



MENLO PARK PLANNING COMMISSION MINUTES

Regular Meeting

March 8, 2004

7:00 p.m.

City Council Chambers

801 Laurel Street, Menlo Park, CA 94025

CALL TO ORDER – 7:00 p.m.

ROLL CALL – Bims (arrived 8:09 p.m.), Fergusson, Fry (absent), Halleck (Chair), Pagee (Vice-chair), Sinnott, Soffer

INTRODUCTION OF STAFF – Cramer, O'Connell, Smith, Thompson

A. PUBLIC COMMENTS

There were none.

B. CONSENT

There were no consent items on the agenda.

C. PUBLIC HEARING

1. **Use Permit and Variance/John and Cathy Garagozzo/201 Pope Street:** Request for a use permit to demolish an existing single-story residence and construct a new two-story residence and detached single-story garage on a property that is substandard in regard to lot width, and a request for a variance to construct the residence with a right side setback of 2.5 feet where a minimum of five feet is required.

Staff Comment: Planner Smith said that the applicant was proposing to demolish an existing single-story, single-family residence and construct a new two-story, single-family residence with a detached, two-car garage. He said that since the proposal was for construction on a parcel that was substandard in regard to lot width, the proposal required use permit approval by the Planning Commission. He noted in addition that the applicant was proposing to have the new residence encroach up to two-feet five inches into the required five-foot right side yard setback. He said that this proposed setback encroachment required Planning Commission approval of a variance. He noted that Ms. Gail Slocum, a neighbor, had contacted City staff to express that she and the other property owners at 205 Pope Street fully supported the approval of the use permit and variance request.

Chair Halleck said that Ms. Slocum had also contacted him regarding her full support of the proposed project at 201 Pope Street.

Public Comment: Mr. John Garagozzo, the applicant, said that he and his wife had made a good faith effort with the project. He noted that they had not wanted to pursue a variance, but were faced with a circumstance on the general block of Pope Street regarding the subdivision maps and how they related to the individual properties and property lines that resulted in the need for a variance request.

Commissioner Pagee asked whether Mr. Garagozzo had considered making the house more parallel with Pope Street and the driveway more parallel with the property line, which would lessen the amount of the encroachment. Mr. Garagozzo said that they had not pursued such a design as they had not anticipated the property line issue arising. He said that theoretically they could have shifted the front of the house over, but he thought the issue with the point of origin of the house on the rear right hand side of the property would have given rise to the same discussion regarding the property lines. Commissioner Pagee said that decreasing the continuing encroachment would increase fire and emergency services accessibility. Mr. Garagozzo said that he was also concerned with fire access in regard to the side yard setback, but that had not been raised as an issue. He said he understood that the Fire District had been contacted regarding the project and that they had no concerns regarding accessibility. He said that what Commissioner Pagee was suggesting would actually decrease the width of the driveway, which was the access for emergency services.

Mr. Mitchel Slomiak, Menlo Park, said that he was one of co-owners of the neighboring property at 205 Pope Street. He thanked the Commissioners for allowing a continuance of the project so that issues related to the common property line between his property and the subject property could be resolved. He said that the owners of 205 Pope Street now have an agreement with the applicant and unequivocally support Mr. Garagozzo's proposal. He said the agreement respected the traditional boundary line that he and the other owners of 205 Pope Street have enjoyed and allowed Mr. Garagozzo's project to move forward. He said that the agreement was in perpetuity and could be changed only by mutual consent. He noted that the agreement would dissolve if the property at 205 Pope Street was demolished for construction.

Mr. Jordan Gruber, Menlo Park, said that he and his wife Ms. Gail Slocum fully supported Mr. Garagozzo's project. He said at some point however there would need to be a global resolution of the issues regarding property lines for the entire block of Pope Street. He said that the staff report had indicated one reason why the block was non-surveyable as it appeared that there might actually be less land than what was shown on the subdivision map. He said additionally, for the record, that the monuments were not definable and four different surveyors had indicated that there was no agreement on the technical resolution of the property line issues. He said it appeared that the only resolution of the issues regarding the property lines was through a legal answer, which would require cooperation of all of the property owners. He said also there was a question of what methodology had been used to survey the subdivision.

Commission Action: M/S Halleck/Pagee to close the public hearing.

Motion carried 5-0 with Commissioners Bims and Fry not in attendance.

Commission Comment: Commissioner Soffer said that he would move for approval as recommended by staff. He noted he was glad that the applicant and neighbors had the opportunity to work out their differences. Commissioner Fergusson seconded the motion and indicated she was pleased that the property line issue had been resolved without litigation.

Commission Action: M/S Soffer/Fergusson to approve as recommended in staff report.

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 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 injurious or 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. The uncertainty of the location of the side property lines and the inability to establish the location of these property lines short of a comprehensive survey of the entire block, the tapering shape of the subject lot, the front setback and garage location patterns in the neighborhood, and the location of a heritage tree in the center of the subject property all create a constraint to constructing a residence on this property without the approval of the requested variance for a potential side yard setback encroachment.
 - b. The proposed variance is necessary for the preservation and enjoyment of substantial property rights possessed by other conforming property in the same vicinity, and the variance would not constitute a special privilege of the recipient not enjoyed by neighbors.
 - c. Except for the requested variance, the construction of the new residence will conform to all other requirements of the Zoning Ordinance. Granting of the variance 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.
 - d. The conditions upon which the requested variance is based would not be applicable, generally, to other property within the same zoning classification since the variance is based on unique characteristics of this block of properties, the tapering shape of this lot, and the location of a heritage tree in the center of the property.
4. Approve the use permit and variance requests subject to the following conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by Jack McCarthy Designer Inc., consisting of six plan sheets dated received December 5, 2003, and approved by the Planning Commission on March 8, 2004 except as modified by the conditions contained herein.

- b. Prior to building permit issuance, the applicant shall comply with all Sanitary District, Menlo Park Fire Protection District, 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 new construction.
- d. 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.
- e. 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 fences shall be installed according to the plan prior to commencing construction.
- f. 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 utilities shall be placed underground. 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.
- g. Prior to building permit issuance, the applicant shall submit revised plans indicating that the applicant shall remove and replace any damaged and significantly worn sections of curb, gutter, sidewalk, and driveway approach. These revised plans shall be submitted for the review and approval of the Building and Engineering Divisions.
- h. Prior to building permit issuance, the applicant shall submit revised plans indicating that the new residence shall not be built closer than five feet to the property line shown on the project plans, and not closer than 2.5 feet to the right side fence line if the jog in the fence were removed and the fence line starting at the rear of the property were taken forward in a straight line to the front of the property.
- i. Prior to building permit issuance, the applicant shall submit revised plans that correct inconsistencies on the project plans. These inconsistencies include accurate depictions of the right side bay window on both the floor plans and elevation drawings, indicating a minimum rear setback of five feet for the detached, two-car garage, and revising the area plan to show a two-car garage at the rear of the property instead of a one-car garage. These revised plans shall be submitted for Planning Division review and approval.

- j. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance. Prior to building permit issuance, the applicant shall submit an updated arborist report based on the project plans for review and approval by the Building Division.
- k. In the event that the applicant makes modifications to the site in the future to provide parking access from the alley, the applicant shall comply with any City regulations at that time regarding the upgrading of the alley to accommodate such access.

Motion carried 5-0 with Commissioners Bims and Fry not in attendance.

2. Use Permit and Variance/Richard Peers and Allison Butler/300 Olive Street

Request for a use permit for a first floor addition to a single-story residence on a lot that is substandard in regard to lot width and for additions to an existing legal, nonconforming residence to exceed 50% of the replacement cost of the structure within a 12-month period, and for a variance to construct an addition that would encroach eight feet into the required 20-foot front setback.

Staff Comment: Planner Smith said that the applicant was proposing ground floor additions and remodeling to an existing single-story residence located at 300 Olive Street. He said that since the property was substandard in regard to lot width and the proposal involved the addition of more than 50 percent to the existing square footage on the lot, the proposal required use permit approval by the Planning Commission. He said that in addition the existing structure was legal, but non-conforming, possessing a front setback of 18 feet where a minimum of 20 feet was required. He said since the proposed additions and remodeling would exceed 50 percent of the replacement value of the existing structure, the proposal required use permit approval. He noted the applicant was also proposing to construct an addition that would encroach into the required front setback and would establish a front yard setback of approximately 12.2 feet where a minimum of 20 feet was required. He said that the proposed front setback encroachment required Planning Commission approval of a variance.

Questions of Staff: Commissioner Pagee confirmed with staff that some square footage was double-counted as required by the zoning ordinance because the proposed building was over 17 feet in height.

Public Comment: Mr. Rich Peers, Menlo Park, identified himself as the applicant. He said that the proposal was for a first-story remodel. He said that he and his wife had lived at the property since 1987 and had planned eventually to do a remodel of the home. He said they had considered demolishing the house and constructing a two-story residence, but decided to stay with a one-story residence, which was more consistent with the neighborhood. He said they were requesting a variance because a small part of their property was 75-feet rather than 80-feet in width. He said that they considered Olive Street as the front of the house and yard, but legally the yard they considered to be the side yard on Bay Laurel Street was treated as the front of the lot. He said they wanted to build somewhat into the Bay Laurel Street side consistent with where the house was located. He said there were no neighbors on the Bay Laurel Street side, but if the house were moved further into the Olive Street side, the house would be much closer to the neighbors to the back or toward Olive Street which was not

consistent with the Olive Street neighborhood. He said that they were willing to execute a deed restriction.

Commissioner Pagee asked whether the applicant was planning to put a fence on the Bay Laurel Street side and if he was aware of the safety sight triangle restrictions. Mr. Peers said that there was a fence now, but that they would not put fencing on that street.

Commissioner Halleck said that Commissioner Fry, who was not in attendance, had forwarded a question. He said the question was if the front of the house was on Bay Laurel Street and the driveway was on Bay Laurel Street were the setbacks appropriate for that orientation. Planner Smith said that if the driveway was on the Bay Laurel Street there was a separate requirement from the rear and side setback requirements specifically for a 20-foot setback for garages and garage doors.

Commissioner Fergusson said that technically the Olive Street frontage was the side setback so technically there could be a six-foot fence. Planner Smith said that there could be a seven-foot fence for the bulk of the Olive Street frontage and then it would need to drop to three feet near the corner.

Commission Action: M/S Halleck/Pagee to close the public hearing.

Motion carried 5-0 with Commissioners Bims and Fry not in attendance.

Commission Comment: Commissioner Fergusson moved approval as recommended by staff with an additional condition to restrict the fence height along Olive Street to that required for property frontages. Planner Smith confirmed with Commissioner Fergusson that the intent was for the fence along Olive Street to be no higher than four feet and the fence along Bay Laurel Street could be seven feet in height. Commissioner Sinnott seconded the motion.

Commission Action: M/S Fergusson/Sinnott to approve as recommended in the staff report with the following modification.

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 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 injurious or 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. The lot shape, which tapers in width at the rear of the property, creates a constraint to maintaining the character of the neighborhood without the approval of the requested variance for the front setback encroachment.

- b. The proposed variance is necessary for the preservation and enjoyment of substantial property rights possessed by other conforming property in the same vicinity, and the variance would not constitute a special privilege of the recipient not enjoyed by neighbors.
 - c. Except for the requested variance, the addition will conform to all other requirements of the Zoning Ordinance. Granting of the variance 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 addition would maintain the character of the neighborhood, and the setback encroachment would be on a street side of the property and would therefore not directly impact any adjacent neighbors.
 - d. The conditions upon which the requested variance is based would not be applicable, generally, to other property within the same zoning classification since the variance is based on the lot shape and corner location of the existing lot.
4. Approve the use permit and variance requests subject to the following conditions:
- a. Development of the project shall be substantially in conformance with the plans prepared by Jim Maliksi & Associates, consisting of ten plan sheets dated received February 27, 2004, and approved by the Planning Commission on March 8, 2004 except as modified by the conditions contained herein.
 - b. Prior to building permit issuance, the applicant shall comply with all Sanitary District, Menlo Park Fire Protection District, 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 new construction.
 - d. 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 utilities shall be placed underground. 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. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance. Prior to building permit issuance, the applicant shall submit documentation explaining that the heritage trees in the project vicinity shall be protected during project construction, as outlined in the arborist report included as Attachment C. Such protection shall include but not be limited to prohibiting the storage of construction materials and vehicles within the driplines of any heritage trees.

- f. Prior to building permit issuance, the applicants shall submit and record a deed restriction that shall prohibit any building construction within the first 20 feet of the property on the Olive Street side of the property for as long as an encroachment remains within the 20-foot front setback on the Bay Laurel Drive side of the property. This deed restriction shall be prepared and/or approved by the City Attorney, and a copy of the recorded deed restriction shall be submitted to the Building and Planning Divisions prior to building permit issuance.
- g. The maximum height of any fence, wall or hedge to be built or installed on the Olive Street or Bay Laurel Drive frontages shall be restricted in height to seven feet on Bay Laurel Drive and to four feet on Olive Street, with the exception of the safety triangle, where maximum fence, wall or hedge height shall be limited to three feet.

Motion carried 5-0 with Commissioners Bims and Fry not in attendance.

- 3. **General Plan Amendment, Use Permit, Architectural Control, Tentative Parcel Map, Right-of-Way Abandonment, and Environmental Review/Willow Corners, LLC at 1283 Willow Road/City of Menlo Park at 1305 Willow Road:** General Plan Amendment to change the land use designation of the property from Medium Density Residential to Retail/Commercial at 1283 Willow Road and 1305 Willow Road. Use permit and architectural control review to construct a new structure for retail and office (Police/City Service Center) uses operating 24 hours per day in the C-2-B zoning district, tentative parcel map to create a condominium subdivision, and right-of-way abandonment along Willow Road at 1283 Willow Road. The proposed project requires the preparation of a Negative Declaration.

Staff Comment: Planner O'Connell said that the project was a 9,179 square foot building on a 29,000 square foot lot. He said that the Commission had reviewed the project at a study session and had raised questions regarding parking, circulation, and the corner of the building. He said that the plans had been reviewed based on those questions. He said that the Commission was being asked to recommend to the City Council approval of the Mitigated Negative Declaration, General Plan amendment, use permit, architectural control request, and right-of-way abandonment for the project.

Questions of Staff: Commissioner Soffer asked if anyone had contacted staff regarding possible projects for 1305 Willow Road for which zoning was proposed to be amended. Planner O'Connell said that the property had been in the same ownership for a while and there had been no proposed projects. Commissioner Soffer said that the staff report indicated that it was expected that residents would be able to pay water bills and asked about the demand for that service. Planner O'Connell said that water bill payments made at City Hall were very common.

Commissioner Fergusson asked staff what the blanket use permit allowed. Planner O'Connell said that the blanket use permit was basically for the hours of operation, currently 8:00 a.m. to 8:00 p.m., and would change the hours to 6:00 a.m. to 9:00 p.m. He said that this would allow the owner some flexibility in negotiating leases for such businesses as a coffee shop or dry cleaner's so that individual use permits would not be required. Commissioner Fergusson asked

about the permitted and conditional uses of the blanket use permit. Planner Cramer said that the blanket use permit was allowed only for permitted uses and that conditional uses would need to come back for approval. She indicated those uses were listed on page eight of the staff report.

Commissioner Pagee asked what the neighbors would be able to do if there were problems with the changed hours of operation. Planner O'Connell said that was a code enforcement issue under the Noise Ordinance. He said that if there were complaints, a blanket use permit could be rescinded.

Commission Soffer asked if the blanket use permit might be restricted so that it would be valid only as long as the City maintained the use of the police substation. Planner O'Connell clarified with Commissioner Soffer that he meant future uses would need approval if the City abandoned the police substation at the project site. Planner O'Connell said that an office use could replace the police use.

Public Comment: Mr. Gary Moisef, Portola Valley, said that he represented Willow Corners, LLC, the property owners and project sponsors. He said regarding the hours of operations that the uses for this relatively small building were for residential uses and would not be a destination shopping center. He said that it was mutually beneficial that the uses would serve the neighborhood. He said that if it were found that the uses were impinging on the neighborhood there was a feedback mechanism to the City to resolve such issues. He said that he thought there were inherent checks and balances.

Commissioner Soffer said that he had been following the project for three years through different proposals, and asked if this proposal would move forward. Mr. Moisef said that dependent upon the Commission's comments, they expected to begin construction drawings right away. He said that dependent upon City Council approval, they would expect to have occupancy by the City by this time next year.

Commissioner Fergusson asked about the height of the roofline as it appeared to slope back from Willow Road. Mr. Moisef identified the side facing Ivy Drive as the west side and that the police substation would face north. He said that the second story was plan north. He said to the west, the roof was raised and glass was added to make the building more welcoming to the Ivy Drive and Belle Haven community. He said there was a valley in the roof to screen the mechanical equipment. Commissioner Fergusson asked what the pitch was; Mr. Moisef said that the pitch was three to twelve feet.

Commissioner Soffer confirmed with staff that the City would have 3,841 square feet of the project site. Planner O'Connell said that the plans had gone through a number of iterations and that some square footage such as elevator shafts that might be excluded has been included. In response to Commissioner Soffer, Planner O'Connell confirmed that the City's contract was unchanged.

Commissioner Fergusson asked about the changes in the circulation pattern made since the Commission's study session. Planner O'Connell said that the Commission had questioned the safety and efficiency of the proposed circulation on the north part of the property where there was angled-in parking on both sides. He said that based on those concerns, staff decided that

it would be better to more closely align the alley on the project site with the alley on 1305 Willow Road on the opposite side of Ivy Drive.

Mr. Matt Henry, Menlo Park, said that adjacent to the roadway to the rear of the proposed service center there exists a seven-foot brick wall that drops to a four-foot wall about 15 to 20 feet from Ivy Drive. He said that where the height was reduced, there was a metal grating and vine that caused an obstruction in visibility. He said if trees were planted there as proposed that would create a blind spot for people leaving the rear roadway and people coming up Ivy Drive. He said that the intersection there was offset and not ninety degrees. He suggested that the four-foot section of the wall be removed and be replaced with a barrier at a lower height to allow for better visibility. Commissioner Halleck said that staff would be asked to review the visibility at that location and make appropriate changes.

Mr. Henry said that the project indicated that the island on Ivy Drive would be narrowed; he suggested that the island also be shortened about three to four feet. He said that people exiting from the rear to make a left on Ivy Drive would run into the island at its current length. He said that people already run into it. Chair Halleck said that Transportation staff and the project planner would be asked to look at that as well.

Mr. Henry also suggested that at the end of the island at Willow Road to cut out a section for a dedicated lane for a car making a left. He said that a traffic light and stop signs would help with traffic flow. Chair Halleck said that Transportation staff would be asked to review the matter. .

Mr. Jamal Rahimi, Transportation Division, said that Mr. Henry's comments were well made and they would be reviewed. He said however regarding Mr. Henry's third comment that the intersection at Ivy Drive and Willow Road was included in the current plan and there would be both left and right hand turn lanes created.

Commissioner Pagee asked Mr. Rahimi to comment on the exiting pattern and the foliage on the adjacent property and fence for the rear exit from the site. Mr. Rahimi said that sight distance calls for clearance within a 35-foot triangle at three feet height. Commissioner Pagee asked if that sight triangle applied to driveways as well as roadways. Mr. Rahimi said that it would be applied here.

Commission Action: M/S Soffer/Pagee to close the public hearing.

Motion carried 5-0, with Commissioners Bims and Fry not in attendance.

Commission Comment: Commissioner Soffer moved to approve per staff's recommendation and Commissioner Sinnott seconded the motion.

Commissioner Pagee asked if the alleyway was included in the plan and whether the landscaping was the City's to maintain. Planner O'Connell said that the landscaping on the alley was part of the plan and was subject to a three-foot height limitation and that the safety triangle would be done. He said that the property owners would be required to maintain the landscaping.

Commissioner Pagee said that she would like a friendly amendment to the motion that the safety triangle be used in the landscaping plan for the alley and that the left side of the alley be maintained as a safety triangle.

Commissioner Fergusson said that the project was very creative and praised the quality of the staff report.

Commission Action: M/S Soffer/Sinnott to recommend that the City Council approve the proposal as recommended in the staff report with the following modification.

Recommend to the City Council as follows:

1. Adopt the following findings relative to the environmental review of the proposal:
 - A Mitigated Negative Declaration has been prepared and circulated for public review in accordance with current State CEQA Guidelines;
 - The Planning Commission has considered the Mitigated Negative Declaration prepared for the proposal and any comments received during the public review period; and
 - Based on the Initial Study prepared for the Mitigated Negative Declaration and any comments received on the document, there is no substantial evidence that the proposed project will have a significant effect on the environment.
2. Make a finding that the proposed General Plan amendment to change the land use designation of the properties from Medium Density Residential to Retail/Commercial would be consistent with the adopted General Plan.
3. Make a finding that proposed right-of-way abandonment is consistent with the adopted General Plan.
4. 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.
5. Adopt findings, as per Section 16.68.020 of the Zoning Ordinance, regarding architectural control approval
 - a. The general appearance and scale of the development is in keeping with the character of the existing development in 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; and
 - d. The development provides adequate parking as required in all applicable City ordinances, and has made adequate provisions for access to such parking.
- 6. Approve the Mitigated Negative Declaration.
- 7. Approve Resolution _____, amending the General Plan to change the land use designation of 1283 Willow Road and 1305 Willow Road from Medium Density Residential to Retail/Commercial.
- 8. Approve Resolution No. _____, determining that the proposed abandonment of a portion of the Willow Frontage Roads at 1283 Willow Road is consistent with the General Plan.
- 9. Approve the use permit and architectural control requests subject to the following conditions:
 - a. Development of the project shall be substantially in conformance with the plan prepared by Joseph Bellomo Architects, dated March 1, 2004, consisting of seven plan sheets, and reviewed by the Planning Commission on March 8, 2004, 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 Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.
 - d. Prior to building permit issuance, the applicant shall comply with all requirements of the Building Division, Transportation Division, and Engineering Division that are directly applicable to the new construction.
 - e. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a Grading, Drainage and Erosion Plan for review and approval of the Engineering Division. The Grading, Drainage and Erosion Plan shall be approved prior to issuance of a grading, demolition or building permit.
 - f. The applicant shall comply with the Best Management Practices (BMP) requirements in order to ensure project compliance with the National Pollutant Discharge Elimination System (NPDES) permit. The project sponsor will adhere to City standards for the collection and disposal of on-site water run-off and for the protection of storm water quality during construction. The project will be subject to the review and approval of the Engineering Division.

- g. Prior to issuance of a grading 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 fences shall be installed according to the plan prior to commencing construction.
- h. Prior to grading permit or building permit issuance, the applicant shall submit a plan for the control of dust for the duration of the project. The plan shall list specific measures, including but not limited to routine watering of the site. The plan shall also specifically address how dust would be controlled during weekends and other off-work periods. Finally, the plan shall include a contact name and phone number to receive and address any complaints. This plan shall be submitted for the review and approval of the Planning and Engineering Divisions.
- i. Prior to issuance of a grading or building permit, the applicant shall comply with the requirements of Chapter 12.48 (Salvaging and Recycling of Construction and Demolition Debris) of the City of Menlo Park Municipal Code.
- j. 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 new utilities shall be placed underground. 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.
- k. Prior to building permit issuance, the applicant shall revise the project plans to adequately provide for on-site recycling and garbage receptacles throughout the project site. These revised plans shall be submitted for the review and approval of Planning Division and the Environmental Program Coordinator.
- l. Prior to building permit issuance, the applicant shall submit a plan for how the site will be kept free of litter. This plan shall be submitted for the review and approval of Planning Division staff. The applicant shall be required to adhere to the approved litter plan.
- m. The applicant shall not be permitted to place any vending machines on the site outside of the building.
- n. Prior to building permit issuance, a detailed landscape and irrigation plan shall be submitted and approved by the Engineering, Transportation, and Planning Divisions, including landscaping in the public right-of-way along Ivy Drive, along the northerly edge of the Willow Access Road and in the area in the Willow Road right-of-way bounded by the project site, the Willow Access Road and flood wall adjacent to the Mid-Peninsula Apartments. The landscape plan shall comply with the Water Efficient Landscaping Ordinance. All landscaping shall be in place prior to final inspection. Landscape controls shall be incorporated into the plans to ensure efficient irrigation, appropriate landscape design, and proper maintenance. The plan shall indicate all landscaped areas and plantings, paving materials, fences, walls or other landscape features.

- o. Prior to building permit issuance, the applicant shall submit a plan showing lighting details and specifications for the review and approval by the Planning and Engineering Divisions. These plans shall include photometric lighting plans and light fixture specifications of the existing and proposed outdoor lighting in order to indicate that the proposed on-site lighting does not create offensive glare and light. The new lighting must not cast glare on adjacent residential properties
- p. Prior to installation of any signage, the applicant shall submit a master sign program for the project site for review and approval by the Planning Division. The sign program shall include a procedure for distributing and recording the allotment of sign square footage to tenant lease spaces. All signage must be located entirely within the project site and be consistent with the approved master sign program.
- q. Planning staff review and approval shall be required prior to the conversion of the landscape reserve space into a paved parking space.
- r. The project shall comply with the provisions of the Public Artwork Ordinance, Chapter 16.69 of the Zoning Ordinance, as applicable.
- s. A final parcel map shall be recorded prior to final building inspection.
- t. The Police/City Service Center may operate on a 24-hour schedule.
- u. All permitted uses in the C-2-B zoning district may operate on the site between the hours of 6:00 a.m. and 9:00 p.m. Uses listed as conditional uses in the C-2-B zoning district and those permitted uses wishing to operate between the hours of 9:00 p.m. and 6:00 a.m. must obtain a use permit.
- v. All outdoor seating requests are subject to review and approval by the Planning Division and Public Works Department.
- w. Prior to building permit issuance, the project sponsor shall submit revised plans clearly indicating that the alley accessing the project site from Ivy Drive shall comply with the "safety triangle" regulations administered by the Transportation Division that restrict the height of fences, walls, or hedges to a maximum of three feet in height. The revised plans shall be subject to review and approval of the Transportation Division.

Motion carried 5-0 with Commissioners Bims and Fry not in attendance.

D. REGULAR BUSINESS

1. **Architectural Control/Peggy Lo/2440 Sand Hill Road:** Request for architectural control review for interior and exterior modifications to an existing office building.

Staff Comment: Planner Thompson said that the applicant was proposing to remodel both the interior and exterior of Building Three of the Quadrus office complex. She said that the

proposed changes included a more prominent entry on the south elevation. She said that the proposed changes required architectural control approval by the Planning Commission.

Public Comment: Ms. Peggy Lo, the applicant, said that the intent was to improve the appearance of the lower level entryway to the building. She said that the building currently had one tenant who would be vacating in May 2004 and one other tenant remaining in the 3,000 square feet that housed the Anderson art collection. She said that the vacancy was an opportunity to remodel a building that was over 30 years old, dated and in need of systems replacement. She said that the major change was the lower level lobby which would be a glass-enclosed lobby with a roof terrace and a new elevator that would access all four floors. She said that the plan was to start construction at the end of May and finish by October. She said that it was an opportunity to make an updated building more beautiful and complementary to the site and tie it to Building Eight to make that corner of the site a beautiful entrance.

Commissioner Soffer asked how the two buildings would be connected. Ms. Lo said that the buildings would not be physically connected but connected through pathways and terraces.

Commission Action: M/S Pagee/Soffer to approve as recommended in the staff report.

1. Make a finding that the project is categorically exempt under Class 1 of the current State CEQA Guidelines.
2. Make 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 order 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.
3. Approve architectural control for Building Three located at 2440 Sand Hill Road, subject to the following conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by Miller/Kelly Architects, dated February 12, 2004, consisting of 21 plans sheets and approved by the Planning Commission on March 8, 2004, 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 West Bay Sanitary District, Menlo Park Fire Protection District, any utility companies regulations that are directly applicable to the project.
- d. 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.
- e. 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 fences shall be installed according to the plan prior to commencing construction.
- f. 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 utilities shall be placed underground. 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.
- g. Prior to issuance of a demolition permit, the applicant shall comply with the requirements of Chapter 12.48 (Salvaging and Recycling of Construction and Demolition Debris) of the City of Menlo Park Municipal Code.
- h. Prior to building permit issuance, the applicant shall submit plans for on-site recycling and garbage facilities. The facilities shall be covered and protected from roof and surface drainage. The plan shall be subject to review and approval by the Environmental Program Coordinator, Engineering and Planning Divisions.
- i. The applicant shall maintain 208 parking spaces in landscape reserve. Parking in landscape reserve shall be developed at the discretion of the City if the Planning Division determines that additional parking is necessary to serve the office complex. Prior to building permit issuance, the applicant shall revise the site and landscape plans to identify the five new parking spaces placed in landscape reserve.
- j. The project shall comply with all the provisions of the Public Artwork Ordinance, Chapter 16.69 of the Zoning Ordinance, as applicable.
- k. Prior to building permit issuance, the applicant shall revise the plans to reflect no change in FAR from the existing building subject to review and approval by the Planning Division.

Motion carried 5-0 with Commissioners Bims and Fry not in attendance.

2. Consideration of the minutes of the June 16, 2003 Planning Commission meeting.

Commission Action: M/S Halleck/Sinnott to approve the minutes of the June 16, 2003 Commission meeting as submitted.

Motion carried 4-0-1-2 with Commissioner Fergusson abstaining and Commissioners Bims and Fry not in attendance.

3. Consideration of the minutes of the July 7, 2003 Planning Commission meeting.

Commission Action: M/S Halleck/Sinnott to approve the minutes of the July 7, 2003 Planning Commission meeting with the following modification:

- ***Page 6, line 30, add "Motion carried, 6-0."***

Motion carried 5-0 with Commissioners Bims and Fry not in attendance.

E. COMMISSION BUSINESS, REPORTS, AND ANNOUNCEMENTS

Responding to questions regarding the City's preparation of a mission statement, Planner Cramer said that she would get information on that by the next day for Commissioners Pagee and Soffer, the two Commissioners representing the Commission.

Commissioner Pagee said that the Planning Commission had discussed agendizing alleys. Chair Halleck said the discussion could possibly be agendized for the next meeting of March 22, 2004.

In response to a question from Commissioner Fergusson, Planner Cramer said the upcoming agendas were fairly full up to the end of April and staff had received applications during the past week that would be placed on the May agendas.

Commissioner Bims arrived at 8:09 p.m.

ADJOURNMENT

The meeting adjourned at 8:10 p.m.

Staff Liaison: Tracy Cramer, Senior Planner

Prepared by: Brenda Bennett, Recording Secretary

Approved by Planning Commission on July 26, 2004.