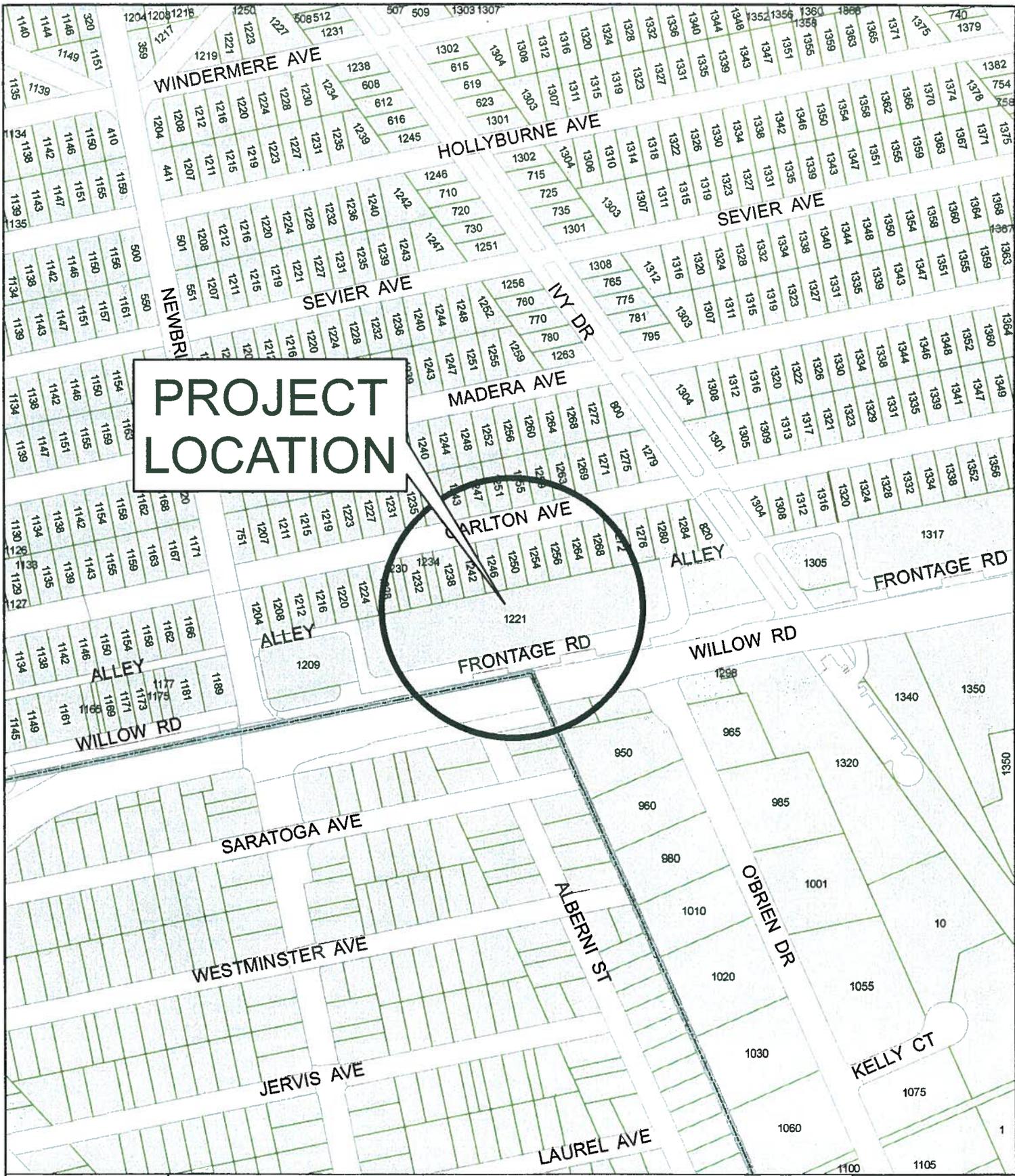
ATTACHMENTS

- A. Location Map
- B. Project Plans

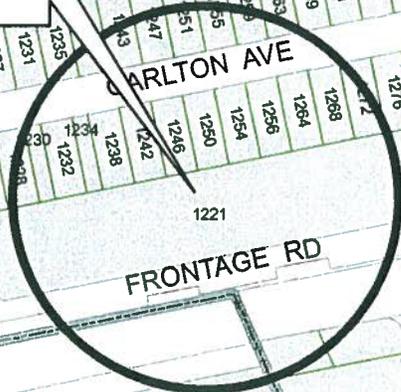
Note: Attached are reduced versions of maps and diagrams submitted by the applicants. The accuracy of the information in these drawings is the responsibility of the applicants, and verification of the accuracy by City Staff is not always possible. The original full-scale maps, drawings and exhibits are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

EXHIBITS TO BE PROVIDED AT MEETING

Fence Panel Sample



**PROJECT
LOCATION**



CITY OF MENLO PARK

LOCATION MAP

1221 WILLOW ROAD



B1



GATEWAY SENIOR HOUSING

1221 WILLOW ROAD, MENLO PARK, CA

MAY 6, 2015

PROPERTY BOUNDARY FENCE - USE PERMIT

MITHÜN

PROJECT
1221 WILLOW RD.
GATEWAY SENIOR
HOUSING
LOCATION
Merino Park, CA

PREPARED FOR
MidPen Housing



SITE
BOUNDARY

AERIAL VIEW



SUBMISSION
PROPERTY BOUNDARY
FENCE USE PERMIT

Prepared by:
AT
Checked by:
KB
Reviewed by:
AP
J.L.M.T



TYPICAL EXISTING STRUCTURES ON SITE



FRONTAGE RD. IN FRONT OF HOUSING UNITS



FRONTAGE RD. SHOWING PARKING CONDITION



EXISTING WALL BETWEEN WILLOW RD. AND FRONTAGE RD., AS SEEN FROM WILLOW RD.

EXISTING SITE PHOTOS

Project No.
1225800
Date
MAY 6, 2015

PROJECT
 1221 WILLOW RD.
 GATEWAY SENIOR HOUSING

LOCATION
 Menlo Park, CA

PREPARED FOR
 MidPen Housing



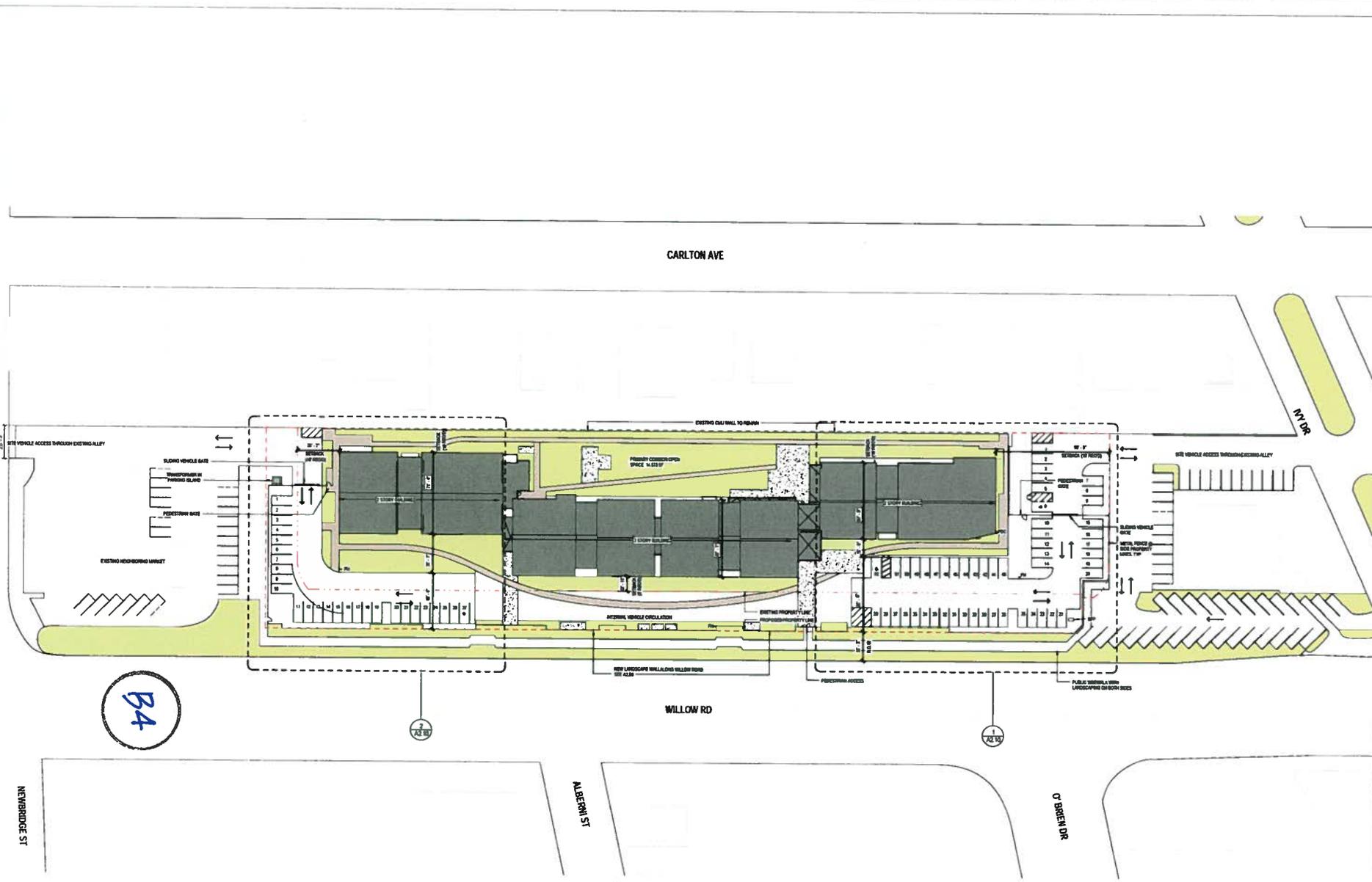
SUBMISSION
 PROPERTY BOUNDARY
 FENCE USE PERMIT

DATE: 5/1/15
 AT: []
 BY: []
 AP: []
 JLMT

SITE PLAN
 132900
 MAY 6, 2015

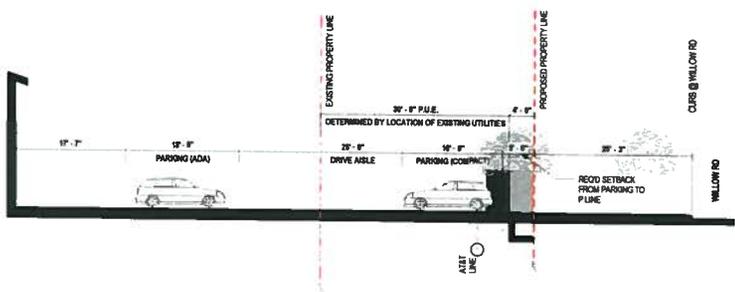
0' 16' 32' 64'

A1.01
 PROPERTY BOUNDARY
 FENCE USE PERMIT

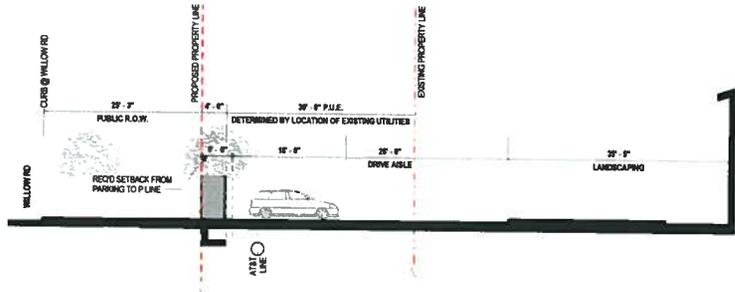


1 SITE PLAN
 1/32" = 1'-0"

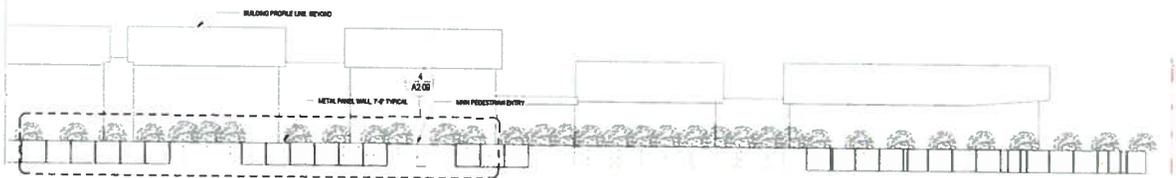
NOTE: GATEWAY PROJECT TEAM WILL CONTINUE TO WORK WITH THE CITY REGARDING FEASIBILITY OF EXTENDING SIDEWALK TO CORNER OF NEWBRIDGE.



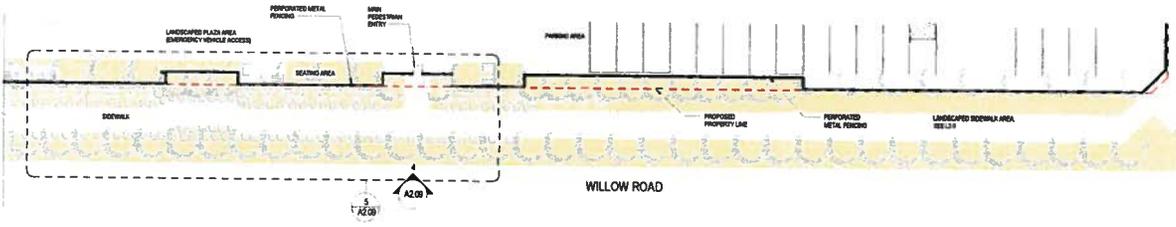
1 PROPERTY BOUNDARY FENCE - SECTION - NORTH
 1/8" = 1'-0"



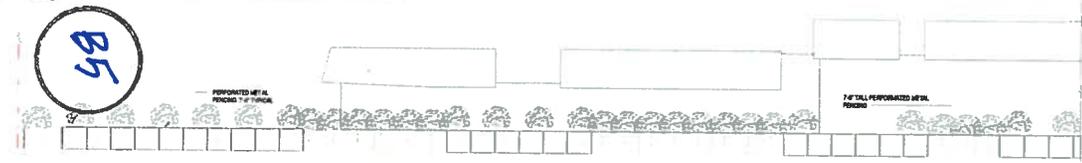
2 PROPERTY BOUNDARY FENCE - SECTION - SOUTH
 1/8" = 1'-0"



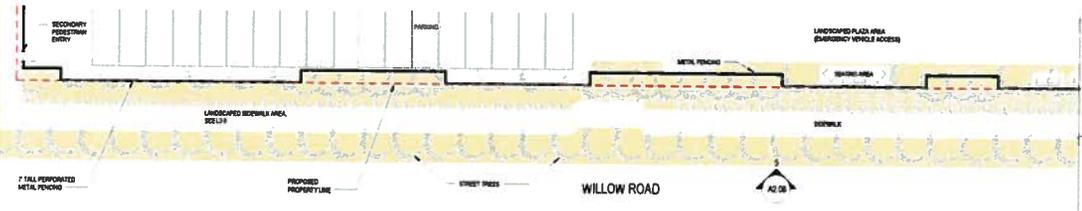
3 PROPERTY BOUNDARY FENCE - EAST ELEVATION - NORTH
 1/16" = 1'-0"



4 PROPERTY BOUNDARY FENCE - PLAN - NORTH
 1/16" = 1'-0"



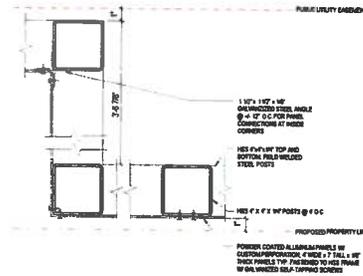
5 PROPERTY BOUNDARY FENCE - EAST ELEVATION - SOUTH
 1/16" = 1'-0"



6 PROPERTY BOUNDARY FENCE - PLAN - SOUTH EAST
 1/16" = 1'-0"



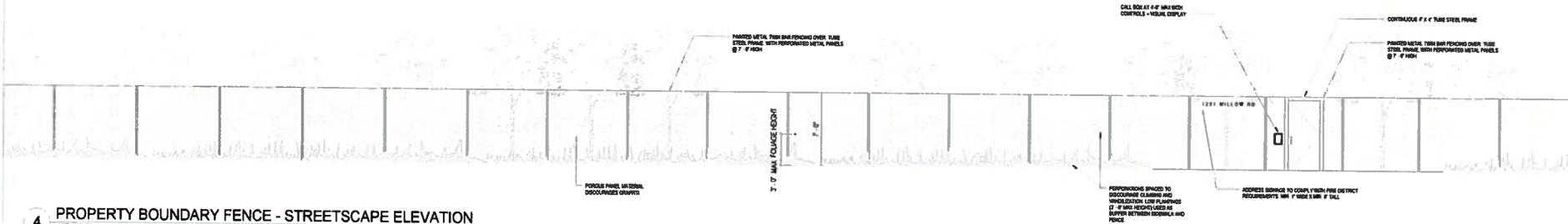
1 PROPERTY BOUNDARY FENCE - RENDERING
1/12" = 1'-0"



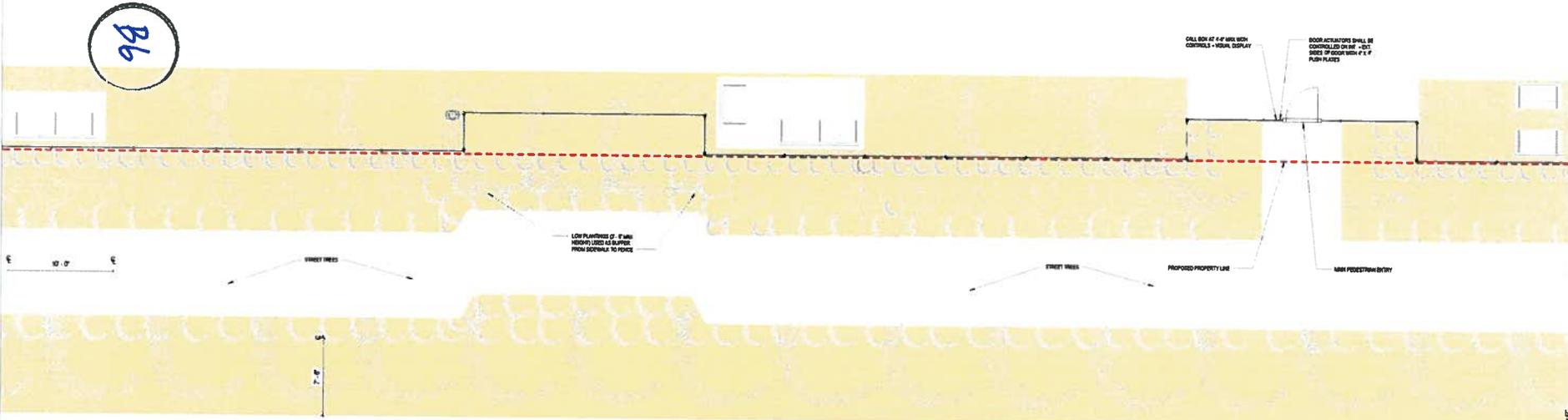
2 PROPERTY BOUNDARY FENCE DETAIL - PLAN
3/4" = 1'-0"



3 PERFORATED METAL PANEL PATTERN
1 1/2" = 1'-0"



4 PROPERTY BOUNDARY FENCE - STREETSCAPE ELEVATION
1/4" = 1'-0"



5 PROPERTY BOUNDARY FENCE - STREETSCAPE PLAN
1/4" = 1'-0"

WILLOW ROAD