



## **MENLO PARK PLANNING COMMISSION MINUTES**

**Regular Meeting  
January 26, 2004  
7:00 p.m.  
City Council Chambers  
801 Laurel Street, Menlo Park, CA 94025**

**CALL TO ORDER** – 7:00 p.m.

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

**INTRODUCTION OF STAFF** – Cramer, Murphy, Smith, Thompson

### **A. PUBLIC COMMENTS**

There was none.

### **B. CONSENT**

There were no consent items on the agenda.

### **C. PUBLIC HEARING**

1. **Use Permit and Variance/Steve Borlick/117 Pope Street:** Request for a use permit to convert an existing detached garage into a secondary dwelling unit, and a variance to allow the secondary dwelling unit to encroach two feet into the five-foot required left side yard setback.

This item was continued to the Planning Commission meeting of February 9, 2004 prior to the January 26, 2004 meeting.

2. **Use Permit and Variance/Gary McClure/1064 Laurel Street:** Request for a use permit to demolish an existing single-story residence and construct two, two-story residences on a property that is substandard in regard to lot width, and a variance for the front residence to encroach into the required 20-foot separation distance between residences located on the properties on the left and right sides of the subject property.

Staff Comment: Planner Smith said that the applicant was proposing to demolish an existing single-story, single-family residence in the R-3 (Apartment) zoning district, and construct two new two-story, single-family residences. He said since the proposal involved construction of two new residences on a substandard lot in regard to width that it required use permit approval by the Planning Commission.

He noted that the new front residence would encroach into the required 20-foot separation distance between residences on adjacent lots on both the left and right sides of the subject property. He said that the proposed left side building separation would be 15.5 feet, while the proposed right side separation would be 18 feet. He said that the proposed encroachments on both the left and right sides of the front residence required Planning Commission approval of a variance.

Questions of Staff: In response to a question from Commissioner Fry, Planner Smith said that the neighboring properties to the side, rear and across the street from the subject property were also zoned R-3. Commissioner Fry asked in reference to the proposed front residence how far the left side second story was set in from the property line. Planner Smith suggested the question be asked of the applicant.

In response to a question from Commissioner Soffer, Planner Smith said that the properties along Cherry and Pine Streets were also zoned R-3. Commissioner Soffer asked staff to describe the difference between this proposal and the project at 1059 Cambridge Avenue. Planner Smith said that 1059 Cambridge Avenue was zoned R-2. Commissioner Soffer asked if the lots were the same size. Planner Murphy said that the lots were probably approximately the same size. Commissioner Soffer asked if the Cambridge project required a variance. Planner Murphy indicated that it had required a use permit but not a variance.

Commissioner Pagee said that it was indicated on page T-1 of the parking design that there was 24 feet for backup, but the report indicated that there was 19 feet. Planner Smith said that the Transportation Division had reviewed the plan and had indicated that 19 feet was the absolute minimum that they would allow for backup and that this proposal was acceptable to them. Commissioner Pagee asked whether a single-family residence might be developed in the front and a cottage in the rear on an R-3 lot. Planner Smith said that there was no stipulation that the units had to be the same size. Commissioner Pagee asked if the setbacks would be required if there was a single-family residence and a cottage. Planner Smith asked if Commissioner Pagee was referring to the secondary dwelling unit regulations. She indicated that she was. Planner Smith said that those regulations only applied to the single-family zoned properties such as R-1-U. He said that in R-1-U there could be a detached secondary dwelling unit that had different setbacks and that parking regulations were somewhat more lenient. He said that the secondary dwelling unit regulations did not apply to R-3 properties. Commissioner Pagee asked if there were setback requirements for the second floor in an R-3. Planner Smith said that the requirements for second floor setbacks were the same as for the first floor setbacks.

Public Comment: Mr. Jim Maliksi, Maliksi and Associates, Palo Alto, said that they had designed the project in keeping with the R-3 zone and similar neighboring houses. He said that they would use shingles and lower the pitch of the roof. He noted that although the allowable height was 30-feet they had designed structures that were only 25 feet in height. He said that the owner wanted to construct a home each for her and her daughter.

Chair Halleck said that there were concerns voiced by neighbors regarding the proposed two, two-story residences. Mr. Gary McClure, the project manager, said that they had spoken with the neighbors directly behind the subject property and had reached agreement. He said that they had not yet had an opportunity to respond to the other two letters submitted. He said that they were more than willing to discuss any privacy issues regarding the number and size of windows. He said that some of the other issues raised were more subjective and would be

more complicated to discuss. He said that the windows were determined by the minimum requirements for egress from bedrooms. He said that they proposed to use double hung windows and what was shown was the minimum size of that type of window. He said that perhaps they could go to casement windows, which would be higher.

Commissioner Fry asked how far the second story was inset from the first story on the left side. She wondered what the distance was from the bulk of the house to the property line. Mr. McClure said that the second story projected about eight inches on the right side. Mr. McClure said that the south residence second story was set back approximately an additional four-feet seven-inches from the property line. He said that the north residence projected from the second floor about six-feet four-inches.

Commissioner Fry asked why the existing driveway was being moved from the left to the right. Mr. McClure said that the primary reason was the heritage oak on the left; he noted that there were no heritage trees on the right side of property. Commissioner Fry said that from the neighbor's standpoint there would be shadowing across their entire property. Mr. McClure said that the second story would be further away from the property line than the existing residence, even on the left side.

Commissioner Fry said that most of the two-stories in the neighborhood were modest with fairly flat roof lines. She asked if the applicant would consider less of a pitched roof line. Mr. McClure said that they had identified five or six projects with steeper roof lines than what they were proposing, but if the pitch was an issue, they would modify it.

Mr. Melvin Kerwin, Redwood City, said that he was an attorney representing Letty Harrison, the owner of a contiguous property to the proposed project. He said that Ms. Harrison objected to the project and suggested that the Commission deny both the use permit and the variance request. He noted that there were two letters from Ms. Harrison submitted to the Commission. He read a paragraph from the letter dated January 21, 2004 to be included in the record.

*Laid down in the General Provisions of the zoning code for Menlo Park is the purpose of the title zoning code. It states that the purpose of this title is to preserve and extend the charm and beauty inherent to the residential character of the city; to regulate and limit the density of population; encourage the most appropriate use of the land; to conserve land and stabilize the value of property; to provide adequate open space for light, air and fire protection; to lessen traffic congestion; to encourage tree and shrub planting and to encourage building construction of pleasing design.*

Mr. Kerwin said that the proposal did not meet the test of any of the elements set forth in the stated purpose for the zoning code. He said that the lot was substandard in regard to width and the reasons for that standard were the residential character, the density of the population, the appropriate use of the land, and conservation of land and the stabilization of the value of property. He said that his client was concerned that the value of her property would be damaged by the construction of an overbearing building overlooking the rear of her property. He said regarding the provision of adequate open space for light, air and fire protection that a 50-foot wide lot could not support the size of structures proposed and meet that provision.

Chair Halleck asked if there was anything the applicant could do to change the design to make it supportable. Mr. Kerwin said that his client was not interested in ameliorating the project at all

and suggested that the lot should be rezoned to R-1. He requested that the Commission make specific findings rather than general findings as suggested by the staff, noting that they might go before the Council on the matter. He said that the issuance of a use permit would seem to be illegal for a substandard lot.

Commissioner Soffer confirmed with Mr. Kerwin that Ms. Harrison's residence was a one-story.

In response to Mr. Kerwin's comment about the legality of issuing a use permit for a substandard lot, Planner Murphy cited section 16.580.01 of the zoning ordinance entitled "Substandard Lots." He quoted, "Subject to the granting of a use permit, any substandard lot legally created prior to annexation to the City, or legally created at the time it was created or subdivided or legally created in the City prior to April 28, 1953, whichever is later, may be used for a building site even when such lot is of less area depth or width than is required by the District within which it is located, provided however that all the regulations of such District shall apply."

Mr. Kerwin said that there was no floor area limit on the data sheet. Planner Smith said that on the first page of the staff report, floor area ratio was designated and in the third column it was noted that the zoning ordinance limit was 45 percent of the lot area, which was 3,375 square feet and the proposed project was 3,174 square feet. Mr. Kerwin asked what the reason was for the 20-foot separation between the buildings. Planner Murphy said that in the R-3 zoning district the required side setback was 10-feet; thus for two buildings next to each other the distance between them would be 20 feet. He said that he did not know why someone had decided that was the proper separation between buildings.

Mr. Kerwin said that the staff report seemed to suggest that three wrongs would make a right and questioned that a variance should be granted because there were buildings in place that encroached on setbacks. He suggested that those buildings were grandfathered and the developer should not be allowed to use that as a reason for a variance. He said that his client was opposed to this construction and that the Planning Commission should deny both the use permit and variance requests.

Mr. Jeremy Stieglitz, Menlo Park, said that he and his wife had bought the adjacent property a year ago. He distributed some photographs that provided a view of the block from their house on Laurel Street. He said that he was frustrated that there had been no consultation with him and his wife regarding the project. He said that the developer sought to maximize what was allowed in the R-3 zone on a substandard lot next to single-story residences. He said that he and his wife found the project to be inappropriate in scale and no justification for the variance. He said that in a letter, they had noted impacts from the proposed project on light, garden space, privacy, traffic and potentially on their property value. He said there was a shared open green space that 12 individual property owners could enjoy which the proposed project would impact. He said that they strongly objected to the granting of a use permit or variance for the project.

Commissioner Fergusson asked what he meant about open space. Mr. Stieglitz said that if a person stood in the backyard of the properties there was a vista of contiguous open green space and the proposed project would block that open space and sunlight for a number of properties.

Commissioner Fry said that the Stieglitz' letter expressed a concern about fire safety. She said the staff report indicated there would be a metal safety gate across the driveway and asked if the Fire Department had specifically looked at this design and if the distances were adequate. Planner Smith said that the Fire Department had not seen the plans. He said that the applicant had indicated they would remove the gate if necessary or supply a lock box if that was amenable to the Fire Department. He said regarding the access issue that the Fire Department had not yet determined if there was a fire hydrant close enough to the site with enough water pressure. He said that fire sprinklers might be required, which was also amenable to the applicant.

Ms. Susan Stieglitz, Menlo Park, said that she was in her house and very nice backyard with her children all day. She said that a two-story house next to them would block sunlight to both the front and back yards. She said that a two-story house was not appropriate to the neighborhood.

Commissioner Fergusson said that part of the variance request for the front house was the allowance of a separation of 15-feet six-inches between the buildings. She asked what the separation was between the buildings measuring from the second story on the left side. Planner Smith said that the living areas on both the first and second floors were setback 20-feet, but the garage was 15-feet eight-inches away from the adjacent building.

Mr. Dean Kratz, Menlo Park, said that he planned to buy a home in Menlo Park in the near future and was concerned with how difficult it was to understand the zoning regulations.

Ms. Mary Schuelke, Menlo Park, said that the Menlo Pines Association had accepted the response of the project's property owner and property manager to the concerns they had. She said that as an individual she would reiterate her desire that the Monterey pine be removed as it has seriously deteriorated. She said that it was browning, limbs were dying, and it had become top heavy. She said that it was a fire danger and could topple. She said that the applicant had indicated they would request removal. She said that if it was not removed at the minimum the heavy ivy growth needed to be removed.

Ms. Letty Harrison, Menlo Park, asked if her lot was zoned R-3. Planner Smith said that it was.

Commissioner Pagee asked the Stieglitz' how far their residence was from the fence. Mr. Stieglitz said that it was about six feet away. He asked if lots could be rezoned. Planner Murphy said that properties could be rezoned and that normally a group of property owners would apply. He noted that the application would be considered by the City Council. Mr. Stieglitz said that the existing home at the subject property was built in 1926 and asked whether it should be considered an historic structure. Planner Murphy said that State guidelines indicated that buildings older than 50 years have the potential for historic status under specific criteria. He said that Menlo Park had done an inventory of potentially historic houses in the 1980's and this particular area of homes had not appeared on that list.

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

Motion carried 7-0.

Commission Comment: Commissioner Sinnott said this was a difficult project to consider as she understood both the applicants' and neighbors' points of view. She suggested that there

might be work on placement of windows and landscape screening to minimize impacts on privacy.

Commissioner Bims said it appeared that all of the properties in this neighborhood seemed to be non-conforming in side setbacks. He said that the neighboring property encroached on the applicant's property which created a hardship for the applicant. He said that he would support a variance for the side setback. He said the construction of two, two-story residences on the property was allowable according to the zoning ordinance. He said that if the neighbors did not want that development allowed on R-3 lots he would encourage them to initiate a change in the zoning ordinance.

Commissioner Pagee said that she was concerned with the design process. She said fundamental to that process was the contacting of neighbors by the applicants prior to application. She said there were several ways that the R-3 lot might be developed, which included options that would not have created potential impacts on the neighbors. She said that there should be mitigation on those potential impacts by a drastic redesign and there should be similar restriction on the other properties for future development. She said that the design and architecture were good but that the rear house needed to be changed to lessen the impact on the neighbors.

Commissioner Halleck said that he like the Craftsman style, the massing of the buildings and the location of the driveway. He said that he agreed with Commissioner Pagee that the applicant was coming to the Planning Commission with a design that the neighbors did not like. He said that any decision made by the Commission on the proposal would not satisfy everyone. He said that the back residence was an issue for the neighbors and while he liked the proposed design, he would support a redesign of the project.

Commissioner Fergusson said that she believed in a property owner's right to build out to the allowable square footage of a lot, but consideration had to be given to the context in which it would be built. She said that the 20-foot setback from the second story on the left side was reasonable. She said that there were privacy issues that needed to be addressed. She said that landscape screening might help mitigate the privacy impacts to the adjacent house on the left and the house on Cherry Street.

Commissioner Soffer said he thought upon first review of the project that it would be easy to implement. He said that there was a problem regarding the variance in that the other lots were similarly situated and this lot was bigger than the other lots. He said that the applicant might consider a duplex which could possibly free up more of the backyard space.

Chair Fry said there was clearly some adverse impact on the neighbors from the project as designed. She said that she would like to support the development of the R-3 lot but within the context of the neighborhood. She said in her opinion the project would not qualify for a variance. She said that when the lot was scraped, the project could be built without the need for a variance. She said that she was concerned about light and shadowing. She noted that the length of shadow could be determined by doubling the height of a structure. She said that the shadow created by this project would be approximately 50 feet coming from the south to the north toward the left side. She said the shadowing would impact part of the Stieglitz' property as well as the backyard of Ms. Harrison's backyard. She said that there was an indication of impact to the general welfare. She said that she favored redesign.

Commissioner Bims said that he would be willing to support a redesign of the north residence through work with the neighbors. He noted that the variance for the south residence was only for the encroachment of the garage and he continued to support the variance request.

Commissioner Sinnott said that the whole neighborhood was R-3 and that zoning increased the value of the properties. She said many of the homes in the neighborhood needed renovation. She recommended that the Commission be specific about the elements of the redesign and what would be supportable. She said that she would like to see landscaping and window placement explored to solve issues of privacy.

Commissioner Halleck moved to send the project back for redesign through work with the neighbors. He noted that the second story of the rear residence seemed to be the most questioned part of the design. He and that landscape screening and window placement should be considered to lessen privacy impacts. Commissioner Sinnott seconded the motion.

Commissioner Fry said that she thought R-2 and R-3 zones were created with the idea that the development on those lots would be one building and not several structures. She said that she was concerned with such narrow and small lots being zoned R-3. She noted however that there were pressures to have more housing in the City. She said that there were other options for development of the lot, including combining the two residences and moving the bulk forward on the lot. She said there could be a larger front structure and a smaller, one-story structure in the rear, which would remove most of the impacts. She said that she would have trouble approving the proposal if there was a variance. She noted that when the structure was demolished there was the option to build to regulations.

Commissioner Fergusson suggested that it might be helpful if a sunlight study was done by the applicant. The applicant's architect indicated that a sunlight study had been done.

Commission Action: M/S Halleck/Sinnott to continue to a future meeting with direction to the applicant to pursue design alternatives that addressed the concerns of neighboring properties owners in regard to impacts to privacy, sunlight, and the loss of openness.

Motion carried 6-0-1 with Commissioner Fergusson abstaining.

3. **Use Permit/Kathleen Campbell/1155 Crane Street, Suite 7:** Request for a use permit for a private recreational use in the C-3 Central Commercial zoning district.

Staff Comment: Planner Thompson said that the applicant was seeking approval to locate Shape Express in a tenant space at 1155 Crane Street. She said that Shape Express was a circuit training facility for women. She said that the zoning ordinance identified private recreational use as a special use which required approval by the Planning Commission.

Questions of Staff: In response to a question from Chair Fry, Planner Thompson said that the applicant had not realized a use permit was needed and had been in the space since August 4, 2003.

Commissioner Fergusson said that it seemed sexist that the facility was for women only and noted that this issue had arisen in Palo Alto. Planner Murphy indicated that this had not been raised as an issue with the City.

In response to Commissioner Fry, Planner Thompson indicated that there had been no complaints received by the City about the subject use.

Commissioner Bims said that a fitness center was a commercial business and asked why it was labeled as a private recreational use by the zoning ordinance. Planner Murphy said that the zoning ordinance dated from 1967 and had not been substantially updated since that time. He said that interpretations were made over the years about a use category and how it fit within existing definitions. He said an interpretation was made at some time that health and fitness facilities fell within the private recreational use category and since that time there had been a number of uses that had been processed under that use category. He said that if the City were to do a substantial revision of the zoning ordinance, a separate use category for those type of facilities would probably be created.

Public Hearing: Ms. Kathy Campbell said that this kind of circuit training was becoming very popular with women, because sometimes women over 25 years of age did not feel comfortable working out around men. She said that their mission statement was "No men, no mirrors, no thongs." She said that their customers ranged in age from 12 to 80 years of age. She said that the program was about getting a reasonable fitness that was convenient to busy lifestyles. She said that many of their clients had never worked out before joining the facility. She said that they had a retail permit for the business, but could not meet the requirement for the percentage of merchandise.

Commissioner Fergusson asked Ms. Campbell what percentage of their clients was from Menlo Park. Ms. Campbell said that the majority of their clients were from Menlo Park, Atherton and Portola Valley.

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

Motion carried 7-0.

Commission Comment: Commissioner Sinnott said that she had a number of friends who use the facility and it was an asset for the City.

Commissioner Halleck moved to approve as recommended by staff. Commissioner Sinnott seconded the motion.

Commissioner Pagee said that there seemed to be no problem with parking in the area and the City needed more businesses like this one on its side streets. Commissioner Fry noted that Shapes Express had supported the City's local schools and thanked them.

Commission Action: M/S Halleck/Sinnott to approve as recommended in the staff report.

1. Adopt 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 request subject to the following conditions of approval.
  - a. Development of the project shall be substantially in conformance with the plans prepared by the applicant, consisting of three plan sheets dated received December 2, 2003, and approved by the Planning Commission on January 26, 2004, except as modified by the conditions contained herein.
  - b. 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.
  - c. The applicant shall comply with all requirements of the Building Division, Transportation Division and Engineering Division that are directly applicable to the project.
  - d. The applicant shall apply for the necessary sign permits from the Planning Division.

Motion carried 7-0.

4. **Use Permit/Nikolai Sepetov/3760 Haven Avenue:** Request for a use permit for the use and storage of hazardous materials in relation with a research and development business.

Staff Comment: Planner Smith said that the property at 3760 Haven Avenue was located in the M-2 zoning district. He said that the site was developed with a two-story building containing multiple office use tenants. He said that the Nanosyn Corporation had recently moved into the site having relocated their business from 3603 Haven Avenue. He said that the company was primarily a chemistry laboratory and research facility, which was a permitted use in the M-2 zoning district. He noted that the company used in its research a number of chemicals and materials that were considered hazardous. He said the use and storage of hazardous materials was considered a conditional use and the applicant was requesting use permit approval.

Questions of Staff: Commissioner Fry said the staff report noted that the use of hazardous materials was the same as it had been previously. She asked if there had been a change in the quantities used. Planner Smith suggested that the applicant might better answer the question.

Public Hearing: Mr. Dennis Lagasca, Nanosyn Corporation, said that the same type and quantities of materials would be used as at their previous site.

Commissioner Soffer asked why the company had moved. Mr. Lagasca said that they had subleased from Lantek and when that company downsized, they wanted Nanosyn to take over their space, which was not appropriate space for Nanosyn's needs.

Commissioner Pagee asked if there had ever been any incidents or spills or if they had needed assistance from the Fire Department at the previous site. Mr. Lagasca said that there had been none. Commissioner Pagee asked if there were scrubbers. Mr. Lagasca indicated that there were not.

Commissioner Fergusson asked whether the company was purely research or if they made products for sale. Mr. Lagasca said that they collaborated with pharmaceutical and biotech universities and sold their products to them. In response to Commissioner Fergusson, Mr. Lagasca indicated their annual sales were a bit more than \$500,000. Mr. Lagasca briefly reviewed the list of hazardous materials with Commissioner Fergusson.

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

Motion carried 7-0.

Commission Comment: Commissioner Pagee moved to approve the use permit as recommended by staff. Commissioner Fry seconded the motion and commented that she was pleased that they chose to remain in Menlo Park.

Commission Action: M/S Pagee/Fry 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 request subject to the following conditions:
  - a. Development of the project shall be substantially in conformance with the plans prepared by Nanosyn Corporation, consisting of three plan sheets dated received December 17, 2003, and approved by the Planning Commission on January 26, 2004, except as modified by the conditions contained herein.
  - b. If there is a substantial change in the quantity of chemicals or hazardous materials, or a change in the use and/or storage of the hazardous materials after this use permit is granted, the applicant will need to apply for a revision to the use permit.

- c. Any citation or notification of violation by the Menlo Park Fire Protection District, San Mateo County Environmental Health Department, West Bay Sanitary District, Menlo Park Building Division, or other agency having responsibility to assure public health and safety for the use of hazardous materials will be grounds for considering revocation of the use permit.
- d. In the event that the use is discontinued for 90 consecutive days, the use permit will automatically expire.

Motion carried 7-0.

#### **D. STUDY ITEM**

1. **General Plan Amendment, Rezoning, Conditional Development Permit, Major Subdivision, and Environmental Review/Jeff Warmoth/996-1002 Willow Road:** Request for general plan amendment, rezoning, conditional development permit, major subdivision, and environmental review for the construction of 13 dwelling units.

Commission Discussion: Commissioners provided individual comments to the applicant on the proposed project. Comments covered the following topics:

- Appropriateness of the project location for residential use;
- Support for changing the General Plan designation from Retail/Commercial to Medium Density Residential and rezoning the property to R-3-X Apartment – Conditional Development Permit;
- Support for utilizing State housing law incentives to vary specific development regulations in order to produce affordable housing, including consideration of varying requirements for applying the “X” Conditional Development District to a project site of less than one acre and exceeding the maximum Floor Area Ratio (FAR);
- Concern about visually and physically separating the proposed Below Market Rate (BMR) units;
- Concern about adequate parking for residents and guests;
- Consideration of design alternatives to address the building frontage on Willow Road and increasing open space;
- Desire to create a pedestrian friendly connection from the project site to the retail uses on Willow Road and the adjacent Flood Triangle neighborhood,
- Desire to minimize adverse impacts, such as noise;
- Request for clarification on emergency access and circulation;
- Support for the preliminary architectural style; and
- Desire for applicant to conduct neighborhood outreach.

#### **E. REGULAR BUSINESS**

1. **Consideration of the minutes of the March 17, 2003 Planning Commission meeting.**

Chair Halleck suggested in the future that Commissioners might review the minutes and send comments to staff prior to the meeting to save time at the meeting.

Commissioner Soffer said that on page 19 there was no vote recorded. Commissioner Fry said that the minutes did not reflect that she had left the room when she recused herself from the consideration of one item because it is her understanding from the city attorney that leaving the room when recusing oneself is required by California rules. She suggested that for future instances the minutes would reflect that the person left the room upon recusal. She said on page six that it appeared the word "trees" should be added after "heritage." She noted the word "a" between "are" and "located," which was probably a typographical error.

Commission Action: Approved with the following modifications.

- Page 6, 1<sup>st</sup> paragraph under Item 2: Add "and left the room" at the end of sentence.
- Page 6, paragraph beginning with Staff Comment, last sentence: Insert "trees" after the word heritage.
- Page 10, condition f: Delete the word "a" between the words "are" and "located".
- Page 15, after condition k: Add "The motion carried unanimously, 7-0."

Motion carried 6-0-1 with Commission Sinnott abstaining.

## **2. Consideration of the minutes of the March 24, 2003 Planning Commission meeting.**

Commissioner Fergusson asked that the record reflect under "Roll Call" that Commissioner Bims and she were attending another meeting as representatives of the Planning Commission.

Commission Action: Approved with the following modification.

Page 1, Roll Call: Add at the end "(Commissioners Bims and Fergusson were attending a meeting on the Hamilton Avenue Park/Housing Developer Selection Committee as representatives of the Belle Haven neighborhood and Planning Commission, respectively.)"

Motion carried 6-0-1 with Commissioner Soffer abstaining.

## **3. Consideration of the excerpts for 310 Market Place from the December 1, 2003 Planning Commission meeting.**

Commissioner Fry noted under condition "p" the hours should be shown as "inclusive of set up and cleanup."

Commission Action: Approved with the following modification.

Page 5, Condition p: Add "inclusive of set up and clean up" at the end of the last sentence.

Motion carried 6-0-1 with Commissioner Soffer abstaining.

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

- 1. Selection of a Commissioner to the Residential Zoning Ordinance Monitoring Committee.**

The Commission selected Commissioner Pagee to serve on the Committee.

- 2. Comments on the written summary of the Commission's discussion regarding Commission goals/priorities, ideas for balancing the City budget and ideas for streamlining the work of the Commission.**

The Commission reviewed the summary and made modifications to clarify two ideas.

Under Commission business, Chair Halleck asked if the Commissioners were agreeable to e-mailing comments on the minutes prior to the Commission meeting. Commissioner Fergusson suggested that it be optional. Commissioner Fry said that there might be some disagreement among the Commissioners on suggested changes. There was general agreement that identifying typographical errors prior to the meeting would save time.

## **ADJOURNMENT**

The meeting adjourned at 10:08 p.m.

Staff Liaison: Justin Murphy, Principal Planner

Prepared by: Brenda Bennett, Recording Secretary

Approved by Planning Commission on June 21, 2004.