



MENLO PARK PLANNING COMMISSION MINUTES

Regular Meeting

January 9, 2006

7:00 p.m.

City Council Chambers

701 Laurel Street, Menlo Park, CA 94025

CALL TO ORDER – 7:00 p.m.

ROLL CALL – Bims (Vice-chair), Deziel, Henry, Keith, Pagee (Chair), Riggs, Sinnott

INTRODUCTION OF STAFF – Deanna Chow, Senior Planner; Megan Fisher, Assistant Planner; Justin Murphy, Development Services Manager; Thomas Rogers, Assistant Planner

A. PUBLIC COMMENTS

There were none.

B. CONSENT CALENDAR

There were no items on the consent calendar.

C. PUBLIC HEARINGS

1. **Tentative Parcel Map/John Barton/878-880 Partridge Avenue**: Request for a tentative parcel map to convert two residential dwelling units into two condominium units on one parcel in the R-2 (Low Density Apartment) zoning district.

Staff Comment: Planner Chow said this item was continued from the meeting of October 25, 2005. She said the applicants had redone the tentative parcel map to show the delineation of exclusive use and common areas between units 1 and 2 and the delineation between Floor Area Limit (FAL) calculations should future development occur. She said the revised map was shown on page B.2 of the staff report and a chart on page 3 clarified what future development would look like for the units.

Public Comment: Mr. John Barton, architect for the project, introduced the property owner Ms. Flora Tang. Ms. Flora Tang said that her employer had bought a subsidiary company in this area and she was spending more time in the Bay area; also her daughter had graduated from Stanford and was now engaged, and lived in Portola Valley. She said with that she and her husband wanted to eventually retire and live in Menlo Park. She said that they would like to split the lot and keep one lot for their own residence.

Commissioner Deziel confirmed with the applicant that both units were currently rented.

Mr. Barton said they decided to give the rear unit 55 percent and the front unit 45 percent of FAL for future development. He said the reason was that the front unit was situated so that it

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would not be able to expand to the side or the rear. He said that unit could only really expand to the front. He said it was a nice two-bedroom one-bath unit and all it needed was a slightly larger bedroom and another bath and that could be accomplished in the 140 square feet allocated to it. He said the rear unit was boxier and it could only really expand upward unless a variance was granted; with 55 percent FAL it could add up to 500 square feet and that would improve the appearance if the second story were to be developed. He said the map had been revised to show the exclusive and common areas for the front and rear units. He said they had met with staff and the City Attorney and were reassured that these allocations could be handled through the CC&Rs.

Commissioner Deziel said the cypress trees had dropped a lot of dead needles; Mr. Barton said that they would clean it up.

Chair Pagee closed the public hearing.

Commission Comment: Commissioner Sinnott moved to approve; Commissioner Keith seconded the motion noting that under 3.d, the third line down, the word “properly” should replace “property.”

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

1. Make findings that the project is categorically exempt under Class 3 of the current State CEQA Guidelines.
2. Make findings that the proposed minor subdivision is technically correct and in compliance with all applicable State regulations and City General Plan, Zoning and Subdivision Ordinances, and the State Subdivision Map Act.
3. Approve the minor subdivision subject to the following *standard* conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by A.C. & H – Civil Engineers and John Barton Architect, dated received January 5, 2005 consisting five plan sheets and approved by the Planning Commission on January 9, 2006, 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, Engineering Division, and Transportation Division that are directly applicable to the project.

- d. 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 utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
 - e. Prior to building permit issuance, the applicant shall submit plans indicating that the applicant shall remove and replace any damaged and significantly worn sections of frontage improvements. These revised plans shall be submitted for the review and approval of the Engineering Division.
 - f. Prior to recordation of the final subdivision map, the applicant shall submit CC & R's (covenants, conditions and restrictions) to the Engineering Division for the approval of the City Engineer and the City Attorney prior to the recordation of the final subdivision map. The final subdivision map and the CC & Rs shall be recorded concurrently.
4. Approve the minor subdivision subject to the following *project specific* conditions:
- a. Prior to recordation of the final map, the Conditions, Covenants and Restricts (CC & Rs) shall incorporate language to specify the FAL allocation between Unit 1 (45%) and Unit 2 (55%). The language shall be subject to review and approval of the City Attorney.

Motion carried 7-0.

2. **Use Permit/Rita Keleta/1040 Henderson Avenue:** Request for a use permit for a single-story addition and remodeling to an existing, nonconforming single-story residence that would exceed 75 percent of the replacement cost of the structure within a 12-month period in the R-1-U (Single-Family Urban) district.

Staff Comment: Planner Rogers said staff had no additional comments.

Public Comment: Ms. Rita Keleta, the property owner, introduced herself.

Commissioner Deziel asked whether Ms. Keleta knew that staff had added a condition to move the washer and dryer out of the garage to bring it into compliance. Ms. Keleta said she liked having the washer and dryer in the garage. Chair Pagee said there was a requirement for one legal covered and one legal uncovered parking space and the staff report had a condition that the washer and dryer needed to be moved to make the garage legal. Ms. Keleta said she understood that the appliances would need to be relocated. Commissioner Deziel said that perhaps additional square footage would be needed.

Commissioner Keith confirmed that Ms. Keleta was aware that the fence height would need to be lowered.

Chair Pagee closed the public hearing.

Commission Comment: Commissioner Riggs moved to make the findings and approve as recommended by staff. Commissioner Deziel said he would second with a request that there should be a clarification in condition 4.b to indicate that some additional square footage could be allowed to accommodate moving the washer and dryer out of the garage area. Commissioner Riggs said he accepted the amendment. He said adding the word “associated” would tie the additional square footage to only what was needed to accommodate the washer and dryer.

Commission Action: M/S Riggs/Sinnott to approve with the following modifications.

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 detrimental to property and improvements in the neighborhood or the general welfare of the City.
3. Approve the use permit subject to the following *standard* conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by John Low, consisting of eight plan sheets, dated received November 28, 2005, and approved by the Planning Commission on January 9, 2006, 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, Engineering Division, and Transportation Division that are directly applicable to the project.
 - d. 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 utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
 - e. Prior to building permit issuance, the applicant shall submit plans indicating that the applicant shall remove and replace any damaged and significantly worn sections of frontage improvements. These revised plans shall be submitted for the review and approval of the Engineering Division.
 - f. 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.

- g. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance. Prior to the building permit issuance, the applicant shall implement the tree protection plan and technique recommendations in the Arborist Report for all applicable heritage trees.
- 4. Approve the use permit subject to the following *project-specific* conditions:
 - a. Within 30 days of Planning Commission approval of the use permit, the applicant shall submit a revised site plan, showing that the fence height not exceed three feet in the 35-by-35-foot corner triangle area. These revised plans shall be subject to review and approval of the Planning Division. The existing fence shall be reduced in height within 30 days of staff approval of the revised plans.
 - b. Prior to building permit issuance, the applicant shall submit a revised floor plan, showing the relocation of the washer and dryer, and the removal of any interior construction within the garage. These revised plans, **which may include associated square footage to accommodate the relocated washer and dryer**, shall be subject to review and approval of the Planning Division.
 - c. Prior to building permit issuance, the applicant shall submit a revised site plan, showing the location and type of the two Heritage Tree replacements. These revised plans shall be subject to review and approval of the Planning Division.

Motion carried 7-0.

Chair Pagee recused herself from consideration of the next agenda item as she had a potential conflict of interest and left the room.

- 3. **Use Permit, Variance, and Architectural Control/Jude Kirik, Pacific Peninsula Architecture/911-919 Fremont Place**: Request for a use permit and architectural control to demolish two four-unit apartment buildings and to construct four townhomes and associated site improvements in the R-3 (Apartment) zoning district. Request for a variance to reduce the distance between buildings on adjacent properties to less than 20 feet in the left and right side yards.

Staff Comment: Planner Fisher said since the release of the staff report seven letters of support had been received. She said staff had also received descriptions of the proposed trees from the landscaping architect. She said a site visit staff made that day revealed there had been a miscommunication among the applicant, property owner and staff in that only two of the three heritage trees had been removed, but the owner was still intending to remove the third tree.

Questions of Staff: Commissioner Deziel said he was concerned that City processes were not consistent with the City's Heritage Tree Ordinance, and he did not see the logic for the removal of the acacia tree. He asked whether there was a City Arborist recommendation for the removal of the acacia tree. Planner Fisher said that the City Arborist had visited the site on an emergency call when one tree had fallen and determined that the other trees were unhealthy, one of which threatened the building. Commissioner Deziel said he would like to see documentation in the future that substantiated tree removal.

Commissioner Keith said that the Blackwood acacia seemed to be healthy, but its roots were on the surface. Planner Fisher said that two arborists had deemed the tree to be unhealthy and removal of the tree had been approved.

Public Comment: Mr. Jude Kirik, Los Altos, project architect, said they had worked closely with the staff and property owner to create a project that was a benefit to the community. He said the intent was to build a new project because the existing units were in deterioration and not feasible to be renovated. He said these were modestly sized townhomes. He said they were concerned with the scale and look of the project; had worked with neighbors on the size and placement of the windows and developed landscape screening to mitigate impacts. He said the units would be wood shingled with wood true divided light windows. He said the trees were a concern from the beginning and they had followed the process for removal.

Commissioner Keith asked about Ms. Barbara Clemens' request about a window and what was done to address that. Mr. Kirik said the window had been reduced in size and discussed with Ms. Clemens, but they would contact her again. Ms. Fisher said the plans before the Commission had the updated plan for the specific window.

Commissioner Riggs said the project was handsome and consistent with the hopes of most neighborhoods in that the scale was friendly and the architecture and materials were upgrades. He asked if they had heard from the property owner of 916 Fremont as that was the only single-family single-story residence near the subject property. Mr. Brent Gullixson, property owner, said that he had not met with that property owner. Commissioner Riggs asked whether there had been outreach to the property owner. Planner Fisher said that notice of the project had been sent to property owners and residents within 300 feet of the subject property. Mr. Kirik said the property owner had sent out letters about the project hearing to all of the adjacent neighbors. He said that there was an existing two-story building less than seven feet from the property line on that side; he said they were proposing to build a two-story building that would be 10 feet from the property line.

Commissioner Deziel asked about the height of the roof plate for unit 3. Mr. Kirik said the plates on the first floor were nine feet and the second story plate was about eight feet. He said the height from grade was 19-feet six-inches. Commissioner Deziel said that the plans showed 19-feet 10-inches on the front elevation for unit 1. Mr. Kirik said all of the plate heights would be the same.

In response to Commissioner Sinnott, Mr. Kirik said the goal was to underground utilities both for the project and for the end of the cul-de-sac, and they were discussing this with PG&E.

Ms. Anne Moser, Menlo Park, said she had lived in Menlo Park for 50 years. She said she was concerned with the loss of eight apartments with livable rent in Menlo Park. She said there was a living space need for persons in the service industries who worked in this area. She said the City really needed affordable apartment housing.

In response to a question from Commissioner Keith, Mr. Gullixson said the units would probably sell for \$1.2 to \$1.3 million.

Vice Chair Bims closed the public hearing.

Commission Comment: Commissioner Sinnott moved to approve as recommended by staff; she was concerned with the loss of housing but understood that this was not something the City could mandate at this time. Commissioner Deziel seconded the motion.

Commissioner Riggs said that although the eight units could be replaced under the code that the requirement of 16 parking spaces made that not viable. He said the project had more benefits than not and he would support it.

Vice Chair Bims said he supported the variance request because the property would be conforming to its setback.

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

1. Adopt 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. Adopt the following findings, as per Section 16.68.020 of the Zoning Ordinance, pertaining to architectural control approval:
 - a. The general appearance of the structures 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.
4. Make the following findings as per Section 16.82.340 of the Zoning Ordinance pertaining to the granting of variances:
 - a. The nonconforming setbacks of buildings on adjacent properties create a constraint to the design potential and lot configuration of four residential units on the site with respect to zoning ordinance requirements without approval of the requested variances.
 - b. The proposed variances are necessary for the preservation and enjoyment of substantial property rights possessed by other conforming properties in the same vicinity, and the variance would not constitute a special privilege of the recipient not enjoyed by neighbors.

- c. Except for the requested variances, the construction of the four units will conform to all other requirements of the Zoning Ordinance. Granting of the variances will not be materially detrimental to the public health, safety, or welfare, and will not impair an adequate supply of light and air to adjacent property since the structure will improve the nonconforming setback condition, provide adequate on-site parking, and meet the floor area ratio, height, building coverage and landscaping requirements per the R-3 zoning district.
 - d. The conditions upon which the requested variance is based would not be applicable, generally, to other properties within the same zoning classification since the variance is based on the configuration of existing buildings on the adjacent properties.
- 5. Approve the use permit, architectural control, and variance requests subject to the following *standard* conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by Pacific Peninsula Architecture, updated and received on January 5, 2006 by the Planning Division, consisting of 17 plan sheets and approved by the Planning Commission on January 9, 2006, except as modified by the conditions contained herein.
 - b. Prior to building permit issuance, the applicants shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.
 - c. Prior to building permit issuance, the applicants shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
 - d. 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. Landscaping shall properly screen all utility equipment that is installed outside of a building and that cannot be placed underground. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
 - e. Prior to building permit issuance, the applicant shall submit plans indicating that the applicant shall remove and replace any damaged and significantly worn sections of frontage improvements. These revised plans shall be submitted for the review and approval of the Engineering Division.
 - f. 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.
- 6. Approve the use permit and variances subject to the following *project specific* conditions:

- a. Prior to the issuance of a building permit, the applicant shall submit a detailed landscape plan, providing privacy screening for views from the second floor windows as requested by the occupants of the townhouses at 969-973 and 978-994 Menlo Avenue. The plan shall be subject to review and approval of the Planning Division.

Motion carried 6-0 with Commissioner Pagee recused.

4. **Use Permit Revision and Architectural Control/The Phillips Brooks School/2245 Avy Avenue:** Request for a use permit revision and architectural control review in association with the demolition of two permanent buildings and the removal of four temporary buildings and the new construction of six permanent buildings on the campus located in the PF (Public Facilities) zoning district.

Staff Comment: Planner Chow said The Phillips Brooks School was requesting a use permit revision and architectural control to expand the school facility by a net increase of 9,995 square feet. She said staff wanted to reiterate that the use permit revision and architectural control did not allow for an increase in the total student enrollment or the number of employees.

Public Comment: Mr. Scott Riles, Chairman of the Board of Trustees for The Phillips Brook School, said this was an independent school of 276 students, pre-school through grade 5. He said they would like to modify their site plan to make improvements as proposed for spaces to teach science and music as well as to have a common area for students to meet. He said their lease would expire in 2022.

Ms. Brenda Woodson, Menlo Park, said she was the school's liaison to the neighbors during the process of planning school improvements. She said beginning last year they had held five community meetings as well as walk-throughs of the campus by the neighbors. She said the plans were shared with the neighbors as they evolved and the school worked with them to resolve issues. She said for the record they wanted to thank the neighbors for working with them. She said the issues that emerged were inadequacy of parking on the site and overflow parking on the streets; traffic congestion on Avy Avenue; visual impact of the proposed improvements; height and appearance of the buildings; adequate landscaping along Avy Avenue and screening of parking lots; and increased enrollment. She said they were not seeking additional enrollment.

Mr. Brian Fletcher, San Mateo, site planner and landscape architect, Callander and Associates, said they were brought on board to address parking, traffic congestion and visual impacts. He said through site visits they observed the issues that were the neighbors' concerns. He said regarding traffic congestion that the plan increased the size of the entryway to two lanes, increased the stacking lane, and split the traffic movements so that there would be one lot for staff and one lot for parents dropping off children. He said parking would increase from 26 to 93 parking stalls on site. He said for event parking that an asphalt play area would be used for 36 parking spaces. He said they were proposing a three-layer landscaping screen buffer between Avy and the parking lots. He said the two parking lots would allow for yet a second row of trees. He said there was tree replacement plan that would remove eucalyptus trees and replacement would be 24-gallon trees planted at prime points.

Commissioner Bims asked how long it would take to construct the new buildings. Mr. Riles said they hoped to do that in 18 months. In response to a question from Commissioner Bims, Mr. Riles said that these were tenant improvements only.

Commissioner Keith asked about special events regarding presentations by students on page 10, condition 4.g. and how often that occurred. Mr. Riles said there were grade levels K through 5 with two classes per school and Early Learning Center (ELC) has two classes. Commissioner Keith said that would be about 14 events and asked if the planned parking would be accommodated. Mr. Riles said that it would.

Commissioner Riggs asked about the location of the ELC, noting that it was the closest building to the adjacent single-family residences. Mr. Fletcher said that it was important to have the admin building up front and close for the children's safety. He said the ELC was located up front because parents had to take the children in and sign the children in; he said now that building was in the rear, which added to the parking and traffic congestion. He said they met with the neighbors on Zachary Court and would develop heavy landscape screening buffer for the building and the play area.

Commissioner Riggs said the admin building has a tower over the entry and asked if that successfully enclosed the air conditioning unit. Mr. Ed Detmer, architect for the project, said that the air conditioning unit was completely enclosed. He said most of the units were placed in the middle of the building so there was no need for screening.

Commissioner Henry asked if the right side of the driveway went to the rear parking lot and if there was signage. Mr. Fletcher said there was a left-turn only sign to go into the front parking lot. Commissioner Henry said he thought it would make more sense to put the ADA parking stalls into stalls 90, 91, 92 and 93 because of traffic. Mr. Fletcher said the maneuverability and turning ease were less than in the vertical parking stalls where the ADA spaces were proposed.

Dr. Thomas Warden, Menlo Park, said he lived across from the project, and had three minor issues. He requested that the construction vehicles be parked on-site; an automatic irrigation system be required; and under 4.i., to add the first block of Bellair Avenue as no parking in communications to parents.

Ms. Woodson said at the last neighbor meeting they had begun the construction planning process; she said that she would continue to work with the neighbors in planning for the construction to minimize impacts. She said their plan was to keep construction parking off the street.

In response to a question by Chair Pagee, Development Services Manager Murphy said he thought the project would be subject to the City's construction impact fee and the City would regulate drainage issues.

Mr. Fletcher said there would definitely be an automatic irrigation system. He said they had done everything on the site to improve parking and circulation. Mr. John Shank, Trustees Board, said the parking they were adding would relieve the pressure but he was not sure about enforcing more boundaries (first block of Bellair Street).

Chair Pagee closed the public hearing.

Commission Action: Commissioner Deziel moved to approve as recommended by staff with a modification to 4.q to add requirement for the automatic irrigation system. In response to a question from Chair Pagee, Development Services Manager Murphy said there was a mix of construction including City permits for portable buildings and State permits for the buildings, but nothing precluded the Commission from requiring a construction plan.

Mr. Riles said their landlord had a say in the construction planning and they had not hired the contractor yet, and was concerned with a requirement for the construction truck parking on site. He said he thought they could accommodate construction parking on-site for the most part.

Commissioner Bims asked how many parking spaces would fit on the blacktop for overflow parking. Mr. Fletcher said there were 38 spaces or more if parking was done by valet. Commissioner Deziel suggested a condition that they would make best effort to park construction vehicles on site. Commissioner Riggs suggested that the applicant instead be required to submit a construction vehicle parking plan. Mr. Riles said that was fine with them.

Commissioner Riggs seconded the motion and asked as a friendly amendment to add the first block of Bellair Street as it was the only street directly across from the school. Commissioner Deziel confirmed that this would be in communications only to the parents and not formal signage. Commissioner Deziel accepted the amendment.

Commissioner Keith asked about conditions 4.f and 4.u regarding removal of the portable buildings and why both conditions were necessary. Planner Chow said that 4.f referred to existing permanent use portable buildings and 4.u referred to new portables brought onsite for use during construction. Commissioner Keith suggested making the language clearer in both conditions. Commissioners Deziel and Riggs accepted the modifications.

Commission Action: M/S Deziel/Riggs to approve with the following modifications.

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 detrimental to property and improvements in the neighborhood or the general welfare of the City.
3. Adopt 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.
4. Approve the use permit revision and architectural control 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.
 - 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 *existing* portable buildings on the site shall be removed at the earlier of implementation of the 2006 use permit revision and architectural control approval, 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 *and the first block of Bellair Street*. 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.
 - 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 and a staff population of 50 employees 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 timed to coincide with the renewal dates for the School's lease agreement with the Las Lomitas School District. The current lease is up for renewal on July 31, 2007, and will be up for renewal again every five years after that until its automatic termination on July 31, 2022.
- p. Development of the project shall be substantially in conformance with the plans prepared by Berger Detmer Ennis, consisting of 28 plan sheets, dated received January 5, 2006, and approved by the Planning Commission on January 9, 2006 except as modified by the conditions. The applicant shall also maintain the site in compliance with the plans dated received January 5, 2006.
- q. Prior to issuance of the building permit for the temporary portables, the applicant shall submit a revised landscaping plan which includes a minimum of 40 24-inch box replacement trees. The landscaping plan shall comply with the Water Efficient Landscape Ordinance. The applicant shall install and maintain landscaping **and irrigation** along Avy Avenue and within the campus per the approved plans. Plantings should include native species, a variety of trees, plants, shrubs, and groundcover. The landscaping **and irrigation** plan is subject to review and approval of the Planning Division.

- r. The applicant shall require that drop-off and pick-up of passengers occur only in designated loading and unloading zones, as specified on plans dated received January 5, 2006. Compliance with this item shall be to the satisfaction of the Transportation Division.
- s. Prior to building permit issuance, the applicant shall submit revised plans showing an adequate number and durable material for the pedestrian pathways through the landscape median strip between the parking lots subject to the review and approval of the Planning and Transportation Divisions.
- t. Prior to building permit issuance, the applicant shall submit revised plans showing that all ADA parking stalls meet the size requirement of 9 feet by 18 feet subject to the review and approval of the Transportation Division.
- u. Upon completion of construction and prior to occupancy of the new buildings, all temporary **project** portables shall be removed.
- v. ***Prior to issuance of a building permit for the temporary portables, the applicant shall submit a construction vehicle parking plan for review and approval of the Planning Division. The plan shall make best efforts to accommodate construction vehicles on-site.***

Motion carried 7-0.

- 5. **Use Permit Revision/Edward Rubinstein/846 Oak Grove Avenue:** Request for a use permit revision to enclose an existing carport to serve an existing residential unit within a mixed-use project in the R-C (Mixed-Use) district.

Commissioner Sinnott recused herself due to a potential conflict of interest.

Staff Comment: Planner Rogers said there was an additional letter from Ms. Genevieve Pettini, who expressed her support for the project.

Public Comment: Dr. Edward Rubenstein, applicant, said they bought the building in 2002. He said the building was uninhabitable and they had done considerable renovation. He said they were required to have one covered parking space and the existing carport was unattractive and uncovered. He said they were requesting to enclose the carport.

Commissioner Keith said there were french doors leading to the garage. Dr. Rubenstein said those doors were temporary and they would put in a proper garage door. He said regarding the plumbing it would be removed.

Commissioner Deziel said that it was unclear to him what the applicant wanted as he did not think the applicant wanted a garage. Dr. Rubenstein said the garage would be used for storage. Commissioner Deziel said he thought it appeared the space would be used for administrative space. Commissioner Deziel asked if the applicant wanted to have additional administrative space. Dr. Rubenstein said he would love to have more administrative space if he could bring the site up to code.

Chair Pagee asked why their rental space on the property was not being rented. Dr. Rubenstein said they used it for personal space. In response to a question from Commissioner Deziel, Dr. Rubenstein said he recalled that it was a requirement of his original application to keep the residential unit. Chair Pagee said the garage should be for the parking of the cars. Dr. Rubenstein said they planned to use the garage for parking.

Commissioner Bims asked about condition 4.c requiring a maximum height of the wall at nine-feet. Dr. Rubenstein said the height was nine-foot or less. He asked that condition 4.d be changed to allow for plantings in pots.

Chair Pagee closed the public hearing.

Commission Comment: Commissioner Deziel said the residential unit was being used for two treatment rooms and that the applicant clearly wanted to have an entire commercial use at the site. He said he had a possible solution and distributed a handout. He said he thought there was enough width for the required parking and to allow the building of an auxiliary structure. He suggested continuing the project and giving the applicant an opportunity to consider what he really needed. He said a garage behind a medical use in the downtown was not appropriate. He said perhaps a variance or administrative parking reduction might be necessary.

Commissioner Riggs said there was no point in pursuing the application as it was clear that the applicant would not use the garage as a garage.

Commissioner Deziel said he would move to continue the application to allow the applicant to submit for what he actually wanted as the property's use. In response to a question from Commissioner Deziel, Planner Rogers said that the residential unit did not have to have an active residential use but it could not have an active commercial use. Commissioner Deziel said that was going to cause enforcement problems for Dr. Rubenstein. He said he was willing to revise the use permit to allow the residential space to be used for commercial use.

Commissioner Riggs moved to continue the item to allow the applicant to submit a revised proposal that better reflects the intended use of the proposed garage. Chair Pagee seconded the motion.

Commission Action: M/S Riggs/Pagee to continue the item to allow the applicant to submit a revised proposal that better reflects the intended use of the proposed garage.

Motion carried 6-0 with Commissioner Sinnott recused.

6. **PUE Abandonment/City of Menlo Park/966-1002 Willow Road**: Request for abandonment of a portion of the existing Public Utility Easement along the property located at 966-1002 Willow Road in the vicinity of Bay Road. Commission will review for consistency with the General Plan.

Staff Comment: Development Services Manager Murphy said he had no additional comments.

Questions of Staff: Commissioner Deziel confirmed the location of the proposed abandoned PUE with staff.

Chair Pagee closed the public hearing.

Commission Action: M/S Riggs/Keith to recommend the abandonment to the City Council.

1. Make a finding that the abandonment is categorically exempt under Class 5 of the current State of California Environmental Quality Act (CEQA) Guidelines.
2. Make a finding that the abandonment is consistent with the General Plan.
3. Recommend to the City Council that a portion of the Public Utility Easement (PUE) at 966-1002 Willow Road be abandoned.

Motion carried 7-0.

D. REGULAR BUSINESS

1. Discussion of potential City Council Project Priorities for Fiscal Year 2006-2007.

The Commission considered a list of 16 potential items and ranked them for forwarding to the City Council.

E. COMMISSION BUSINESS, REPORTS, AND ANNOUNCEMENTS

- **Chair and Vice-Chair Selection for Calendar Year 2006**

The Commission selected Commissioner Bims to serve as Chair and selected Commissioner Keith to serve as Vice-chair.

- **Review of Draft Attendance report for 2005**

The Commission agreed with the attendance report as presented.

- **Review of upcoming planning items on the City Council agenda.**

Development Services Manager Murphy reviewed for the Commission upcoming planning items on the City Council agenda.

ADJOURNMENT

The meeting adjourned at 10:50 p.m.

Staff Liaison: Justin Murphy, Development Services Manager

Prepared by: Brenda Bennett, Recording Secretary

Approved by Planning Commission on March 27, 2006.