



## **MENLO PARK PLANNING COMMISSION MINUTES**

**Regular Meeting**

**January 12, 2004**

**7:00 p.m.**

**City Council Chambers**

**801 Laurel Street, Menlo Park, CA 94025**

**CALL TO ORDER** – 7:05 p.m.

**ROLL CALL** –Fergusson, Fry (Chair), Halleck (Vice-chair), Pagee, Sinnott, Soffer present;  
Bims absent

**INTRODUCTION OF STAFF** – Murphy, O’Connell, Smith, Thompson

### **A. PUBLIC COMMENTS**

There were none.

### **B. CONSENT**

Commissioner Pagee requested that the minutes be moved to the end of the agenda, which was amenable to the rest of the Commission.

1. **Consideration of the minutes of the February 24, 2003 Planning Commission meeting.**
2. **Consideration of the minutes of the March 3, 2003 Planning Commission meeting.**

### **C. PUBLIC HEARING**

1. **Use Permit/Filiberto Alvarez/1420 Mills Court:** Request for a use permit to demolish an existing single-story residence and construct a new two-story residence on a lot that is substandard in regard to lot width.

Staff Comment: Planner Thompson said that the applicant was requesting a use permit to demolish an existing single-story residence and construct a new two-story residence at 1420 Mills Court. She said that the lot was substandard in regard to lot width.

Questions of Staff: Chair Fry asked which version of the plans had been seen by the neighbors. Planner Thompson said that the neighbors saw both sets, the original and revised set. Chair Fry asked whether the letters from neighbors were received in between the original proposal and revised proposal or after the revised proposal. Planner Thompson said that the letter was in response to the original proposal and had recommendations for changes. She said that subsequently the applicant had met with the neighbor to go over the proposed changes.

Public Comment: The architect for the project was present. Commissioner Pagee asked if the slope of the roof was a four and twelve or five and twelve and had been increased to an eight on twelve in the revised proposal. Mr. Louis Bobrowski, Bobrowski & Cook Architects, said that the roof was four on twelve and went from a higher slope to a lower slope. In response to a question from Commissioner Pagee, Planner Thompson noted that the most current set of plans was pages B1 through B7. Commissioner Halleck said that the architect had indicated the slope had gone to a lesser slope, but the plans appeared to indicate that the pitch of the roof went higher, noting he was comparing pages C6 and B5. Commissioner Halleck confirmed with Planner Thompson that the pitch of the roof went higher to articulate the roof more and there was a change from a column around the door to a porch. Commissioner Pagee said that the current plan for the roof seemed to be drawn to a six and twelve but the detail section from the old drawing showed a four on twelve. Mr. Bobrowski said that they would do a four, five or six and twelve whatever was desired.

In response to a question from Commission Fergusson, Mr. Bobrowski said that the biggest change from the original plans was the addition of windows on the left side and moving the building further toward the front of the site. He said that the neighbors on the left side did not want the building to stick out further than the back of their house. He said that the neighbor on the right side wanted the house pushed back on the site, but the part of their house that faced the other neighbor's property was their garage so they ceded to the other neighbor's desires. He said that there was a neighbor to the rear of the property who wanted the building further back on the site but they also ceded to the left side neighbor's request. He said that the neighbor on the left side did not want to look at a blank wall so windows were added.

Commissioner Fergusson asked if there had been a change to the pitch. Mr. Bobrowski said that he would have to look that up, as it had not been intended to increase. Commissioner Fergusson confirmed with Planner Thompson that the pitch had increased from a four and twelve to a six and twelve.

Commissioner Halleck said that Mr. Bobrowski had indicated the house had been moved forward on the site, but the staff report said that the house had been moved back on the site. Planner Thompson said that the house had been moved back on the site. Chair Fry asked for clarification on the front setback. Planner Thompson said that the proposed front setback was 31-feet.

Commissioner Halleck said condition "g" in the staff report required that the applicant demonstrate that the floor area ratio requirements for a single-family residence corresponded with the elevation drawings. He said that condition "h" required that the overhang be revised. He said that there was significant confusion about the drawings. He asked if staff was comfortable that there was enough information to make a decision or would the Commission receive a revised submittal from the applicant demonstrating that the residence would be built to the drawings. He said that page six of the staff report had different information from what the Commission was looking at in the revised plans.

Planner Murphy said that condition "g" called for the submittal of a new section that was consistent with the elevation drawings. He said that with conditions "g" and "h" it was clear to staff what was required to bring the project into full compliance. He said that if the applicant was unable to meet those requirements there was the option of coming back to the Commission, but staff was confident that they would be able to work with the applicant to revise

the appropriate drawings. He said that questions of whether the project would be built to the plans would be determined through the building inspection process.

Commissioner Halleck said page two of the staff analysis indicated that the applicant increased the front yard setback from 27-feet to 31-feet yet the plans indicated 31.5-feet for the front setback. He asked if the plans would be revised. Planner Thompson said that she scaled the full size plans and the front setback was actually 31-feet and the plans should be revised to accurately reflect that setback. She noted also that the rear setback was 66-feet and the plans indicated 69-feet seven inches.

Commissioner Halleck said page two of the full size plans that referred to the roof plan seemed to be incomplete and asked if that corresponded to page C.3 as the correct plan. Planner Murphy noted that the B pages were the revised plans and the C pages, the original submittal, had only been included as reference for the Commission. Commissioner Halleck said that there were lines missing from the roofline on page two of the full size plans. Commissioner Halleck said that when plans were brought to the Commission, it would be helpful if they were as correct as possible, and asked if the architect would pay attention to that in the future.

Chair Fry said that it appeared that a number of windows were changed, in particular on the left side or west elevation of the proposed residence. She said that there appeared to be tall windows toward the back of the house where there were not any windows before. She wondered if that size was at the request of neighbors. Mr. Bobrowski said that the windows were requested by the neighbor, but not the size of them. He said that the windows were designed to be more uniform with the windows on the first story. Chair Fry said that the added second-story windows seemed more similar to the first floor windows, but not to the other second story windows on the north and east elevations. Mr. Bobrowski said that they made the windows uniform with the first story windows on that one elevation as that was what the neighbors would see. Chair Fry asked if there were discussions or satisfaction about the taller windows with the neighbor. Mr. Bobrowski said that the neighbors wanted the windows, but that the applicant did not need the windows. Chair Fry asked if there had been discussion with the neighbor about a clerestory window as opposed to the full-length tall windows. Mr. Bobrowski said that the neighbors just wanted windows. Chair Fry said that there appeared to be a picture window on the north elevation that was not on the revised plans and asked if that was removed at the request of a neighbor. Mr. Bobrowski said that he could not remember.

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

Motion carried 6-0 with Commissioner Bims not in attendance.

Commission Comment: Commissioner Pagee asked for the reference in the zoning ordinance to 18-inch overhangs. Planner Murphy said that overhangs were part on the zoning ordinance section on encroachments. He said that if there was a 10-foot setback, a 36-inch encroachment was allowed; if the setback was less than 10-feet, a maximum encroachment of 18-inches was allowed. Planner Murphy confirmed with Commissioner Pagee that architectural features such as overhangs were allowable encroachments as specified.

Commissioner Halleck said he had expected some of the persons who had written with concerns about the project to be present at the hearing. He said that there was misrepresentation of the plans by what the architect had said and this had caused confusion. He said that he had questions about the windows as there were large windows added and

windows removed. He noted that he was pleased to see that the structure was set back, the pitch had been increased and the porch was more in keeping with the style of the neighborhood. He moved to approve as recommended by staff.

Commissioner Fergusson seconded the motion. She asked about the dissipation area in the back and whether drainage would collect at the back of the property. Planner Thompson said that was her understanding from the plans but suggested the architect might clarify. Mr. Bobrowski said that there would be a full grading plan prepared by licensed engineer and the plans indicated that the runoff would stay on the site and not flow to someone else's property. Commissioner Fergusson said that she liked the improvements suggested by the neighbors and the addition of a porch, which was more in keeping with a new house across the street. She said that she supported the project.

Commissioner Sinnott said that the staff report indicated that the windows would be true divided light and the plans indicated the windows would be vinyl with sculpted grid by Milgard. The architect indicated that the windows would be true divided light. Commissioner Sinnott confirmed with staff that true divided light windows would be required.

Commissioner Pagee said that she wanted it understood that the roof pitch would be six and twelve as shown on the elevations and not four and twelve as shown on the sections. Commissioner Halleck confirmed with Planner Thompson that the pitch would be six and twelve.

Commissioner Soffer said that the Commission had considered a project across the street from the subject property four and a half years ago. He said he had noted then that the street was ripe for change, but wondered how it would look when it was built out. He said that the street was predominantly a basic cinder block one story residential design, and wondered how that design could be transitioned into something more architecturally interesting.

Chair Fry said that two of the three two-story houses on the cul-de-sac had dormer windows that were more embedded in the structures. She said that she would have preferred to see such windows in this design because of the proximity of the other houses. She noted however that the neighbors had given their feedback and seemed to support the proposed plan. She said that she was uncomfortable with the full size windows on the left side where there had not been any before; she noted it appeared the neighbors had requested windows, but had not had an opportunity to comment on the size of those proposed windows. She said that she would prefer those windows to be the same size as the other proposed windows on the second floor, because of her concern about privacy. She asked whether the maker and second of the motion would agree to require that the larger windows be the same size as the other second story windows or to provide an alternative to the plan if necessitated upon consultation with the neighbors.

Commissioner Halleck said that there had been one window removed on one side and two other windows added on the other side. Chair Fry said that her concern was the size of the proposed windows on the left side. Mr. Bobrowski said that the window removed from the west elevation had been setback and would not have been seen, but that the windows on the left side would be seen and were designed to be harmonious with first floor windows. Chair Fry confirmed that there was a fence between the two properties and that the first story windows would not be seen by the neighbors. Commissioner Halleck as the maker of the motion said that he would be comfortable with the windows the size as proposed or a smaller size through consultation with the affected neighbors. Commissioner Fergusson, as the maker of the second to the

motion, also accepted Chair Fry's amendment. She asked if there might also be flexibility for the applicant to restore the window on the north elevation as that appeared to be the master bath. Commissioner Halleck said that he was not concerned with the windows that had been removed as those were not big, blank walls.

Commissioner Sinnott said that she agreed with the architect that the second story windows should be harmonious with the first story windows and if she were the neighbor she would want the windows to look as aesthetic pleasing as possible. She would prefer to see it as proposed. Commissioner Halleck said that the friendly amendment would give the neighbor the option to have the windows smaller if there was a concern about privacy.

Commission Action: M/S Halleck/Fergusson to approve as recommended by staff with one additional condition as follows.

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 detrimental to property and improvements in the neighborhood or the general welfare of the City.
3. Approve the use permit subject to the following conditions:
  - a. Development of the project shall be substantially in conformance with the plans prepared by Bobrowski & Cook Architects, dated received December 1, 2003, consisting of six plan sheets, and approved by the Planning Commission on January 12, 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 companies' regulations that are directly applicable to the project.
  - c. Prior to building permit issuance, the applicant shall comply with all requirements of the Building Division, Transportation Division, and Engineering Division that are directly applicable to the new construction.
  - d. Prior to issuance of a demolition permit or building permit, the applicant shall submit a plan for construction safety fences around the periphery of the construction area for review and approval of the Building Division. The Building Official may waive this requirement on a case-by-case basis. The fences shall be installed according to the plan prior to commencing construction.

- e. Prior to building permit issuance, the 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.
- f. 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 implement the tree protection plan and recommendations in the Arborist Report for all applicable heritage trees for review and approval by the Building Division.
- g. Prior to the issuance of a building permit, the applicant shall submit section plans that correspond to the proposed elevation drawings to demonstrate that the proposed residence complies with the Floor Area Limit requirements for this single family residence. Specifically, the plans should clearly indicate areas where the distance between top of the ceiling joists and the bottom of the roof sheathing measures five feet or more. These areas shall count at 200 percent toward the FAL maximum. The plans shall be subject to Planning Division staff review and approval.
- h. Prior to building permit issuance, the applicant shall submit revised plans to limit the encroachment of the overhang on the left elevation to 18 inches. The plans subject to Planning staff review and approval.
- i. The applicant shall have flexibility to reduce the size or modify the two second-story windows located in the master bedroom on the west elevation. Changes shall be subject to review and approval by Planning Division staff.

Motion carried 6-0 with Commissioner Bims not in attendance.

2. **Use Permit Revision/Brock Properties/801-877 El Camino Real:** Request for a use permit revision to revise the list of allowable uses in Victoria Lane.

Staff Comment: Planner Smith said that the subject property was located at 801-877 El Camino Real and was developed with single- and two-story buildings that contained a number of commercial tenants. He said that a list of allowable uses for the site was developed in 1980 with restaurants considered the only conditional use on the property. He said that the applicant was proposing to revise the list to expand the list of allowable uses on the site and provide a list of conditional uses. He said that the request for the revised list required revision of the use permit that was granted in 1980.

Questions of Staff: Commissioner Fergusson asked if buildings in the C-4 zoning district were required to have a certain percentage of retail use. Planner Smith said that there was no percentage required but there was a limitation on the floor area ratio. He said that the maximum floor area ratio (FAR) was 50-percent, and 75-percent with a use permit but that office FAR was

limited to 40-percent. He said that if there was 50-percent FAR of which 40-percent was office then 10-percent FAR would have to be for some other allowable use.

Commissioner Fergusson asked what the build out on the site was. Planner Smith said that he would look at the file as he did not have the square footage of the lot.

Public Comment: Mr. Charles Brock said that he was the general partner in the family partnership that was the applicant and lived in Woodside. He said that the square footage of the site was in the range of 60,000 square feet. He said that the build out was low enough that even if all of the use were office use it would meet the requirements of the FAR. He said that applying what had become an antiquated use list had become very restrictive. He said that they needed more flexibility. He said that if there were questions about potential tenant uses for the site that a representative from Cornish & Carey was present and would be better able to address those questions.

Commissioner Pagee said that it was very hard for retail users at the site to advertise on El Camino Real and asked if there would be improved signage for the tenants. Mr. Brock said that City staff had approved and were working with contractors on monument signs for the corner. He said that currently there was a monument sign both at the corner of Live Oak Avenue and El Camino Real and the corner of Roble Avenue and El Camino Real, which did not allow for full representation of the businesses at the site. He said that the new signage would be constructed in a couple of weeks and would provide space for all businesses that wanted space on that sign.

Commissioner Soffer asked what spaces were available for lease. Mr. Brock said that there was a 5,395 square feet space available to the rear of the center on the Roble Avenue side, which had been previously occupied by Kepler's Bookstore and then later by Seville Property. Commissioner Soffer asked if the wireless location was being used. Mr. Brock said that the site was under lease to Scott Trade, but that there were tenant improvements that needed to be done before the site was occupied. Commissioner Soffer asked what the cost of the larger spaces was. Mr. Brock said that the site leased to Scott Trade was \$275 a foot triple-net and they were asking \$250 to \$275 a foot for the space previously occupied by Seville Property, depending upon what tenant improvements would be needed.

Chair Fry asked whether the applicant was requesting the same permitted uses that were allowed for other sites in the C-4 zoning district. Mr. Brock said that they were requesting the uses allowed for the C-4 zoning district along El Camino Real, but that staff had suggested some slight limitation on those uses, which was amenable to them.

Commissioner Soffer asked why originally the site had not been approved with uses allowed for C-4. Planner Smith said that the minutes were not detailed, but he assumed that the Planning Commission at that time had wanted to limit to some degree the uses there; for instance the Victorian house site was not to be used for a restaurant as the neighbors behind the site had opposed that use. He said the parking spaces were somewhat less than what was required by the zoning ordinance and that also explained some of the limitations on the uses. He said that staff was currently recommending some limitations on the uses to respect that parking situation.

Commissioner Soffer asked what was there when the project was built. Mr. Brock said that on the corner of Roble Avenue and El Camino Real there were two buildings, one was the Victorian house which was almost to the sidewalk and was occupied by an engineer, an office for the publisher of The Recorder and some other small offices. He said that in the small, one-story

building there had been a barbershop, an insurance office and two other tenants. He said that building had been demolished and the Victorian house was relocated to the rear of the property. He said that the building on Roble Avenue to the rear of the site was the printing office for a newspaper, which was an old industrial use that the City was happy to see move to a more appropriate site. He said the area where the Victorian house was now was an assemblage of small parcels that were acquired for that development. He said on the corner of Live Oak Avenue and El Camino Real there was an old building that Kepler's occupied and a repair shop to the rear that Kepler's also took over.

Commissioner Fergusson noted that the Menlo Park Academy of Dance was a cultural resource for the City and had leased space at this site for about 18 months. She noted that the dance academy had been in Menlo Park for 50 years. She said that it provided benefit to the community, noting that parents could bring their children there for dance instruction and not have to drive to more distant locations, which would add to regional traffic. She asked whether there was any way to protect the dance academy from rent increase. Mr. Brock said that there was no consistent way with economics to guarantee that; he noted that the lease was for five years and he believed that they moved to the space a year ago. He said that he did not anticipate that there would be another boom like the previous one in 1990 which caused rents to rise so high. He said that there was a lot of property around which offered a protection. He said that he could not pretend to commit to a fixed rent beyond the scope of the current lease.

Chair Fry asked if Mr. Brock owned and managed the entire site. Mr. Brock said that he was the General Partner of a family partnership and that they owned and had developed the entire site. Chair Fry noted the parking. She said that because the partnership owned the entire site, it would manage the parking in the interest of tenant satisfaction. She suggested adding a condition that if the site were subdivided certain other provisions would be applied. She said she suspected that the original list of uses had been to help protect the parking and the neighboring neighborhood from parking overflow. She said that she would not want to undo that list unless there were some mechanisms or reassurances about the parking and potential impacts.

Mr. Brock said that if the parcel were to subdivide that the proposal would have to be reviewed by the Planning Commission for approval. He noted that it was a single parcel. Planner Smith said that subdivision of the property would come back to the Planning Commission for approval. He noted that if the existing businesses were to remain at the site there would be a need for variances as parcels would be established with substandard parking.

Commissioner Fergusson asked if the Cornish & Carey representative might talk about potential tenants for the site. Mr. Rod Sherba, Cornish & Carey, said that he had been marketing the project for about a year and about 50 percent of the inquiries were from fitness centers or personal trainers as well as inquiries from music and craft stores.

Commissioner Soffer said that the City was interested in more retail to boost the sales tax revenue and asked if there was some way they could get more retail in the site. Mr. Sherba said that the signage was being improved. He said that the parking was 3.6 spaces per 1,000 square feet and the applicant leased 10 additional spaces at the Masonic Temple. He said that parking and the signage had been addressed by the Brock family, but he thought that the market was driving the retail use.



Commissioner Fergusson asked if there was foot or bicycle traffic through the site. Mr. Brock said that it was not really a foot traffic area. He said regarding the signage that there was spacious signage on the front of all the spaces. He said that the monument signs were to let people know about the businesses in the interior of the site. Commissioner Fergusson asked about bicycle racks. He said that there were bicycle racks. He said that there had never appeared to be a problem with parking at the site and there was a seven-year lease for the 10 spaces at the Masonic Temple.

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

Motion carried 6-0 with Commissioner Bims not in attendance.

Commission Action: M/S Fry/Sinnott 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 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. Approve the use permit revision subject to the following conditions:
  - a. The applicant shall continue to comply with the use permit conditions of approval from the April 7, 1980 and July 7, 1980 Planning Commission meetings, except as otherwise modified as part of this use permit revision.
  - b. The permitted and conditional uses allowed on the site shall be as established in Chapter 16.43 of the Zoning Ordinance for the C-4 General Commercial District (Applicable to El Camino Real) zoning district, with the exception that restaurant uses and medical and dental office uses shall be conditional uses and not permitted uses. In addition, restaurant uses shall not be allowed to occupy the original Victorian building at the rear of the property.

Motion carried 6-0 with Commissioner Bims not in attendance.

#### **D. REGULAR BUSINESS**

There were no regular business agenda items.

#### **E. STUDY ITEM**

1. **Use Permit, Architectural Control and Variance/John Hansen/1421 & 1423 San Antonio Street**: Request for a use permit and architectural control to construct a new approximately 6,164-square-foot office building and one new residential unit and request for a variance to provide 36 parking spaces where 39 parking spaces are required and review of potential alternatives.

Commission Discussion: The applicant presented four alternative concepts in order to receive feedback from the Commission on a preferred course of action. Alternatives 1 and 2 were for townhouse development of different unit counts and bedroom numbers. Alternative 3 was for high-density studio units. Alternative 4 was for a mixed-use medical office and six studio units. Commissioners asked questions of staff for additional context such as other proposed projects in the vicinity, especially along San Antonio Street, the Housing Element sites list and affordability requirements, the need for an Environmental Impact Report to pursue changes to the General Plan and Zoning Ordinance to accomplish Alternatives 1, 2 and 3. Commissioners provided individual comments to the applicant on the proposed project. Comments covered the following topics: preferences for townhouse units, preferences for smaller units, such as the studios because of their affordability, preferences for a mix of townhouse and studio units; considering another residential use, such as assisted living; balancing the proper mix of uses and densities that minimizes traffic impacts and provides adequate on-site parking for tenants and visitors; exploring the possibility of achieving more flexibility in the PD (Planned Development) zoning in order to provide more housing in lieu of constructing permissible office uses.

## **F. COMMISSION BUSINESS, REPORTS, AND ANNOUNCEMENTS**

Commissioner Fergusson made a request to reconsider the December 15, 2003 use permit approval for The Phillips Brooks School located at 2245 Avy Drive to revisit a condition of approval, condition "o." Planner Murphy indicated that there might be other elements to be reconsidered.

Commission Action: M/S Fergusson/Halleck to reconsider the approval and schedule a public hearing on the next available agenda.

Motion carried 6-0 with Commissioner Bims not in attendance

### **B. Consent**

This item had been moved from consideration at the beginning of the agenda to the end of the agenda.

Chair Fry said that she would like both items to be pulled from the consent agenda.

Commissioner Soffer asked why the Commission was only now seeing minutes from over a year ago. Planner Murphy said that the position to do the minutes had been eliminated from the City's budget and that the City was using a contract recorder to do them. He said that with priorities of certain meetings such as the residential zoning amendment review there had been seven or eight sets of minutes that had become a higher priority to do. He said that staff had a plan to bring the minutes' preparation current by reviewing two sets of minutes per meeting for the next nine months. In response to a question from Commission Soffer, Planner Murphy said that the presentation of the minutes was not random rather that sometimes excerpts were required for items going before the City Council. He said that about 21 sets of minutes were pending.

**1. Consideration of the minutes of the February 24, 2003 Planning Commission meeting.**

Chair Fry said that on page four of the February 24, 2003 minutes in the section under Public Comment it was stated that the “parking image should be removed” and questioned what that meant and how it should be phrased. Planner Murphy said the context was that the screening would block the visual aspect of the parking area; he said that he would rework the wording.

Chair Fry said that on page eight, the last bullet point, talked about differences, but did not say what the differences were and suggested ending the sentence with a semi-colon after “Commission.”

Commission Action: M/S Fry/Fergusson to approve the minutes of the February 24, 2003 Planning Commission meeting with the following changes.

- On page four, the second paragraph, last line, change “the parking image would be removed” to the “visibility of the parking would be reduced.”
- On page eight, the bullet at the bottom of the page, beginning on the second line, delete “and some of the differences.”

Motion carried 5-0-1-1 with Commissioner Sinnott abstaining and Commissioner Bims not in attendance.

**2. Consideration of the minutes of the March 3, 2003 Planning Commission meeting.**

Chair Fry said on page three of the March 3, 2003 minutes references to “Wested” should be corrected to “WestEd.” She said that on page six it stated that “The Commission received comments from one member of the public.” She said that it was important that the public record name the person if that was available.

Commission Action: M/S Fry/Fergusson to approve the minutes of the March 3, 2003 Planning Commission meeting with the following changes.

- Change all references of “Wested” to “WestEd.”
- On page six, the first paragraph, the third line insert “Don Brawner” after “...one member of the public...”

Motion carried 5-0-1-1 with Commission Sinnott abstaining and Commissioner Bims not in attendance.

**1. Potential Connections to the Community Mediation Service Committee**

The Commission deferred this discussion to a later date to allow the Community Mediation Service Committee Chair to appear at future Commission meeting and provide a brief written description of ideas or questions for the Planning Commissioners’ review before that meeting.

## **2. Discussion of the December 10, 2003 Letter from Mayor Duboc Related to Commission Goals, Council Budget Priorities, and Streamlining Operations**

Chair Fry said that she had received two letters from Mayor Duboc. She said one indicated that Council member Jellins would serve as a liaison to the Planning Commission and the other asked for a response as to Commission goals, Council budget priorities, and streamlining operations of the Commission.

Commissioner Pagee asked if there was any way to enforce staff's requests for additional information from applicants as she had noticed that sometimes plans were incomplete despite staff's efforts to get the information from the applicant. Chair Fry asked if applicants were charged more if they spent more of staff's time.

Planner Murphy said that this fiscal year the fee schedule was changed to eliminate basically a subsidy for owner-occupied properties. He said the change was that applicants for owner-occupied properties were charged by the hour for staff time as had been the charge for applicants of non-owner-occupied properties previously.

In response to a question from Commissioner Pagee, Planner Murphy said that charges began once application was made. He said that consideration was being made of charging for pre-application discussions or meetings beyond provision of a set reasonable amount of time. Commissioner Pagee suggested that if the guidelines for application were more specific that might support imposing a fee as Planner Murphy had just described.

Commissioner Soffer suggested if plans and drawings were submitted to the Commission that were incomplete or inaccurate, the Commission should send the plans and drawings back to the applicant for addition or correction.

Commissioner Sinnott said that she would like to see continuances avoided, noting the burden on staff's time. Chair Fry noted that there had been 18 continuances since 2000. Commissioner Fergusson said that continuances served to defuse litigious situations. Both Commissioners Soffer and Pagee indicated that a continuance when needed improved a project.

Commissioner Halleck said he had listed some of his ideas and those discussed. He said that one request was for the completeness of plans; encourage staff's use of clear guidelines for application submittals; consider the clarification of the minimum standards for plans and applications; consider making decisions with an eye toward an efficient use of staff time and effectiveness; streamline the process through predictability; to have study sessions with other Commissions and Council on high-profile projects; consider a liaison with other Commissions or staff members; and a study session to assist the Council with annual goals and priority lists.

Commissioner Pagee said that another nearby city had complete control over plan check and had three architects on staff. Commissioner Halleck asked if the suggestion was to have professional architects on staff to review plans. Commissioner Pagee said that it was a consideration as new people were hired. Commissioner Fergusson said that perhaps applicants would be willing to pay a bit more to have that higher level of service and minimize project delays. Chair Fry said that pricing should be reviewed so that there was true cost recovery, and if there was a high desire of applicants to have an even faster level of service that perhaps there might be a possible additional charge.

Commissioner Fergusson suggested that the City should be looking at revenue sources and how those might be developed to augment the budget. Commissioner Soffer said that if the City knew the revenue was going to be a certain amount there should be a review of past budgets when the revenue was the same or similar to see what services had been supported.

Commissioner Fergusson said that some cities outsource their responsibilities whereas other cities were becoming centers to provide resources and services, which was a potential for cost-savings or revenue production. Commissioner Soffer said that potentially cities could merge and consolidate.

Chair Fry asked if there was some way for the Commissioners to review the summary and provide feedback. Planner Murphy said that one concern was with the Brown Act. Chair Fry suggested that Planner Murphy could summarize the discussion and meet with the Chair and Vice-Chair to finalize the draft response for the Commission's review.

Planner Murphy said that the Commission had addressed questions two and three. He said that the Director of Development had developed a draft memo of goals in reference to question one. He suggested that the Commission might review the draft and provide feedback.

Chair Fry said that she had additional ideas about questions two and three. She said that guidelines and checklists that provided consistency would be helpful for staff and applicants with periodic review of those guidelines and checklists to maintain quality. She said she thought volunteers should be sought to help with some work such as filing, noting high school students. She also suggested community-volunteer activities. She said relative to question three that if there were more opportunities to have joint work groups that would save staff and Commission time, noting the recent residential review. She said that the Commission saw trends, issues, and loopholes in the regulations and suggested that it would be effective if those concerns were raised and dealt with sooner than later.

### **3. Chair and Vice-Chair Selection for Calendar Year 2004**

Commissioner Fergusson nominated Commissioner Pagee for Chair. Commissioner Halleck nominated Commissioner Fergusson. Commissioner Fergusson declined. Commissioner Sinnott nominated Commissioner Halleck for Chair.

The Commission selected Commissioner Halleck as the Chair and Commissioner Pagee as the Vice-chair.

Under other business, staff reported on upcoming items on the next Council agenda of potential interest to the Commission.

### **ADJOURNMENT**

The meeting adjourned at 10:33 p.m.

Staff Liaison: Justin Murphy, Principal Planner

Prepared by: Brenda Bennett, Recording Secretary

Approved by Planning Commission on June 21, 2004.