



MENLO PARK PLANNING COMMISSION MINUTES

Regular Meeting

July 10, 2006

7:00 p.m.

City Council Chambers

801 Laurel Street, Menlo Park, CA 94025

Teleconference with participation by Commissioner Riggs from:
15 D Harrington Street
Newport, RI USA 02840

(Posted July 7, 2006)

CALL TO ORDER – 7:00 p.m.

ROLL CALL – Bims (Chair), Deziel, Keith (Vice-chair) (arrived at 7:06 p.m.), O'Malley, Pagee, Riggs (by teleconference), Sinnott

INTRODUCTION OF STAFF – Deanna Chow, Senior Planner; Justin Murphy, Development Services Manager

A. PUBLIC COMMENTS

There were none.

B. CONSENT ITEMS

There were no consent items on the agenda.

C. PUBLIC HEARING

1. **Rezoning/Planned Development Permit/Vesting Tentative Subdivision Map, and Environmental Review/1452 and 1460 El Camino Real and 1457 and 1473 San Antonio Street/Beltramo's Investment Company, Inc.**: Request for the following: 1) Rezoning from C-4 (General Commercial District, Applicable to El Camino Real) to P-D (Planned Development District); 2) Planned Development Permit to establish specific development regulations and review architectural designs for the construction of a new 26,800-square-foot, two-story commercial building with at-grade and subterranean parking and 16 two-story townhomes with partially submerged parking on an approximate 1.5-acre site; and 3) Vesting Tentative Subdivision Map for the creation of 16 residential lots with associated common areas and one commercial lot for condominium purposes not to exceed 40 commercial units. The proposal requires the preparation of an Environmental Impact Report (EIR).

Staff Comment: Planner Chow said the Commission would consider the following items: Findings for Certification of the Environmental Impact Report (EIR); the Mitigation Monitoring and Reporting Program prepared for the Project; findings for the proposed rezoning of the property from C-4 (General Commercial – Applicable to El Camino Real) to P-D (Planned Development District); Ordinance for the

proposed rezoning; findings for the Vesting Tentative Map (Map); and findings for the proposed Planned Development Permit (PDP) . She said the Commission would be making a recommendation on these items to the City Council and the Council's meeting to consider this item was tentatively scheduled for Tuesday, August 1, 2006.

Planner Chow said the proposed project would involve the demolition of all structures on four parcels and the construction of a new 26,800-square-foot, two-story commercial building and 16 attached residential units with associated common areas on a 1.5 acre site. She said that although proposed as one project the commercial and residential elements of the project would operate as separate entities.

Planner Chow noted staff had received one letter on the Final EIR and that was included in the packet. She said the EIR did not identify any environmental impact areas for which mitigation would not reduce potential impact to a less than significant level. She said that a revised section 3 of the PDP had been distributed to the Commission and incorporated items labeled 3.2 and 3.3 in the chart. She noted that content had not changed.

Questions of Staff: Commissioner Deziel asked about the location of the proposed air conditioning unit and whether that was a condition. Planner Chow said that was part of a previous condition and was found in sections 6.31 and 6.32 of the EIR. Commissioner Deziel asked about items the Commission should consider that did not have a specific finding or condition attached to them. Planner Chow said that the massing of residential unit number 5 was not a specific condition nor was the public access easement through the site connecting El Camino to San Antonio Street.

Commissioner Sinnott said that she would prefer the trees closer to the street, a planting strip and then a sidewalk as previously proposed rather than what was currently proposed, and asked why the proposal had changed. Planner Chow said there were several constraints to do the original proposal including utilities under the sidewalk and that Caltrans would need to review a change in the street pattern.

Chair Bims said regarding the traffic analysis that one person had raised a concern that the data used was dated. Mr. Chip Taylor, the City's Transportation Manager, said the data was from the 2002 circulation assessment document and included all of the developments proposed and approved at that time. He said the traffic report had been done in 2004 and had not been updated to the most current developments, but it met the CEQA standards for when it was initiated. Chair Bims asked if the more current projects since 2002 would substantially impact the results of the study. Mr. Taylor said it was hard to tell but the new report for the new developments would incorporate traffic from this report; he said if anything there would be more traffic added to the background; therefore the increase of traffic would be less of a percentage at the particular intersections and it was unlikely there would be a significant difference between the two.

Public Comment: Mr. Nate McKitterick, DLA Piper, said he was representing the applicant. He said the project was first discussed with the Planning Commission in 1996 and the EIR was developed and circulated in 2004. He said the staff report raised some new issues, which the Beltramos and staff had discussed the previous week. He said the Beltramos were generally accepting of the conditions but proposed nine changes in wording for the proposed zoning. He said there were also four things in the report that they wanted to get on record that the current plans meet the requirements of staff.

Commissioner Deziel asked what the plans showed in the area where staff was recommending a four-foot walkway. Mr. McKitterick said the plans showed a seven-foot wide planting strip with large trees and along the back of the property a six-foot planting strip. Planner Chow said that Attachment B.16 showed the edge of the building and the walkway would be between the building and the drive aisle. Commissioner Deziel asked how a pedestrian coming from El Camino would get to the rear entrance of

the building. Mr. McKitterick said there were three entrances: one from the north, one from the southwest, and one from the south. He said a pedestrian coming from El Camino would most likely use the southwest entrance. Commissioner Deziel said he thought there was an entrance to the east. Mr. McKitterick said he believed the rear area was for garbage and utilities. Mr. Lee Ashby, Hoover Associates, project architect, said there was a potential entrance on two other sides. Mr. Ashby said there was a sidewalk on the north side and for the other two doors the entry was from the parking lot. Mr. McKitterick said currently they met the 24-foot requirement for a driveway and could not build into that. He said they were willing to work with staff but it would definitely impact landscaping and the proposed planting of mature trees might be impacted by the presence of a sidewalk around the side of the building.

In response to a question from Commissioner Sinnott, Mr. McKitterick said that there would be 40 commercial condominium units and entry to individual units would be from the interior. Commissioner Sinnott said that there would not be a street presence for retail along El Camino Real with entry from the interior.

In response to a question from Commissioner Keith, Mr. McKitterick said that there was flexibility to allow for a number of uses for the commercial units and that if there was a tenant proposal for retail that Mr. Beltramo would work with staff to make changes to accommodate that use. He said that Mr. Beltramo's letter included in the agenda packet stated why he did not want to be forced to assign a certain portion of the project to a dedicated retail use.

Commissioner Riggs discussed window materials with the applicant. Mr. McKitterick said they were proposing vinyl simulated divided light windows. Commissioner Riggs noted there was a proposed 12-foot wall at the south property line and asked what was next door to the property. Mr. McKitterick said there was a single-family residence there and the residents of the home had requested the dividing wall at that height.

Commissioner Sinnott asked about the quality of the materials, such as the windows, stucco, roofing, and eaves. Mr. Ashby, project architect, said primarily the materials for the office building were cement plaster with a stone (marble) base at the columns; he said that line would continue around the building with the raised planters. He said the windows would be a bronze color; the roof would be tiled with an emphasized front entry and plaza; and the eaves would be wood. He said the planting areas were very important.

Commissioner Pagee asked how big the generator in storage area C on page A2.1 was, how it was filled, how often was it tested and whether it served the residences or the commercial buildings. Mr. Ashby said that it was for the residential units and was gas powered. He said it would mainly take care of emergency drainage for the area and powered a pump. Commissioner Pagee asked about the process for garbage collection for the residences. Mr. Ashby said there would be collection at the street and waste trucks would not be entering the driveway to collect. Regarding emergency access, Mr. Ashby said they had met with the Fire District and they were satisfied with the turnaround and hose stretches needed. Commissioner Pagee recommended a whole-house fan of the residential units rather than air conditioning to mitigate impacts of noise from air conditioning units. Commissioner Pagee asked if windows on the El Camino Real could be expanded to doors to allow for flexibility for retail. Mr. McKitterick said that the windows could but the applicant did not want to and did not want to do a site dedicated to retail as that was not seen to be economically feasible at the site for a number of reasons. He noted that this site was not part of the downtown pedestrian corridor so it would not get much foot traffic and there was not a robust retail rental market even in downtown Menlo Park. Commissioner Pagee said that her question was referring to individual retail uses rather than the site in its entirety. Mr.

McKitterick indicated that the applicant would work with staff for modifications such as doors to the front should retail use transpire.

Commissioner Deziel asked about access to building 5 of the residential units. Mr. Ashby said the area was set up as an auto-court and access was from the driveway walkways. Commissioner Deziel asked about the façade of building 5 on the courtside and if they were amenable to making the garage doors on the court individual garage doors. Mr. Ashby said it was a possibility but they would need to study widths. Commissioner Deziel asked if the planter on the front of the commercial building was raised. Mr. Ashby said it was at street level.

Commissioner Keith asked about the signage and landscape area and if could be made more inviting. Mr. Ashby said their challenge was where to put signage and they felt the circular landscaping area with the pedestal sign was a good location. Commissioner Keith asked about green building elements. Mr. Ashby said the commercial building had general sustainable features including low-flush toilets, dual-glazed windows, insulation, and lighter color cap sheets. Commissioner Keith said the proposed roof was flat and suggested solar panels. She asked if gray water would be used for the landscaping. Mr. McKitterick said that it was not proposed. Commissioner Keith suggested that they add those features. Mr. McKitterick said if they were to make these suggested changes that their desire would be to work with staff rather than needing to do public hearings. Commissioner Keith said she thought it could be a recommendation to the Council. She suggested tankless water heaters for the residential units. Mr. McKitterick indicated that they had not gotten that level of detail yet. Commissioner Keith said she agree with Commissioner Pagee that flexibility should be retained on the El Camino side of the commercial building to allow for doors for retail use. Commissioner Keith asked about the size of the signage. Chair Bims said that it was eight-foot by nine-foot. Commissioner Keith said she would like the sign smaller. Mr. McKitterick said the size was not the maximum size and had been arrived at with staff input.

Commissioner Sinnott asked about the circular area and whether it was for cars or pedestrians. Mr. Ashby said that it was primarily for pedestrians but could be used by cars as well. Commissioner Sinnott suggested that the pedestrian walkway be clearly delineated. Mr. Ashby said that was a good comment and they would look at that. Commissioner O'Malley said that on page SP.1 there appeared to be a curb. Mr. McKitterick said that the current plans do incorporate a curb as shown on page L.1. Mr. Ashby said there was a curb shown for the circular area.

Chair Bims referred to the last page of the Landscape and Lighting plans. He asked about provisions for adequate lighting on the north elevation of the building. Mr. Ashby said they had discussed that recently and would install bollards to light the walkway. Mr. McKitterick said that there was a streetlight also on the north side of the building.

The discussion on the nine changes in wording desired by the applicant began.

Section 3.1: Mr. McKitterick said the first referred to wording to clarify that the owner would not need to get a new use permit for a new tenant or owner if the occupancy was for a permitted use in the P-D zoning. Chair Bims asked staff whether it was their understanding that the owner was allowed to modify uses as long as they were consistent within the zoning for the property. Planner Chow said there were certain uses identified with square footage caps and as long as the proposed use met those criteria a use permit would not be required. She said a conditional use would need a use permit review. Mr. McKitterick said those conditional uses were identified. He said to make it clear that staff had called out after table 3.1 that there would need to be further approval for liquor sales, live entertainment, and some other things, but they wanted the wording to be clear that these were permitted uses under the P-D zone subject to approval by staff. He said that the table does not show "P" next to those uses. Chair Bims

noted that staff had already updated the table to indicate "C" after sale of alcohol and live entertainment and "A" after outdoor sales and outdoor seating. Mr. McKitterick said that was fine.

Section 4.1: Mr. McKitterick said since their monument sign was less than 100 square feet they would like to have it approved as is or 72 square feet. Commissioner Sinnott asked about signage for individual units and how that would add to the total square footage. Planner Chow said page SP.1 showed all the signage proposed. She said the base of the signage was not counted into the square feet. Mr. McKitterick said that total signage was proposed at 187 square feet. Planner Chow said that for the monument sign and for both sides having the same information that the square footage was counted for just one side. Commissioner O'Malley said that the location of the sign was to allow visibility from cars driving north and south on El Camino Real. Mr. McKitterick said that it was the focal point of the site. Mr. McKitterick said they would like to ask for a change to the maximum allowed area shown in the master sign plan on page SP.1. Planner Chow said there was some confusion with the Master Sign Program. She said there were two sheets labeled SP.1 and one was identified on page J.5 as part of the Master Sign Program and the other was page B.17. She said B.17 appeared to be updated and showed greater square footage than that shown on page J.5 so if it was the applicant's intent to go with B.17 then J.5 would need to be modified. Mr. McKitterick said he thought staff had reviewed B.17 and approved 187 square feet. Planner Chow said that staff had reviewed J.5 as part of the Master Sign Program and B.17 needed to be consistent with that. Development Services Manager Murphy said the 100 square feet would be the maximum amount of signage normally allocated to a property of this size based on the frontage. He said a request for 187 square feet could be allowed through the PDP. Mr. McKitterick said the applicant was okay with the 100 square foot limit if an increase for square footage for retail could be acquired through staff review and approval.

Section 5.1: Mr. McKitterick said staff had proposed two years to commence construction from the date of approval and the applicant would like that changed to three years. He said financing would need to be lined up and they were concerned that two years might be too little time to commence construction.

Development Services Manager Murphy said that as it related to the wording in the permit that there was a difference within the permit and the ordinance and what would prevail would be the precise language in the permit. He said the ordinance referred to commencing construction but the permit under 5.1 stated that the PDP would expire if the applicant did not submit a complete building application within two years.

Section 5.2: Mr. McKitterick said they would like the option based on financial issues related to the residential units to make roof and gutter changes with staff review and approval. Commissioner Keith asked what changes were envisioned. Mr. McKitterick said currently they were proposing tile roofs and copper gutters and if they were to do rental units instead they would like to use 30-year wood shingle roofing and aluminum gutters.

Section 6.6: Mr. McKitterick asked that the time to submit a final map be extended from two years to three years.

Section 6.7: Mr. McKitterick said the applicant would like it made clear in the PDP that they could work with staff on the staging of the demolition and construction. Mr. McKitterick said there was no plan to delay either component of the project, but the construction might be done in phases. Commissioner Keith asked whether one component could be built and the other not for an extended period of time after the permit was issued. Development Services Manager Murphy said it would be dependent on whether the project was found to be in substantial compliance. He said if there was no activity on the other component of the project and no precise language prohibiting it then it was an interpretation of substantial compliance and permit would be subject to revocation. He said in terms of activity for

building permits it was usually 180 days and that if no activity occurred within 180 days the permit would expire.

Development Services Manager Murphy said the wording was intentional as it related to the existing lot configuration and the proposed lot configuration. He said the map the applicant was pursuing merged the lots and then resubdivided to 18 parcels. He said the logistics to keep that straight would require at least 10 more conditions and he did not see an easy way to structure that, but if it was the Commission's desire staff would develop the wording.

Mr. McKitterick said if the phasing was pursued the intent would be to maintain current rental stream at the site and build the residential units.

Commissioner Pagee said she saw a benefit to the community in the demolition being done at once to allow for construction access from El Camino Real.

Section 6.33.1: Mr. McKitterick said the requirement was for an eight-foot plywood fence around the project. He said they thought that type of fence should only be required for the area next to the residential area and not for a commercial area. Planner Chow said it was a mitigation identified for noise impact. Chair Bims asked if the EIR was recommending mitigation for the residences. Mr. McKitterick said the uses to the north and south of the site were currently commercial uses.

Section 6.39: Mr. McKitterick said that staff recently decided that they would like the permit to specifically state "vinyl-clad or better windows used." He said they would like the permit to remain as "vinyl or better."

Guest Parking for the Residential Area: Mr. McKitterick said that there were two dedicated guest spaces in the commercial area and two dedicated guest spaces in the residential areas proposed. He said the applicant felt this met the interpretation of the mitigation in the EIR. Commissioner Deziel suggested an option that allowed for shared parking for residential use but not dedicated spaces. Mr. McKitterick said that was considered, but their experience was the use of parking of businesses and residential areas by persons visiting other businesses and residences.

Commissioner Riggs said that staff had indicated the West elevation for building 5 had been simplified and this façade had a presence on El Camino Real. He asked if the applicant had considered adding articulation to that wall. Mr. McKitterick said that landscaping was not shown and there was considerable planting along that back wall of 10 to 11 trees. He said this would also be built behind the commercial building which would have greater height than the greatest height of building 5. Commissioner Riggs asked about the use of London plane trees. Mr. McKitterick said they were fine with changing from Pear trees to London plane trees as long as they could work with staff regarding any space issues that might arise from the change in tree species.

Chair Bims asked how enforcement of the two guest parking spaces would occur. Mr. McKitterick said that the spaces would be marked and if there were clear violations, the police would be called.

Mr. McKitterick asked if the Planning Commission could discuss and clarify the trees, landscaping and scope of walkway, and the building height. He said they would like it clarified for the record that staff has concluded that the maximum heights in the zoning permit are met in the plans as submitted to staff. Planner Chow said for the commercial building, staff had measured the height from the average natural grade to the plate of the building. She said in this case the height of the actual building was taller at 38-feet but that included the parapet and screening of roof-mounted equipment which would not be included in the height calculation. She said referring to sheet B.8 of the attachments that from the average

natural grade to the plate height is approximately 28-feet with a maximum 30-feet being consistent with the C-4 District.

Commissioner Deziel said that in a P-D District there was some flexibility with height and asked if the residential second-stories would have a clear eight-foot. Mr. McKitterick said there were full eight-foot ceilings on the residential second stories and they were content with the height of the projects as proposed.

Chair Bims closed the public hearing.

Commission Comments: Chair Bims said that staff had a number of items to be addressed by the Commission and the applicant had nine items to be addressed by the Commission. He began with the applicant's nine items.

- Section 3.1: Chair Bims noted this had been resolved.
- Section 4.1: Chair Bims noted the request was to change wording to allow the sign area to be as submitted in the plans (187 square feet). He said there was also the question of approving the Master Sign Program versus sheet SP.1.

Commissioner Deziel said the applicant was trying to build flexibility into the project because of the difficulty of revising a PDP. He said however that allowing signage suitable for retail was not quite appropriate for office space. He proposed 100 square feet maximum for office use and 187 square feet for mixed/retail space or some appropriate sliding scale. Commissioner Sinnott suggested limiting the signage to 100 square feet for office space and allowing staff to review retail signage for additional square footage. Commissioner Deziel suggested capping the square footage. Commissioner Pagee said she liked the smaller signage plan, preferred that the large sign not be mounted if it blocked a doorway or window, and the sliding scale for signage square footage was amenable to her.

Mr. McKitterick said that they were amenable to the 100 square foot maximum because of the discrepancy between SP.1 and J.5 but if they undertook an expanded retail presence that they would like to be able to work with staff for additional square footage. He said perhaps the Commission could set a maximum square footage.

Commissioner Keith asked if there was distinction between retail and commercial under the Master Sign Program. Planner Chow said that under J.5 there was no distinction. Commissioner Keith asked if the City had a Master Sign Program. Planner Chow said the City has guidelines and an ordinance for signs and there was no distinction made between retail and commercial in either.

Commissioner Deziel suggested modifying the first sentence to read: "...allowed a base square footage of 100 square feet." He suggested adding a second sentence: "Additional square footage shall be allowed subject to staff review for retail applications not to exceed an additional 100 square feet."

Commissioner Keith suggested allowing the applicant to work with staff to relocate the monument sign in a better location as it currently blocked an entryway. Discussion ensued about the monument signage proposed after staff noted there were different sizes proposed in B.17 and J.5. Mr. McKitterick said that the applicant intended the signage as shown in B.17 submitted as SP.1. He said the sign measured six feet by nine feet and was elevated two feet above the sidewalk and would be situated perpendicular to El Camino Real. Commissioner Keith asked whether the height of the sign might be reduced. Mr. McKitterick said they would be willing to look into removing the numbers from the top; he noted that they had put considerable thought into the proposed sign.

Commissioner Deziel moved to recommend monument sign as proposed in B.17 in the staff report. Motion died for the lack of a second.

Development Services Manager Murphy said the Commission should probably deal with the findings of the project before dealing with items under the proposed permit.

Commissioner Riggs moved to recommend certification of the EIR. Commissioner Sinnott seconded the motion. Commissioner Riggs said that the applicant had requested to be allowed to not provide 21 shared parking spaces, which was mitigation, and the applicant had also passed over one of the two shower rooms as required. He said he thought the mitigations should stand. He said the shower rooms were a condition and would be sheet G.11, 6.37.2, but he did not see the second shower room on the plans.

Mr. McKitterick said there would be two showers and that they were not asking for the EIR to be changed. He said the EIR stated twice: "Visitor parking for the residential development would be provided by the surface parking lot at the office development through a shared parking agreement." He said they thought a reasonable interpretation of this was to provide dedicated parking spaces for residential development. He said that was more restrictive than the EIR. Discussion ensued regarding guest parking and the mitigation in the EIR. It was noted that the EIR did not specify a requirement for 21 shared spaces.

Chair Bims said he thought the mitigation for the eight-foot plywood fence around the property during construction was somewhat excessive. Commissioner Pagee said there was room for interpretation. Commissioner Deziel said that this mitigation had been part of the EIR for some time now and he questioned this last minute request to change it. Mr. McKitterick said that they would drop the request.

Development Services Manager Murphy said the City Attorney's advice was that the Planning Commission needed to weigh in on the issue of shared parking as it related to the EIR as it was the project description in the EIR that surface parking being shared by the residential units. He said the Commission would need to make it clear whether as a Commission they were willing to consider something less than 21 shared spaces. He said 21 was the number of spaces proposed for the surface parking lot of the commercial building in the project description. Commissioner Sinnott said she would like to stay with the 21 spaces as stated. Commissioner Riggs noted Commissioner Deziel's comments about parking ratios. Discussion ensued on the standard for parking to be used.

Commissioner Riggs withdrew his motion. Commissioner Keith moved to recommend that the City Council certify the EIR. Commissioner Sinnott seconded the motion.

The Commission's consensus was to wrap up consideration by 11:30 p.m.

Commissioner Deziel moved to amend the motion with a clarifying comment to the recommendation that the sharing agreement required by the mitigation actions did not need to provide any more than the customary amount of guest spaces required in the City. Chair Bims said that there needed to be more clarity with some similarity to another zoning district stated. Commissioner Sinnott said the location was very unique and she did not see that it was comparable to R-2, R-3, and R-4 districts. Commissioner Pagee said that the EIR was recommending a shared parking agreement and she thought that was adequate. Discussion ensued with staff as to what needed to be considered in finalizing the recommendation. Motion died for a lack of a second.

After clarification by staff, Chair Bims said that the Commission needed to clarify whether there were less than 21 parking spaces for a shared parking agreement if that would have an environmental impact to the project site.

Chair Bims moved to recommend that having less than 21 parking spaces in a shared agreement will not have an environmental impact to the site. Commissioner Deziel seconded the motion. Commissioner Riggs suggested changing the wording from "it would not have" to "it need not have." Development Services Manager Murphy and Mr. McKitterick both indicated that "will not" would be preferable. Commissioner Deziel said it should indicate a minimum number of parking spaces in a shared agreement. Chair Bims restated his motion that having less than 21 but at least two or more dedicated parking spaces as part of a sharing agreement will not have an effect on the environmental impact to the site." Commissioner Deziel accepted the change in wording.

Commission Action: M/S Bims/Deziel to make a recommendation that having less than 21 parking spaces but at least two or more dedicated parking spaces as part of a sharing agreement will not have an effect on the environmental impact to the site.

Motion carried 4-3 with Commissioners Bims, Deziel, O'Malley and Riggs voting in support and Commissioners Keith, Pagee, and Sinnott voting against.

Commission Action: M/S Keith/Sinnott to recommend the City Council certify the Final Environmental Impact Review.

Motion carried 7-0.

Commissioner Deziel said that the applicant had indicated they might want to rent the residences and then sell them. He said for economical feasibility the applicant would want the flexibility to use less expensive materials if it decided to make the units rentals. He said however they would have the tentative map and then could sell the residences and the residences would not be the quality purchase which should be a standard of the City. He thought the tentative map should be tied to the better quality materials. He moved to recommend making the findings for the approval of the heritage trees, below market rate agreement, and the rezoning. Commissioner Sinnott seconded the motion.

Commission Action: M/S Deziel/Sinnott to recommend to the City Council approval of the Rezoning and the "Below Market Rate Agreement" and "Heritage Tree Removal Permit" portions of the Planned Development Permit.

Motion carried 6-1 with Commissioner Pagee voting against.

Commissioner Sinnott asked where changes to the sidewalk configuration would fall. Development Services Manager Murphy said that would be both in the PDP and Map. Commissioner Sinnott said that making the sidewalk configuration nicer was important to her and she preferred the original plan proposed. She said it was worth making the applicant go back to Caltrans.

Commissioner Sinnott said she would move to recommend to the City Council for the sidewalk to be moved back and create a planting strip as originally proposed by the applicant with the street trees on the outside; and widen the sidewalk from six to nine feet. She agreed with Commissioner Deziel that she would not want the materials quality lessened and recommended approval of the Map. She said that she wanted to keep the 21 parking spaces for a shared agreement as stated. Commissioner Pagee seconded the motion. Commissioner Keith said she supported the motion. She said the parking was not just presented in the staff report but was sent out as part of the EIR. She said she did not think they

wanted to have a potential inconsistency between the project as described in the EIR and analyzing the EIR for this proposal. She asked for an amendment to recommend under the PDP an investigation of the use of gray water for landscaping, solar panels on the commercial building, and tankless water heaters for the residential units. Commissioners Sinnott and Pagee accepted the amendment. Commissioner Deziel said that with the planting strip and the trees the sidewalk would not need to be nine feet. Commissioner Sinnott said that six feet clear would be fine for the sidewalk. Commissioner Pagee indicated agreement. Commissioner Deziel suggested adding the sliding scale for signage. Commissioner Sinnott said that would include 100 square feet for commercial and up to 200 square feet in signage for retail; she indicated her preference was for J.5. Commissioner Deziel moved to amend to substitute B.17 for J.5 for the monument sign. Commissioner Riggs seconded the motion to amend.

Commission Action: M/S Deziel/Riggs to amend the main motion to replace the recommendation for the smaller monument in J.5 with a recommendation for the monument sign in B.17.

Motion carried 4-3 with Commissioners Bims, Deziel, Riggs and O'Malley voting in favor of and Commissioners Keith, Pagee and Sinnott voting against.

The Commission agreed that changing the timing from two years to three years was not needed as the building application submittal was required within two years not the commencement of construction.

Discussion ensued regarding the number of parking spaces for a shared agreement for the residential units.

Commission Action: M/S Deziel/Riggs to amend the motion to recommend four parking spaces for a shared parking agreement.

Motion carried 4 to 3 with Commissioners Bims, Deziel, O'Malley and Riggs voting in support of and Commissioners Keith, Pagee and Sinnott voting against.

Commission Action: M/S Sinnott/Pagee to recommend to the City Council to approve the Planned Development Permit with modifications that the sidewalk be moved back from El Camino Real with a planting strip buffer as originally proposed by the applicant with the street trees on the outside and have the sidewalk a full six feet in width; to investigate use of gray water for landscaping, looking at the use of solar panels on the commercial building, and tankless water heaters for the residential units, and to approve the Vesting Tentative Map.

Motion carried 7-0.

Mr. McKitterick asked the Commission to consider a change to section 3.5 that they had gotten confirmation from staff that a new use permit would not be required every time a new tenant came in as well as section 5.1b which was a different part of the PD zoning that specifically states construction must commence within one year of the granting of the P-D zoning which was why they had requested section 5.1b to be amended. Commissioner Deziel said regarding section 3.5 that was the definition of a permitted use and staff had clarified that already. Mr. McKitterick said the other issue was the change from just the one year in section 16.57.030 (f) (1) to three years in the P-D Zoning Ordinance. Development Services Manager Murphy said the ordinance establishes certain guidance but the actual permit prevails. He said staff did not think it was an issue but if the applicant felt strongly about it then staff could work with them in the time before the City Council meeting to resolve.

D. REGULAR BUSINESS

1. Consideration of minutes from the June 12, 2006, Planning Commission meeting.

Commission Action: M/S Deziel/Sinnott approve as presented.

Motion carried 7-0.

2. Status Report on Commercial Zoning Ordinance Update.

Development Services Manager Murphy said that staff had provided the Commission with a memo on June 26 with the June 6 upgrade addressed to the City Council. He said this provided an overall status report.

E. COMMISSION BUSINESS, REPORTS, AND ANNOUNCEMENTS

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

Development Services Manager Murphy said there was an appeal of 910 Cambridge Avenue and would be tentatively scheduled for the August 1 Council meeting.

ADJOURNMENT

The meeting adjourned at 11:30 p.m.

Staff Liaison: Justin Murphy, Development Services Manager

Prepared by: Brenda Bennett, Recording Secretary

Approved by Planning Commission on July 31, 2006