



MENLO PARK PLANNING COMMISSION MINUTES

**Regular Meeting
December 15, 2003
7:00 p.m.
City Council Chambers
801 Laurel Street, Menlo Park, CA 94025**

CALL TO ORDER – 7:00 p.m.

ROLL CALL – Bims, Fergusson, Fry (Chair), Halleck (Vice-chair) (Arrived at 7:05), Pagee, Sinnott and Soffer present

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

A. PUBLIC COMMENTS

Mr. Bob Creamer spoke about an opinion piece in the Country Almanac that was written by Ms. Patti Fry.

B. CONSENT

There were no consent agenda items.

C. PUBLIC HEARING

1. **Use Permit/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.

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 because the lot was substandard in width and construction of a new residence was proposed, Planning Commission approval of a use permit was required. He noted that since the publication of the staff report, staff had been informed that a neighbor was contesting the location of the property line. He said staff recommended that the item be continued to a future meeting date to allow the applicants and neighbors time to resolve the property line dispute. He said that the plans prepared for the subject property used property lines that were based on a topographical survey performed earlier in the year for the property at 129 Pope Street. He said that a topographical survey was not considered a legal document for the determination of the location of property lines. He said that staff also recommended that a condition of approval be added to the proposal to require that the applicant submit a legal record of survey prior to building permit issuance to determine the precise location of the property lines. He said that this condition of approval would also require that the applicants maintain a 10-foot wide left side setback and a five-foot wide right side setback from the accurate property lines as proposed in the application. He said that condition "k" would

read: "Prior to building permit issuance, the applicant shall submit a legal record of survey of the property to indicate the location of all property lines and fence lines on the property. This legal record of survey shall be submitted for the review and approval of the Building and Engineering Divisions and the City Attorney. Based on the results of this legal record of survey, the new residence shall be located so that the residence maintains a minimum left side setback of 10 feet and a minimum right side setback of 5 feet."

Questions of Staff: Commissioner Bims asked what was considered a legal record of survey. Planner Smith said that the Engineering Division had reviewed what had been submitted and had indicated that a topographical survey was not a legal document or a recorded document and the property lines could not be determined from that document. He said that he did not know the specifics of a legal record of survey except that it was a legal document that would be recorded with the County and would definitively indicate where the property lines were located. In response to Commissioner Bims, Planner Smith said that a legal record of survey would be based on the original subdivision map survey and monuments that existed in the neighborhood.

Commissioner Sinnott said that the monuments were fairly well defined, but that the letter from the neighbor mentioned two ways of surveying based on curves and flat chords. She asked if that was an issue as well. Planner Smith said that the methodology of the topographical survey was being disputed. He said that the legal record of survey would be reviewed by the Building and Engineering Divisions and the City Attorney for the accuracy of the methodology that was used. Commissioner Sinnott asked whether the use permit could be reviewed contingent upon the lot lines being verified. Staff indicated that was correct.

Chair Fry said it appeared that the property was in the flood zone and asked how the height of the building would be impacted by the requirement for the pad to be above the natural grade. Planner Smith said the site would need to have .6-feet of fill added to bring the pad for the foundation above the base flood elevation. He said that the height of 27.9-feet for the structure was measured from the existing grade prior to the fill.

Commissioner Fergusson said that she understood from her professional experience that there could be two perfectly legal and valid records of survey that might conflict with one another. She said that in those instances the matter needed to be resolved by arbitration or legal action. Planner Smith said that a condition of approval could stipulate that the civil matter would have to be resolved so that there was only one legal record of property lines before the issuance of a building permit.

Public Comment: Mr. Jack McCarthy, the designer for the project, introduced the property owner Mr. John Garagozzo and Mr. George Stock, the surveyor for 129 Pope Street next door to the south. Mr. McCarthy said that they designed the proposed structure for compatibility with the neighborhood. He said they tried to break up the massing on all sides to allow the neighbors to enjoy the look of the structure. He said they pulled the structure back on the lot as much as possible while trying to save the majority of trees. He said that one tree at the front right side of the house would need to be removed. He said that they placed the house around the large tree in the back to give the drip line to the root system protection, as the neighbors at 205 Pope Street were concerned with keeping the shade and privacy the tree provided them. He said that shingle siding would be used to match other houses in the neighborhood.

Commissioner Fergusson asked about the bay window that would protrude into the side setback on the right side. Mr. McCarthy said that it would be a one-foot projection, seven-feet wide and

it was proposed as a way to break the mass of the wall. He said that obscure glass would be used in the bay window to provide privacy. Commissioner Fergusson asked about the second floor windows on the right-side elevation. Mr. McCarthy said that the tall window was part of the stairway, the windows to the front and rear were for bathrooms, and the one small recessed window to the very rear of the lot was for the master bedroom.

Commissioner Pagee said that there was a difference in the front and side elevation for the bay window. Mr. McCarthy said that the side elevation was the correct elevation. He confirmed that there would be a window seat for the bay window and that the height between the bottom of the window externally and the ground provided adequate height for ingress and egress at about eight feet off grade.

Mr. John Garagozzo, the property owner, said that there had been a good measure of effort to resolve the boundary conflicts with the owners of 205 Pope Street before the meeting. He said that there were two existing surveys, one of which Engineering Division had determined was not a legal document. He said that the other survey was a legally recorded survey. He said that he hoped that the property line issue would not become a global issue for the neighborhood.

Mr. George Stock, a California licensed land surveyor, said that they had done a survey on the lot to the left of Mr. Garagozzo's. He said that the neighboring lot's left front property corner was about half a foot to the right of the left fence and the right property corner was about a foot-and-a-half right of the right fence.

Commissioner Fergusson asked Mr. Stock to address the two different methodologies of survey that had been mentioned. Mr. Stock said that there had not been a survey of the property at 205 Pope. He said that the neighbors' surveyor, Allen Hunsinger, made a review of the applicant's map and made rough measurements from the block. He said that there was a letter from Mr. Hunsinger to Mr. Hunsinger's clients that indicated that the chord method should have been used. Mr. Stock said that a slight difference would occur from using the arc and chord methods of surveying. He said that there was a statement on the map that seemed to suggest that the land surveyed was done by the chord method. He said however that it referred to 50-foot frontages and deflections for 50-foot frontages on curved property lines. He said that there was only one lot in the block that had a curved 50-foot frontage. He said that the balance of the lots had 60 or 80-foot frontages. He said that if the survey had been done by the chord method, it would have addressed the other sized curved frontages. He said that a chord was a way a surveyor would lay out a curve. He said the reference on the map to a chord was for the laying out of the streets and not the lots.

Commissioner Bims asked Mr. Stock for his thoughts on a legal record of survey. Mr. Stock said that a record of survey was a certain type of recorded survey map that was required when there were material discrepancies or original monuments were not available. He said that if this was a new subdivision with existing monuments a corner record could be filed and would be legal. He said that any surveyor surveying on this block would have to file a record of survey because of the situation with a lot of curves and a 1917 subdivision map. He said that he thought they found two original monuments, but they felt they still needed to file a record of survey. He said that State law required that if a surveyor set points that they had to follow either a record of survey or a corner record.

Commissioner Fergusson said the opinions of two different licensed surveyors would not carry more weight than the other if they differed. Mr. Stock said that such a difference in opinion

might have to be settled in court. He said that he hoped to convince the other surveyor in this instance that he was incorrect in his reasoning.

Commissioner Pagee asked what was used as a monument to measure the height of the fire hydrant that was shown. Mr. Stock said that they found what they thought was an original iron pipe in the alley at the back of the neighbor's property to the right of 201 Pope Street. He said that was used as a starting point and the curve line on Laurel Street was used for the orientation. He said that they found four other points, which they considered in their analysis; one was within half-a-foot of where they thought it should be; another was found within three-tenths of a foot of where they thought it should be. He said that the other two points, although they did not know where they originated or who set them, were eight-tenths and a foot different. He said that those points did not enter into the issue regarding the front and side property lines. Commissioner Pagee asked if those were registered points. Mr. Stock said that they show on the 1917 subdivision map.

Ms. Gail Slocum, Menlo Park, said that they had lived in their home at 205 Pope Street since 1988. She said that they first met the applicant when he came to meet with them to discuss his proposed plans for 201 Pope Street next door. She said that they have met innumerable times since. She said that their first concern had been with the applicant's intent to remove a heritage tree in the back of the lot. She said that was constructively solved by the redesign of the proposed residence so that the tree might be preserved. She said that similarly they had coordinated with the applicant on the location of the windows in the house and the angling of the second story on the front corner to protect a heritage tree on their property. She said that the boundary issue remained unresolved. She requested a continuance so that matter might be resolved. She said that if the Commission did not grant the continuance they had requested there would not be enough time for the applicant and them to work jointly on a survey. She said that the existing house was several feet further away than the proposed house. She said that the proposed house has a newly suggested property line that falls two feet toward their house from where the existing, long-standing fences were. She said that it was wider in the front and narrower in the back. She said that the lots are long and narrow and any change to the width would have a significant effect not only on their home but on the next home as well and noted that their other neighbor's garage was about a foot from their fence. She said that when the surveyor, Mr. Hunsinger, had done some measurements, he noted that there would be a cascading effect on other properties. She said that if the property line was determined to be in a different location, she was concerned that their driveway might not be usable. She said that they had discussed with the applicant having an agreement for mutual easements and a use understanding that would keep low plantings in certain locations. She said that had seemed agreeable to the applicant, but in November, he seemed to back away from the discussions. She said that at that point they hired a surveyor. She said that the surveyor had not had enough time to complete the survey, but had completed enough analysis to show some serious methodological flaws with the underlying survey upon which the applicant's survey was based. She said that they would like more time to pursue mutual agreement to have a joint survey with methodology that they all could agree upon. She said that she understood that Mr. Stock had found that there might be an actual land underage for the block. She said that their surveyor thought that using the chord methodology would create something much more similar to the fence lines and would not create a cascading problem.

Commissioner Soffer said that there was a minimum side setback of five feet in this zoning district, and for the applicant's property to have a five-foot setback that might come at the expense of property that Ms. Slocum thought was hers. He said that as condition "k" was

written, it seemed to indicate that the applicant could seek a legal record of survey that supported a five-foot setback whether or not it was reality or would have an impact on the next property. He said that the condition as worded might not be sufficient.

Mr. Jordan Gruber, Menlo Park, said that the Pope Street lots were strange in their configuration and that residents for almost a hundred years had used their properties based on where they thought the property lines were. He said a survey that definitively defined where the property lines would control legally over the Agreed Boundaries Document. He said that the area was very difficult to survey as the monuments were not as clear as they might be. He said that there was a dispute in terminology. He said that although Mr. Stock had indicated that the chord method was only used for the streets, he said that the subdivision map clearly stated that the length of all curved lot lines was measured in chords of 50 feet each. He said, citing Allied Arts as an example, that a global survey was needed for reconciliation of all of the lots. He said that their realtor had advised them that the strip of land which they had always thought was theirs and which the applicant was now indicating was his was worth \$50,000 to \$70,000. He said that he supported a continuance of the item so that they could work with the applicant to get to an agreement and hopefully get a global resolution.

Mr. Mitchel Slomiak, Menlo Park, said that he was a co-owner of the property at 205 Pope Street. He suggested after the holidays that they and the applicant resume their discussions and try to arrive at a use agreement. He said that if it was unsuccessful, they might seek mediation. He said that he was quite confident that an agreement could be reached. He said that they would discuss how to approach the survey issue. He said that once a use agreement was in place that they would be comfortable as homeowners with the applicant's plans going forward. He suggested that the City might help the neighborhood resolve the global lot line issues.

Ms. Barbara Hunter, Menlo Park, said that 201 Pope Street was listed for sale in June 2003 for \$799,000 and was purchased for \$841,000. She said that the current home had two bedrooms, a dining and living room, a kitchen and garage. She said that the proposed home would have a living room, dining room, kitchen with a nook, a family room, five bedrooms and four and a half bathrooms, which she thought would make the home the largest in the Willows. She said that the existing home was 1,200 square feet and the proposed home would be 2,829 square feet. She said that the existing home has a detached garage and the City had indicated that the footprint for the home was 1,741 square feet, which the proposed home would retain. She said that the proposed footprint on the plans appeared larger than the original footprint. She said that not only would this be the largest, but the most expensive home in the Willows. She said that the garage would impact the amount of landscaping area by over 10 percent. She questioned the sufficiency of a one-car garage for a five-bedroom home. She said that the current home on the property was inadequate and she believed that people should be able to build a home of their liking, but that the home should fit with the neighborhood. She said that the other two-story homes on her block and on Pope Street were set back and the second floors were smaller than the first floor. She said that the proposed structure was too large for the neighborhood and would dwarf the surrounding homes.

Recognized by the Chair, Mr. McCarthy said that the garage would be a two-car garage and the house was proportionately smaller to allow for that square footage. Mr. Garagozzo said that there were two maps that had been done, but it was a matter of opinion as to what the owners of 205 Pope Street perceived the front of their lot to be. He said that their surveyor described a different methodology than what was used by Mr. Stock. He said that there was not a survey of

the neighbors' property at 205 Pope Street. He said that the idea to have an entire neighborhood participate willingly to redefine their property description to remap the block was far reaching. He said that the boundary was a matter of opinion that needed to be resolved.

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

Motion carried 7-0.

Commissioner Comment: Commissioner Fergusson said that the Commission had considered a project on Valparaiso Avenue during which it was discovered there was a six-inch strip of land the applicant planned to use which was actually owned by someone else. She said that the Commission continued the item, as there was not enough information, because of the potential impact on the design of the house. She said that this was a very similar situation. She said that two respected surveyors disagreed. She said that the neighbors should be given an opportunity to resolve where the property line was. She said that it was the right of the applicant to build out to the square footage allowed by the zoning ordinance and noted that the applicant had done a good job capturing design characteristics of the neighborhood. She said that the materials proposed were of good quality and there was nice articulation on all four sides. She moved to continue the project to a date certain in mid-January 2004 with direction to the applicant to either have the neighbor procure a survey of their property or for the neighbors and applicant to have a mediated agreement. Commissioner Halleck seconded the motion.

Commissioner Soffer said the matter would have been easier if the City Attorney had been present to advise the Commission on what has occurred historically in such instances. He said that possibly the matter could have been dispensed with if the City Attorney had been available to offer guidance, insight and historical perspective. He said that if the proposal was continued, he requested that the City Attorney be present for the next consideration of the proposal.

Commissioner Pagee said that there might need to be modifications to the proposed structure based on the findings of a new survey. She said rather than approving the design and then having the applicant need to apply for a variance to be within less than five feet of a real property line, she would prefer a continuance. She said that the proposed structure was very well designed and would be a nice addition to the neighborhood.

Commissioner Bims said regardless of where the side property line happened to fall that there was a fence located there. He said his concern with how the house was proposed was that the rear setback from the fence was an issue for ingress and egress, unless the fence was to be replaced and moved out two feet. He said that the property line issue should be resolved and then the Commission should take a fresh look at the application with respect to ingress and egress along the sides. He said that the plans regarding the garage were incorrect and should be corrected. He said that condition "k" would not work as the applicant could make a record of survey that the neighbors would have no input for and the project would go through. He said that it would not resolve the issues.

Commissioner Soffer said that the Commission did not get involved in lot line disputes, as that was not within their jurisdiction. He said that he wondered how a project like this would have played out with the proposed changes to the zoning ordinance.

Commissioner Halleck said that the house was well designed and fit well with the neighborhood. He asked if the City Attorney had worked with staff on condition "k." Planner Murphy said that

the letter from the owners of 205 Pope Street had been received that day and staff was unable to speak with the City Attorney as he was in meetings all day. He said that Planner Smith conferred with Ruben Nino, the Director of Engineering Services. He said that staff had spoken with the City Attorney in the past on innumerable property line disputes so that they felt confident that this was appropriate wording to resolve a one-property issue. He said that the condition could address the two properties issue, but that would not prevent the cascading effect the owners of 205 Pope Street had identified. He said that the City did not resolve such global property line issues. He said that the Commission could continue the item.

Commissioner Halleck said that if the Commission continued the item would the applicant get another survey or rely on the neighbors to get another survey and then compare. Mr. Garagozzo said that they were looking at a number of ways to resolve the issue. He said that the neighbors had formulated a very expansive agreement, which he thought went beyond the issues. He said that at the end of their discussions, he had offered the 205 Pope Street owners a two-foot easement in perpetuity with the condition that they could not build on it. He said that if they were to demolish and rebuild on the property they would need to map it to conclusively determine where the corner point was and the easement would disappear. He said that he had offered to participate in a mutual third survey and they would participate in the costs as well and have the third survey be binding upon them. He said that those offers had not been acceptable. He said that he did not think there was animosity among the neighbors.

Commissioner Halleck asked how a continuance would affect the applicant. Mr. Garagozzo said that he had been working on the project since August 2003 and to continue the project for another three to four weeks concerned him. He said that he did not want to subject himself to an agreement without knowing that the 205 Pope Street property was defined accurately. He said that the issue of cascading was an opinion. He said again that he would offer to participate in a third survey that would bind all of them.

Commissioner Halleck said that he supported continuing the item for a month, and if at that time there was no resolution or agreement, the Commission should move ahead with approval as he had questions about the proposed language. He indicated that he would have liked to confer with the City Attorney.

Ms. Slocum said if the easement had been offered in perpetuity that would have been acceptable but that was not what had been written. She said that they were willing to do a joint survey but not just for the two properties as that might jeopardize the relationship with their other neighbor. She said that she did not think a survey could be accomplished in one month, but hoped that an agreement could be made.

Chair Fry said that she supported a continuance. She said that she shared Commissioner Bim's concern about ingress and egress. She said that where the property line ended up could affect how comfortable people were with how the house would be sited. She said she was not certain that the survey and resolution could be accomplished within a month and thought that the continuance should be until such time as those matters were resolved.

Commissioner Sinnott said that continuance was torture for applicants. She said that the design was very well done. She said that she would like condition "k" to work, but she realized that the applicant could not start work until the survey was obtained and the property line dispute was settled. She said that it sounded like there were good faith efforts being made. She said that

she would support a continuance but with considerable hesitancy as she would rather the matter was resolved.

Commissioner Soffer called for the question. Chair Fry asked for the motion to be restated. Commissioner Fergusson said that she moved to continue the item to a date certain in mid-January with the direction to the applicant to pursue whatever courses of action were necessary to resolve the boundary issues. Planner Murphy said that the calendar was full until February 23, 2004 and others projects might need to be bumped. Commissioner Soffer suggested that if the parties resolved their issues perhaps the item might be placed on a consent calendar. He said that the wording could be changed to the first available date. Chair Fry asked if there would need to be noticing. Planner Murphy said that the public hearing had been closed and there was no further requirement for noticing unless the Commission wanted to direct that. He said that if it were for the first available meeting date and the parties had resolved their concerns that would work. Chair Fry confirmed that if necessary the item could be pulled from the consent calendar. Commissioner Fergusson said that she would amend part of her motion to state that the item would not be heard no sooner than February 9, 2004. Commissioner Halleck the maker of the second agreed to the change in the motion.

Commission Action: M/S Fergusson/Halleck to continue to a meeting no sooner than February 9, 2004 with direction to the applicant to resolve the issues regarding the location of the property lines prior to returning to the Planning Commission.

Motion carried 7-0.

2. **Use Permit Revision/The Phillips Brooks School/2245 Avy Avenue**: Request for a use permit revision to allow the Phillips Brooks School to maintain a student enrollment of 276 students instead of 228 students, to maintain 33 teachers instead of 22 teachers, to substitute the limitation on teachers for a limitation on employees with a maximum of 50 employees, and to maintain three portable buildings on the site for the remainder of the School's 19-year lease.

Staff Comment: Planner Smith said that the Phillips Brooks School was located at 2245 Avy Avenue on property owned by the Las Lomas School District. He said that the applicant was requesting a use permit revision to allow the School to maintain a student enrollment of 276 students instead of 228 students, to maintain 33 teachers instead of 22 teachers, to substitute the limitation on teachers for a limitation on employees with a maximum of 50 employees, and to maintain three portable buildings on the site for the remainder of the School's 19-year lease, expiring on July 31, 2022 or when the School left the site, whichever came first. He noted that since the staff report was published two additional letters of support had been received.

Questions of Staff: In response to a question from Chair Fry, Planner Smith said that if a different school was to locate at the site, it would need a new use permit and that the current use permit was specific to Phillips Brooks School. Chair Fry said that the wording of condition "o" indicated that there would be a review of any complaints received by the City and that the Community Development Director could bring the complaints to the Commission. She said that the Commission at that time could impose conditions based on the complaints, but that those conditions would not go into effect until the next lease renewal period or five years. Planner Smith confirmed that was correct. She said that it would be beneficial if the applicant could know of the new conditions before the renewal of the lease, perhaps a year prior. She asked if that would work with the way condition "o" was worded. Planner Smith said that the condition

was not set up that way. He said that if there were complaints that the Community Development Director and the School could not resolve, then those complaints would be brought to the Commission for resolution. He said that could occur at any time, but that those conditions would not go into effect until the lease renewal or July 31, 2007.

Commissioner Fergusson asked if Phillips Brooks School moved and Las Lomitas School District decided to have a public school at the location if that school would need a use permit. Planner Smith confirmed that a use permit was not required for a public school.

Commissioner Soffer asked about the status of the German-American school and the length of their permit. Planner Smith said at that school's last review, they were granted another two-year extension that would expire in August 2004. Commissioner Soffer asked if there were other private schools in Menlo Park that had received use permits. Planner Smith said that the City also granted an approval for the Mid-Peninsula School a few years ago, which was given on a permanent basis. He did not know the term of that school's lease.

Public Hearing: Mr. Sam Bronfman, Chair of the Board of the Phillips Brooks School, said that he was present on behalf of the School to request the Commission's approval of the application for use permit revision. He said that the staff report and attachments thoroughly described the school's history on the site and the requested revisions to the use permit. He said that they agreed with staff's recommendation including proposed condition "o." He said that the School was celebrating its 25th year at the site. He said that their efforts to relocate to Woodside had been terminated and the property had been sold. He said that they expected to stay at the Avy Avenue site. He said that in 2001 they had requested a revision to their permanent use permit to allow for a change in enrollment from 228 students to 276 students. He said that was approved for a trial period of one year to allow the School to demonstrate that it could handle 48 more students without an increase in traffic. He said that in 2002 the use permit was extended for another two years by the Commission based on the School's carpooling success. He said that the City Council had praised their carpooling program as a model for other schools. He said that they were requesting that they be allowed to continue operating at their current campus for the remainder of the lease with the same conditions the Commission had formerly approved in February 2002. He said that they had no plans to expand further. He asked that the condition that referred to 33 teachers be changed to reflect that they have 50 paid employees. He said that they remain committed to their traffic control plan. He said that they have no objection to the proposed condition "o."

Ms. Beth Passi, Head of Phillips Brooks School, said that over the past three years, the School had worked positively with the neighbors by sharing the School's calendar of activities, providing them with a contact person at the School for their concerns or comments, and holding regular meetings with the neighbors. She said that they changed their pickup procedures the last year because of a neighbor's concern. She said that since their first meeting with the neighbors in November 2001, there had been no issues raised. She said that out of the 82 neighbors invited there had only been one neighbor who attended regularly. She said that they had made improvements to the School site over the past two years to make it a safer and more pleasant environment for the neighbors. She said that they added grass to the playground and at the front of the school; signage at the suggestion of the Police Department was added to control unauthorized parking late at night; the play structures were replaced in both the front playground and in the Early Learning Center to make them safer for the School and neighborhood's children. She said that they have added security on the weekends to avoid vandalism, which provided security for the neighborhood as well. She said that they had held a community

meeting on November 17, 2003 to discuss the use permit revision. She said that 82 households were invited and three neighbors attended. She said that two of the persons expressed concern about the traffic. She said that the vehicle counts showed a marked decrease in school-related traffic ever since they implemented the Trip Reduction Program as part of the condition for their use permit.

Chair Fry said that there had been concerns with parking as well as traffic when the Commissioner had considered the use permit previously. Mr. Bronfman said that there was on-site parking and overflow parking by agreement with the St. Denis Church. Ms. Passi said that two-thirds of the employees park at St. Denis Church and one-third of the employees park at the School on a rotational basis. She said that parking spaces in the lot were kept for parents of pre-schoolers. She said that there were two or three large events during the year and that there was no parking on the other side of Avy Avenue, but there was parking on the side streets. She said that the teachers do not park on the streets. She said that occasionally mistakes were made but they were corrected when the School heard about them. Mr. Bronfman said that they ask all of the teachers and parents not to park on the north side of Avy Avenue.

Chair Fry asked if the School had documentation of its parking and traffic procedures. Ms. Passi said that they have a parents' handbook that outlines the carpooling rules. She said that she sends out a weekly newsletter with reminders regarding various issues. She said that she could supply that documentation to the City.

Ms. Sharon Salty, Menlo Park, said that her children have attended the School since the previous year. She said that she fully supported the School's request for the use permit revision, noting the School's commitment to carpooling and traffic reduction. She asked the Commission to approve the School's request.

Ms. June Chapin, Menlo Park, said that the portable buildings were installed illegally and after three years, those portable buildings were to be removed. She said that the School had indicated it was moving to Woodside and asked that the portable buildings be allowed to stay so that they could maintain their enrollment. She asked that the portable buildings be eliminated. She said that she was concerned about safety as the parents parked on Bellair Way and walked their children across a dangerous street. She said that the School had good benefactors and could exist with 227 students and without portable buildings.

Commissioner Soffer asked if Ms. Chapin remembered when the school had been Las Lomitas and could comment on differences. Ms. Chapin said that previously there were no portable buildings, there was a cross guard at Bellair Way; and children either arrived by bus or by foot and there was no traffic problem.

Mr. Mark Farino, Menlo Park, expressed his support of the proposal and noted that the School was community-oriented. He said that the School had reduced levels of traffic to below what existed in 1997; parents were committed to carpooling; and there was now an informal bike-pooling group. He said the School was an asset to Menlo Park.

Mr. Stan Drake, Menlo Park, said that he was a physical education teacher at the School. He said that the School promotes teamwork, sportsmanship and conflict resolution and was an important asset to the community. He requested that the Commission approve the request.

Mr. John Whittle, Menlo Park, praised the school and its programs. He noted that the School had been proactive in response to any concerns expressed. He urged the Commission to approve the request.

Mr. Thomas Warden, Menlo Park, said that he had lived for 20 years in a home right across from the School. He said that all of the problems associated with the School were caused by the high enrollment. Mr. Warden said that the School had foreknowledge of the City's unannounced traffic survey. Planner Smith said that when the application was made for revisions to the use permit, the Transportation Division made an inspection to get more current car counts. He said that the School knew that the City would do a traffic survey, but not exactly when. Mr. Warden said that he wanted the enrollment to return to 227 students, the teaching staff returned to 22 personnel, the portable buildings removed, and for the 19-year lease to be shorter. He said the staff report indicated that the request should be approved because there had been no complaints. He said that there had not been any complaints because of the neighborhood's understanding that there would be periodic reviews by the Commission.

Mr. Chris Kenney, Menlo Park, said that the School was great, but he could not support the request because of the 19-year extension. He said that the School needed a shorter extension to keep them proactive to the neighbors' concerns.

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

Motion carried 7-0.

Commission Comment: Commissioner Sinnott said that the School had made supreme efforts to minimize traffic and she was very impressed with how the School had pulled together. She said that she was less concerned about the student enrollment because the traffic control was consistent and she was also impressed with the School's efforts to meet with the neighbors. She said that if this was a public school there might be eight portable buildings and no control by the neighbors over impacts. She said that she supported the staff's recommendation.

Commissioner Fergusson said that there were pertinent issues addressed by the neighbors. She said that the School needed to address the parking of parents on streets, which created a false reading of the traffic count. She said that another concern was with the 19 years of approval being requested. She said that condition "o" however provided a mechanism for the community to keep the School committed to addressing issues. She asked if the School would comment on the drop off on the side streets.

Mr. Bronfman said that occasionally parents parked on the side streets, but the majority dropped their children off at the site.

Commissioner Soffer said that he had been involved in two iterations on this use permit revision. He said that what was material for him during the last consideration was his expectation that the School would be moving to Woodside. He said that his reaction was that this would not be a 19-year approval but would be a two-stepped approval.

Commissioner Bims said that it was a good and desirable school for Menlo Park. He said that the School was making good efforts with the community and that the neighborhood meetings should continue as a forum for resolving issues. He said that the traffic control measures had

mitigated traffic impacts. He said that it was not an ideal location for the School, but that it was working. He would support staff's recommendation.

Commissioner Bims moved to approve the use permit revision as recommended by staff. Commissioner Pagee seconded the motion.

Chair Fry said that she also was involved in the last consideration of the use permit revision. She said that it was remarkable what the School had done in terms of the traffic control. She said the neighbors however had commented that they thought the situation would be temporary. She said that she was uncomfortable granting an approval that would not change any conditions for five years. She did not like forcing the applicants to return but that it created a good balance between the needs of the community and the needs of the School. She suggested a friendly amendment that the initial review period be shorter than five years so that binding conditions might be instituted before five years if needed.

Mr. Bronfman suggested a modification to condition "o" that if there were neighbor complaints that the School and City staff were unable to resolve, and if the complaints came before the Commission, the School should have a reasonable amount of time to implement the changes of the new conditions. He said that the School thought they could implement the conditions in a timely fashion.

Chair Fry recognized Ms. Chapin. Ms. Chapin said that every day there were parents who parked on Bellair Way. She said that they were parents of older children and parked there because it was close to the entrance to Highway 280.

Commissioner Halleck asked if the proposed modification to condition "o" could be worded appropriately. Planner Smith said that the condition could be modified to say that new conditions would be implemented within six months or at the beginning of the school year. Commissioners Bims and Pagee, the maker and second for the motion, supported that amendment.

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

1. Make a finding that the project is categorically exempt under Class 14 of the current State CEQA Guidelines.
2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits that the proposed use will not be detrimental to the health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
3. Approve the use permit revision subject to the following conditions:
 - a. 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.

- b. The applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the new construction.
- c. The following provisions for the use permits dated March 3, 1980, and revised on April 1, 1985, March 17, 1997, May 5, 1997, and February 23, 1998, shall remain in effect:
 - Subleasing of the site, or allowing use of the site for non-school related activities, by Phillips Brooks School shall require approval of a use permit revision by the Planning Commission.
 - The applicant shall install and maintain landscaping along the entire Avy Avenue street frontage. The type of landscaping along the street frontage shall be a mix of young and mature trees and shrubs. The landscaping plan shall be subject to Planning Division review.
- d. The maximum allowable student population on the site shall be 276 students. This increase shall be valid until either the earlier of the school leaving the site or the expiration of the school's lease on July 31, 2022, at which time the maximum student population will be 228 students.
- e. The maximum allowable number of staff on the site shall be 50 staff. This increase shall be valid until either the earlier of the school leaving the site or the expiration of the school's lease on July 31, 2022, at which time the maximum teacher population will be 22 teachers.
- f. The three portable buildings on the site shall be removed at the earlier of the school leaving or at the expiration of the school's lease on July 31, 2022.
- g. All student instruction and regular school activities shall continue to be limited to the hours of 8:00 a.m. to 3:30 p.m. The school's hours of operation shall be extended with the goal of ending at 10:00 p.m., except for the monthly board meetings, which would be allowed to occur until 11:00 p.m., for the following ancillary School activities:
 - Daily student drop off from 7:30 to 8:00 a.m.;
 - Daily after school care;
 - After school sports practices (three times per week);
 - "Back-to-School" night (once per year);
 - Middle School Admissions Night (once per year);
 - Board Meetings (once per month);
 - Board Committee Meetings (two to three times per month);
 - Parent Coffees (six per year);
 - Parent's Association Meeting (two to three times per year);
 - Student Presentations (once per year for each class);
 - New Family Picnic (once per year);
 - Book Fair (once per year); and
 - Neighborhood meetings on school operations.

- h. The applicant shall not allow more than 140 vehicles to exit its driveway during the morning traffic peak hour period (7:45 a.m. – 8:45 a.m.). The applicant shall satisfy this requirement by means it deems appropriate without review by the City, but the City may verify compliance at any time by conducting traffic counts at the driveway exit of the site.
- i. The applicant shall continue to communicate in writing to all parents of students enrolled in the school that no parking is allowed on the north side of Avy Avenue. Documentation of the communication shall be submitted to the Planning Division on an annual basis, and the effectiveness of the street parking restriction shall be analyzed by the Transportation Division.
- j. The existing “right turn only” sign located at the exit of the school’s parking lot shall be maintained until the City Council directs otherwise.
- k. The applicant shall submit a copy of the student enrollment roster and the staff roster to the Planning Division for purposes of verifying the student enrollment and staff numbers. The rosters shall be submitted annually three months from the first day of the school year. The Planning Division shall return the rosters to the school within one week of receipt. The City shall not make copies of the rosters or disseminate any information from the rosters to the public to the extent allowed by law.
- l. The applicant shall maintain the committee of school representatives and neighbors to identify issues related to the school’s operation and develop resolutions to those issues. The committee shall meet a minimum of once every three months starting from October 2, 2001. The results of the committee’s work shall be reported annually by the applicant in writing to the Planning Division.
- m. The applicant shall comply with all aspects of the traffic safety control program approved by the City Council on February 12, 2002. Compliance with these items shall be to the satisfaction of the Transportation Division.
 - Maintain the landscaping in front of the site in order to provide adequate visibility for vehicles exiting the driveway, yet also maintain the screening of the school facilities.
 - Continue the operation of the double lane of traffic within the parking lot in order to reduce the queuing of traffic on Avy Avenue during afternoon pick-up times.
 - Encourage the Las Lomitas District to monitor the intersection of Avy Avenue and Altschul Avenue during the times when the District’s students use the intersection.
 - Maintain the curb red for a distance of 20 feet on the south side of Avy Avenue to the east of the driveway exit to allow improved visibility and to allow improved turning movements from the driveway exit onto Avy Avenue.

- Maintain the curb red for a distance of 165 feet on the south side of Avy Avenue to the west of the driveway exit to allow improved visibility and to allow improved turning movements from the driveway exit onto Avy Avenue.
 - Maintain “school zone” signage on the eastbound and westbound approaches of Avy Avenue near the site.
 - The Police Department shall augment its enforcement efforts to enforce the parking prohibitions at the red curb locations on Avy Avenue, as budget resources allow.
 - The Police Department shall augment its enforcement efforts near La Entrada School and the intersection of Avy Avenue and Altschul Avenue during the morning drop-off and afternoon pick-up periods, as budget resources allow.
- n. If the applicant desires to extend this use permit revision allowing a student population of 276 students, a staff population of 50 employees, and the retention of the three portable buildings beyond July 31, 2022, the applicant shall submit such application prior to April 2022 for consideration by the Planning Commission.
- o. The Community Development Director shall review any complaints received by the City regarding the expanded student enrollments and staff numbers at Phillips Brooks School. The Community Development Director and his/her designee shall work with the School and the neighbors to try to resolve such complaints, when possible. The Community Development Director shall have the discretion to bring complaints to the Planning Commission for review. Any future changes to the conditions of approval based on these complaints, including revocation of the use permit revision, shall be effective within six months of the Planning Commission decision, or shall coincide with the beginning of the new school year, at the Planning Commission’s discretion.

Motion carried 7-0.

There was a short recess at 9:30 p.m. The meeting resumed at 9:41 p.m.

3. **Use Permit and Architectural Control/The Henry J. Kaiser Family Foundation/2498 Sand Hill Road:** Request for a use permit and architectural control for the development of a new 8,600 square foot office building and underground parking on the southwesterly corner of the Quadrus office complex.

Staff Comment: Planner Thompson said that the applicant was proposing to construct a new 8,600 square foot office building on the Quadrus campus near the corner of Sand Hill Road and Saga Lane. She said that the proposal also included a below-grade parking garage. She said that there were no permitted uses in the C-1-C zoning district so the construction of a new office building required use permit and architectural control approval by the Planning Commission. She noted that the proposal was presented to the Planning Commission for three study sessions in November 1999, and February and March 2001. She said that the applicant subsequently withdrew the project and reapplied in July 2003.

Questions of Staff: Commissioner Fergusson noted that the staff report addressed the architectural style of certain windows and asked staff to comment. Planner Cramer said that attachment C.1 was the applicant's proposal and that the windows proposed were taller windows that would extend close to the eaves. She said that the purpose of those windows was to add light into the space. She said that attachment E.1 showed the original design in which the windows were more rectangular and did not project as high into the façade. She said that staff wanted to bring this to the Commission's attention in case they wanted to discuss it.

Commissioner Fergusson, noting attachment D.1, asked if the stonewall with the Quadrus logo shown was the same as existing. Planner Cramer said that it was existing and would not be changed. Commissioner Fergusson asked staff to discuss what was proposed for the trees in the front façade. Planner Cramer said that the applicant could provide more detail on that. She said that the landscape plan would identify the exact type and location of trees to be planted. She said that there were a few taller trees that would remain which were not shown so that the façade of the building could be seen on the plans.

Commissioner Halleck said that there had been considerable concern about traffic impacts at the previous considerations of the project. He asked if traffic was no longer a concern and if so, was that because of the economy and lower traffic count. Planner Cramer said that in November 2003, the City Council adopted policy changes for the environmental review of commercial projects. She said that the threshold for environmental review had increased from a commercial building of 5,000 square feet to a commercial building of 10,000 square feet, which was consistent with the CEQA guidelines for threshold for environmental review. She said that when the application was previously received, the project required traffic analysis. She said that under the previous policy, an EIR would have been required. She said that under the current policy, the project was exempt from CEQA review.

Commissioner Soffer asked what had happened to the statement of overriding considerations. He said that he understood what happened in November, but he thought that was for a unique project not for a multiple-building project. Planner Cramer said that the project was the addition of a 8,600 square foot building. Chair Fry asked if Commissioner Soffer's question was whether the guidelines were relevant to an office complex versus an individual building. Commissioner Soffer said that this was a continuing 25-year project and wondered how a project was defined.

Planner Murphy said that if Quadrus at this time were to propose ten, 10,000 square foot buildings that would not be exempt. He said that because the campus was built out and the applicant was proposing to construct just one 8,600 square foot building that project could be exempt from CEQA and possibly from Transportation Impact Analysis Guidelines. Commissioner Soffer said that he understood that but the issue was how the sequential accumulative effects of one project were controlled. Planner Murphy said that with this proposal the Quadrus campus would reach the maximum construction capacity of the site. He said that the project had to be considered as it was and the applicant could not be held based on speculation that they may develop in the future if they had additional potential. He said however that if the applicant started a pattern of piece-meal projects, that issue would have to be identified and the entire project would have to have environmental review.

Commissioner Fergusson asked about the abandonment of Saga Lane. Planner Cramer said that Saga Lane was currently a public right-of-way. She said that in 1989 Quadrus proposed to abandon the right-of-way with some parameters. She said that no final action was taken by the Council. She said that the abandonment was being proposed at this time because Quadrus had

thought the abandonment was final and had done improvements to the street. She said that Quadrus had proposed setbacks based on the assumption that Saga Lane was a private street. She said that as part of this proposal Quadrus was seeking to abandon the street and the land area would become part of the Quadrus property. She said there would be a condition for an easement for access to the property located at 2500 Sand Hill Road as that was the main access to 2500 Sand Hill Road. She said that the setbacks would be measured from the edge of the easement. Commissioner Fergusson confirmed that the abandonment proposal was for a public right-of-way to become a private street.

Commissioner Fergusson asked about condition "f" and noted that condition was usually for grading and drainage but in this instance was "hydrology" and "hydraulics." Planner Cramer said that grading and drainage was condition "g," but that these had been separated out because of the topography of the site. Commissioner Fergusson asked how condition "i" for the NPDES permit was regulated. Planner Cramer said that the Engineering Division would be responsible for oversight of that permit.

Public Hearing: Ms. Peggy Lo, the property manager for Quadrus, said that since Kaiser had bought the property in 1987, they had remodeled all of the four original buildings to bring them up to code and added three smaller buildings and a 14,000 square foot addition. She said that this proposal was to develop the site to its full potential. She said that Quadrus has a fifteen percent vacancy rate. She said that the smaller buildings such as the proposed 8,600 square feet building presented desirable leasing space. She said that the windows were redesigned to match the other buildings. She said that ten trees would be removed and 20 would be planted in 24-inch boxes. She said that the proposed building would be the only single-story on the site would be seen from Sand Hill Road. She said that the building would have a shake roof and blend with the environment. She said that she thought all the buildings at Quadrus had been done in good taste and with good quality. She said that they had been fortunate for years to have great tenants. She said that there was a need for smaller spaces to accommodate those tenants. She said that they hoped this proposal would revitalize the site. She said that they have one tenant interested in the space, which they have not yet pursued because they were not far along in the process to negotiate. She said that Kaiser had been at the site long-term and expected to be there long-term as their headquarters was situated there. She commented on the one percent public art requirement. She said that they would like to blend their 800-piece art collection at Quadrus with that requirement and create an art piece that brought people into the site. She said that the abandonment of Saga Lane was a new issue for them as they had maintained Saga Lane as their own for some time. She said that they had changed the asphalt, slurry sealed it, changed the lights and kept all of the landscaping maintained. She said that they proposed to add parking underground. She said that if the abandonment created more property for Quadrus that it would not be large enough for a new project and might only be used as in-fill for an existing building if it was deemed appropriate.

Chair Fry said that the larger proposed windows seemed to be on the western side and asked how the applicant would handle the cooling requirements and excessive light. Ms. Lo said that all of the windows would be tinted and furnished with blinds. She noted that there was the same exposure on the buildings right above this site and tenants there had had no problems with the light.

Chair Fry said that there were three dumpsters in the parking lot. Ms. Lo said that they had to increase their recycling collection bins. Chair Fry said that there was a recommendation that garbage and recycling areas were to be reviewed. Ms. Lo said that there were four different

areas for seven buildings and that they had increased recycling efforts. She said that they were very willing to work with the City and BFI on any concerns.

Commissioner Sinnott said that she had some concerns with the windows. She liked the trellis, but saw a shallower eave on the side elevation. She said that the building behind had a deeper eave with rafters, which she thought added more interest and detail. She said that she would like something more detailed on the front elevation such as rafters or deeper eaves. Commissioner Halleck said that he had the same comment as he had been impressed with how well the original design fit into the site. He said that this building was different architecturally from the building behind it. He said that the roof style was different along the façade. He indicated that he would like the architectural features of buildings six and seven continued in the proposed structure. .

Mr. Lee Ashby, architect for the project, said that the roof eaves were the same in terms of their depth. He said that their vision was to keep the same eave detail that characterized the campus. He said that the roof pitch and materials were the same. He said that what was unique about the roof, the eaves and overhangs on the Quadrus campus was that sort of knife-edge rafter that goes off in a radius. He said that their intention was to repeat that feature.

Commissioner Pagee asked if the parking would have natural or mechanical ventilation. Mr. Ashby said that they would like just natural ventilation but were not sure if they could get enough openings.

Commissioner Fergusson commented that a pedestrian access to the sidewalk on Sand Hill Road would be desirable. Ms. Lo said that if that were done it would only service the one building. She said that only 45 people would be in that building as opposed to 450 people who would need to go the other way. Ms. Lo showed the location of the fire gate commonly used by walkers. Commissioner Halleck said that most people at the site who walk go along the back because it was more shaded. Mr. Ashby said that Quadrus was unique in terms of topography. He said to provide a path to Sand Hill Road for walkers would require switchbacks because of grade limitations and ADA requirements. Commissioner Halleck said that one of the paths for pedestrians near 2490 was not shown.

Chair Fry said attachment E.1 showed one of the previous submissions for the south elevation and that the left hand side of the elevation looked more similar to the proposed west and east elevation than what the proposed left side of the south elevation looked now. She asked the architect to address that. Mr. Ashby said that the main reason they chose to have the gable go up was to mirror the two other buildings, six and seven. Chair Fry said that her concern was also the size of the windows not the gable. Mr. Ashby said that one of the differences was outriggers on the other gables. He said that the mullions between the windows on building 6 were thinner than for the proposed building. Commissioner Sinnott said those two features created more interest and she would like the proposed building to match. Commissioner Pagee said that the gable on building 6 was narrower. She said that the gable was considerably wider and stark on the proposed buildings. Chair Fry suggested that they keep the original design. Ms. Lo said that it was possible to revert to the design on E.1.

Chair Fry noted the time and asked if the Commissioners wanted to meet past 11:30 p.m. The consensus was the meeting would end no later than 11:30 p.m.

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

Motion carried 7-0.

Commission Comment: Commissioner Sinnott said that she preferred the design on E.1. Commissioner Halleck said that he thought the attempt to extend the windows up was more consistent with the style on the campus, which was Craftsman. He said that making the mullions thinner and using outriggers on the gables would make the windows handsome. Both Commissioner Sinnott and Fergusson concurred with Commissioner Halleck. Mr. Ashby said that using the outriggers and pulling the mullions together would work. Commissioner Pagee suggested making the rafters at the end of the gables wider as in other buildings, but which would mean the fascia board above the gable would need to be more substantial as well.

Commissioner Fergusson expressed concern that the applicant might acquire square footage if the abandonment was approved and that a condition should be required that there would not be additional development. Planner Cramer noted that land area and use would be addressed through the abandonment process.

Commissioner Halleck moved to approve as recommended by staff with the added condition to match existing architecture on the site to include outriggers, fascia size in scale, and thinner mullions in the center windows. Commissioner Soffer seconded the motion.

Chair Fry asked for an amendment to give the applicant an option that if the proposed change in the design did not seem to work that the applicant could use the design as shown on attachment E.1. Commissioner Halleck said that would not be acceptable as the higher windows were more in keeping with the architecture of the other buildings.

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

1. Make a finding that the project is categorically exempt under Class 3 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 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.
3. 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.

4. Approve the use permit and architectural control for the eighth building located at 2400-2498 Sand Hill Road, subject to the following conditions:
 - a) Development of the project shall be substantially in conformance with the plans prepared by Hoover Associates, dated October 23 and November 21, 2003, consisting of 12 plan sheets and approved by the Planning Commission on December 15, 2003, 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, 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, Engineering Division, and Transportation Division that are directly applicable to the new construction.
 - e) Prior to building permit issuance, the applicant shall submit a soils report for the review and approval of the City Geologist. The project shall comply with the recommendations of the City Geologist, subject to the satisfaction of the Building and Engineering Divisions.
 - f) Prior to issuance of a grading permit, the applicant shall submit a hydrology and hydraulic study report for the project based on the hydrology and hydraulic analysis and calculations for review and approval by the Engineering Division. The applicant shall install the storm drain systems as recommended in the report.
 - g) 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.
 - h) 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.

- i) The developer shall become familiar with the Best Management Practices (BMP) requirements in order to ensure project compliance with the National Pollutant Discharge Elimination System (NPDES) permit.
- j) Prior to grading 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 will 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 Division.
- k) 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.
- l) Prior to building permit issuance, the applicant shall complete and record at the County Recorder Office the abandonment of Saga Lane to construct the building with the proposed setback from Saga Lane (30 feet from the edge of the proposed access easement). The applicant will initiate a request to the City to abandon Saga Lane and the City will process the proposed abandonment according to the City's guidelines and set conditions of approval associated with the abandonment.
- m) 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.
- n) Prior to issuance of a 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.

- o) 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.
- p) Prior to building permit issuance, the applicant shall submit a detailed landscape and irrigation plan identifying the location, type, and size of all new trees for review and approval by the Planning Division. The landscape and irrigation plan shall meet the requirements of the Water Efficient Landscaping Ordinance. All landscaping shall be in place prior to final inspection.
- q) Prior to building permit issuance, the applicant shall submit a revised landscape plan that includes the relocation of the of the stairway that connects the upper and lower parking lots between Buildings Eight and Three to save tree number 840 instead of tree number 841 subject to review and approval of the Planning Division.
- r) Prior to building permit issuance, the applicant shall submit a tree protection plan approved by a certified arborist subject to review and approval by the Planning Division and City Arborist.
- s) The applicant shall replace removed heritage trees at a ratio of 2:1. Replacement trees shall have a minimum size of 24-inch box.
- t) The applicant shall maintain 192 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.
- u) Prior to building permit issuance, the applicant shall revise the all parking stall dimensions to be a minimum depth of 16.5 feet and all drive aisle to be a minimum width of 23 feet. The revised parking plan is subject to review and approval by the Transportation Division.
- v) Prior to installation of any signage, the applicant shall submit plans of the signs for review and approval by the Planning Division.
- w) Prior to building permit issuance, the applicant shall pay all school impact fees required of the new development.
- x) The project shall comply with the provisions of the Public Artwork Ordinance, Chapter 16.69 of the Zoning Ordinance, as applicable.

- y) Prior to building permit issuance the applicant shall submit revised plans to modify the left gable on the south elevation, facing Sand Hill Road, to be similar in architectural style to the existing buildings on site. The revisions should include changes to mullions and fascia board and the addition of outriggers to match existing buildings. The revised plan shall be subject to review and approval by the Planning Division.

Motion carried 7-0.

D. REGULAR BUSINESS

There were no regular business items.

E. STUDY ITEM

1. **General Plan Amendment, Use Permit, Architectural Control, Tentative Parcel Map, Right-of-Way Abandonment/Willow Corners, LLC/1283 Willow Road:** General Plan Amendment to change the land use designation of the property from Medium Density Residential to Retail/Commercial, 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.

Commission Discussion: Commissioners provided individual comments to the applicant on the proposed project. Comments covered the following topics: appropriateness of changing the General Plan designation from Medium Density Residential and retaining the zoning classification of C-2-B; parking, access and circulation, especially potential safety issues that may arise from police officers leaving the site to respond to an emergency; focusing on uses that would provide a benefit to the surround residential neighborhood while minimizing adverse impacts such as noise and litter; and architectural style.

2. **General Plan Amendment/City of Menlo Park /1305 Willow Road:** General Plan Amendment to change the land use designation of the property from Medium Density Residential to Retail/Commercial.

The General Plan Amendment was discussed as part of Item E1.

F. COMMISSION BUSINESS, REPORTS, AND ANNOUNCEMENTS

- Chair Fry reported on a request from the Community Mediation Service Committee that the Planning Commission consider ways for using the services of the Committee.
- Chair Fry brought to the Commissioners attention a letter from Mayor Duboc regarding the Commission's role in preparing for the Council budget goal-setting workshop. The letter will be discussed at the January 12, 2004 Commission meeting.
- Chair Fry announced that the chair selection for next calendar year would be scheduled for the upcoming Commission meeting on January 12, 2004.

ADJOURNMENT

The meeting adjourned at 11:30 p.m.

Staff Liaison: Justin Murphy, Principal Planner

Prepared by: Brenda Bennett, Recording Secretary

Approved by Planning Commission on June 21, 2004.