



MENLO PARK PLANNING COMMISSION MINUTES

**Regular Meeting
September 18, 2006
7:00 p.m.
City Council Chambers
701 Laurel Street, Menlo Park, CA 94025**

CALL TO ORDER – 7:03 p.m.

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

INTRODUCTION OF STAFF – Deanna Chow, Senior Planner, Megan Fisher, Assistant Planner, Thomas Rogers, Assistant Planner

A. PUBLIC COMMENTS

Maya Seawald, resident, Monte Rosa Drive, raised concerns about a proposed senior care facility at 735 Monte Rosa Drive, Menlo Park.

B. CONSENT

There were no items on the consent calendar.

C. REGULAR BUSINESS #1

1. **Clarification of a Use Permit Revision and Variances/Sam Sinnott/1981 Menalto Avenue:** Planning Commission clarification on an action to approve a use permit revision and variances on August 14, 2006 for property located at 1981 Menalto Avenue.

Commissioner Deziel expressed concerns that if the item was opened that it could affect the applicant's appeal and delay. He moved to amend the agenda so that this item was moved to Commission business, otherwise he wanted clarification on the potential impact of opening this item.

Chair Bims said that there would not be a re-hashing or a new discussion of the merits of the decision but rather a clarification on the action taken by the Commission at the August 14, 2006 meeting.

Commissioner Keith asked if anyone was in attendance for this item, and if not she suggested that the item be moved to the end of the agenda.

Chair Bims asked if the Commission was willing to move this item to the end of the agenda after "D," and noted that he would provide staff an opportunity to explain the item prior to opening it.

Commission Action: Unanimous Commission consensus to move item to the end of the agenda after section "D."

2. **Use Permit/Partridge Oaks, LLC/800 Partridge Avenue:** Request for a use permit to demolish one single-family dwelling unit and to construct two single-family dwelling units and associated site improvements in the R-2 (Low Density Apartment) zoning district. The project would share a common driveway with the proposed development at 812 Partridge Avenue.

Staff Comment: Planner Fisher said staff received a letter from the project arborist after release of the staff report stating that only 15 to 20 percent of tree #22, the Oak in the rear right corner, had been pruned which was an allowable amount of the tree to be pruned. She said that staff had also received a letter of support for the project from one of the neighbors.

Questions of Staff: In response to a question from Commissioner Riggs, Planner Fisher said the letter from Mr. Ray Morneau, the project arborist, was dated September 14, 2006.

Public Comment: Mr. Rob Steinberg, Steinberg Architects, said that they met with the Commission on June 26 about two lots on Partridge Avenue. He said one lot was approved at that time and the second lot at 800 Partridge Avenue was continued regarding concerns from a neighbor regarding one of the homes next to the property line. He said they re-measured and did find a conflict with that proposed design with an Oak tree. He said they redesigned the home, flipped it to create a one-story element along the property line to provide breathing space between the home and the Oak tree. He said they re-did the story poles and invited neighbors and Commissioners to look at those as well as the City's arborist, and there seemed to be consensus that there was no longer a conflict. He said the Commission also raised a concern about big trees on the property line and trees they were trying to save in the center of the lot along the driveway. He said they had their arborist review the assessment and his recommendation was to leave the trees as they were; do minimum cutting of the grade to protect the roots; that the use of interlocking pavers was a positive choice; regarding the redesign and the tree that the story poles showed there was no major limbs that would need to be pruned, but it would be reasonable to prune three limbs in the three-four inch diameter and five in the one-two inch diameter, which would equal about two to four percent of the canopy of the tree and would be below the 25 percent allowed. He said there was also concern about a vertical wall and whether it needed to have more articulation. He said they moved the second story away from the neighbor, added trellises, bay windows, and awnings to the wall. He requested some flexibility to add an additional window in one of the study areas that might also add articulation.

Mr. Steinberg said they attempted three times to meet with the neighbor and the City. He said the first two times the neighbor canceled. He said that they attended the third meeting and neither the neighbor nor someone from the City attended. He said late in the process the neighbor raised a new concern that another tree not identified by the Planning Commission or by the neighbor previously was now an issue and that pruning this tree was detrimental to the neighbor (Oak #22). He said that prior to the work they had requested the arborist look at the tree, and he had indicated that certain limbs with deadwood and that were nonproductive should be eliminated. He said the arborist had suggested a company who would execute his plan appropriately. He said that the company assessed that only 15 percent pruning occurred. He said also City staff had looked at the tree's health and that was a third expert opinion that concurred with them. He said to execute their design it would be necessary to eliminate one

six-seven inch diameter limb but with that the pruning would still be well below the 25 percent standard. He requested the Commission's approval of the proposed design.

Commissioner Keith confirmed with the applicant that the arborist and the company that pruned the tree were hired by his firm. She asked when the City Arborist looked at the tree. Planner Fisher said that the City Arborist had visited the site either Thursday or Friday the week prior to the meeting and that he agreed with the assessment made by the project arborist and the tree-trimming company. In response to Commissioner Keith, Planner Fisher said that she could not confirm that the City Arborist had seen the tree prior to the pruning but that he was confident in his finding and could identify from the previous arborist report the size of the limb removed.

Commissioner Pagee asked if the applicant had considered rotating the home 90 degrees so that the additional limb on the tree would not need to be removed. Mr. Steinberg said that they had not, but interestingly their arborist and the resident who lives on the other side of the fence both believed it would be appropriate to do additional trimming on the other side of the fence as the tree is resting on that home.

Commissioner Riggs said the arborist's February report described Oak #22 as having some branch tips hanging toward the neighbor's roof, twiggy deadwood throughout, and five co-dominant upright scaffold limbs. He said that the report did not indicate any limbs were deadwood. He said on his site visit there were now only three co-dominant limbs, one of which was larger than any of the remaining limbs. He said this made the tree more unbalanced causing it to tilt more onto the neighbor's house. He said certainly no more pruning should occur on the tree on the project side of the fence.

Mr. Steinberg said that they were held greatly accountable at the prior Commission meeting for proposing trimming any limbs on the project side of the front tree. He said that the neighbor shaved off 90 percent of the tree from his side and now the weight of the tree was entirely on their property. He said their experts indicated that the main pruning should occur on tree #22 on the neighbor's side and with one small limb removed on the project side. He said they were trying to get a healthy balance for the tree, the existing conditions and the proposed new development.

Commissioner Deziel asked if it was possible to construct the house before the limb was removed. Mr. Steinberg said he thought there would be a conflict. Commissioner Deziel asked if the pruning of the tree was done on the neighbor's side and the project side whether that would exceed 25 percent. Mr. Ray Morneau, project arborist, described the desired combined pruning of Oak #22. Commissioner Riggs asked if the proposed pruning would balance the weight of the tree. Mr. Morneau said it would not balance in terms of tons of weight but would help balance it.

Commissioner O'Malley said he appreciated the applicant's attempts to respond to the Commission's concerns.

Mr. Greg McCandless said he owned the adjacent property. He said that after the June 26 Commission meeting no impact studies were done on any of the trees on his property line next to his houses. He said he asked for a planning report to state the impacts and a meeting with the City Arborist, which he did not get. He said he got Mr. Morneau's report three months after his request and that the arborist did not address the tree on the rear of the property line, which would be most impacted. He said story poles were used for the front tree. He said later that he visited the site and saw two large limbs had been removed without City oversight, and he

thought that had to be at least 40 percent pruning. He said that Mr. Morneau had written his report after the fact of the removal of the two limbs. He said he had a report from 1999 that the past City Arborist had indicated the tree would be severely impacted if three limbs were removed. He said the City had dropped the ball and there was now a cover-up. He said that he had built his home in 1999 with a one-story element and low ceilings to protect the health of the Oak tree. He said the project as designed would require the removal of another limb and he was very concerned.

Commissioner Deziel asked if Mr. McCandless would want the applicant to trim the small ends of the tree on his side of the property. Mr. McAllister said that he was in favor of healthy trimming but that did not change his stance.

Commissioner Keith said that if the arborist made multiple site visits that those dates should be indicated. Mr. McCandless said that the applicant should have had their project arborist review the proposed heavy pruning of the tree, which did not happen, and to have the City Arborist review the pruning, which did not occur.

In response to a question from Commissioner Deziel, Mr. Morneau said that he had met with the applicant and described the proposed removal on July 13, and made the recommendation that one of the arborists he was familiar with be hired to do the trimming, otherwise he would need to be present for the work. He said the limb selection was driven by the building design and the trimming was done by West Coast Arborist.

Commissioner O'Malley confirmed with Mr. Morneau that in his professional opinion the removal of the two limbs equaled only 15 percent pruning.

Chair Bims closed the public hearing.

Commission Comment: Commissioner Deziel moved to approve per the staff recommendation with an added condition to allow the option of an addition of a window in the downstairs study subject to staff review, and a condition that all additional tree pruning would be under the supervision of Mr. Morneau and the procedures of the heritage tree ordinance. He said in trying to assess canopy that it was hard for a novice to accurately determine its size. Commissioner Sinnott seconded the motion.

Commissioner Keith asked whether they would add flexibility for Mr. McCandless to have input on the trimming of trees 22 and 27. Commissioner Deziel said he would limit that to tree #22 and his hope that the trimming would occur holistically. Commissioner Sinnott said she was comfortable with the motion as stated as she trusted the project arborist, the City arborist, and West Coast Arborist. Commissioner Keith asked if there could be consideration made for Mr. McCandless to agree to tree-trimming. Commissioner Deziel said that he would like to allow Mr. McCandless to have approval for any trimming on his side of the fence. Commissioner Sinnott agreed as the maker of the second.

Commissioner Riggs asked if the construction parking condition applied to 812 would be applied here. Planner Fisher said that it would have to be specifically applied as a condition, and that her notes indicated from the other approval that construction parking would need to be addressed greater than 150-feet of the site to protect the handicapped neighbors across the street. Commissioners Deziel and Sinnott accepted the amendment and the other Commissioners agreed in consensus. Commissioner Deziel said the objective of pruning tree #22 was to maximize its health.

Commission Action: M/S Deziel/Sinnott to recommend with the following modifications.

1. Make a finding that the project is categorically exempt under Class 3 of the current State CEQA Guidelines.
2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
3. Approve the use permit subject to the following *standard* conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by Steinberg Architects, consisting of 17 plan sheets, dated August 30, 2006, and approved by the Planning Commission on September 18, 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, Transportation Division, and Engineering 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 by the Planning, Engineering and Building Divisions. All utilities shall be placed underground. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
 - 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 for review and approval by the Engineering Division.
 - f. As part of the building permit application submittal, the applicant shall submit a Grading and Drainage Plan for review and approval by the Engineering Division. The Grading and Drainage Plan shall be approved prior to issuance of a grading or building permit.

- g. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance. *The applicant shall receive permission from the neighbor at 784 Partridge Avenue prior to trimming the coast live oak in the rear of the property (tree #22 in the arborist's report) on the neighbor's side. Additional pruning of tree #22 to maintain the health of the tree may be permitted, but shall take into account prior pruning of the tree, and the total shall not exceed 25 percent of the canopy, as governed by the Heritage Tree Ordinance. All pruning shall be done in the presence of Ray Morneau, the project arborist. A Heritage Tree Permit would be required if pruning exceeded 25 percent of the tree.*
- 4. Approve the use permit subject to the following *project-specific* conditions:
 - a. Prior to building permit issuance, the applicant shall submit recorded documentation of a shared access easement for the motor court area on the two parcels at 800 and 812 Partridge Avenue.
 - b. If the applicant desires to create a condominium map for new construction, the applicant shall submit a Tentative Parcel Map for review and approval by the Engineering Division, prior to building permit issuance.
 - c. ***Prior to building permit issuance, the applicant has the option to submit revised plans showing the addition of a window in the office on Unit C. The plans are subject to review and approval of the Planning Division.***
 - d. ***Prior to building permit issuance, the applicant shall provide a construction-parking plan. Significant construction related vehicle parking should be located at least 150 feet away from the site to protect the neighbors at 817 Partridge Avenue. The construction-parking plan shall be subject to review and approval by the Planning Division.***

Motion carried 7-0.

D. PUBLIC HEARING

Commissioner Sinnott recused herself and left the chambers for the next two items because of a conflict of interest; for the first because she owns property within 500 feet of the subject property and for the second item because she is a part owner of the property.

1. **Use Permit/Grace S. Chizar/1201 University Drive:** Request for a use permit to demolish an existing single-story, single-family residence and construct a new two-story, single-family residence on a substandard lot in regard to lot size and width in the R-1-U (Single-Family Urban) zoning district.

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

Public Hearing: Mr. Fred Strathdee, project architect, said there were two floor plans, one with the area calculation and one without. He said there was concern at the last meeting about the predominance of the garage and that had been rotated. He said there was a request to leave the driveway as currently located.

Chair Bims closed the public hearing.

Commission Comment: Commissioner Pagee moved to approve the redesign as recommended by staff. Commissioner Keith seconded the motion. Commissioner O'Malley said the architect had addressed the Commission's concerns well.

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

1. Make a finding that the project is categorically exempt under Class 3 of the current State CEQA Guidelines.
2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
3. Approve the use permit subject to the following *standard* conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by F.R. Strathdee & Associates, consisting of 10 plan sheets, dated received September 7, 2006, and approved by the Planning Commission on September 18, 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. 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.

Motion carried 6-0 with Commissioner Sinnott recused and not in the room due to a conflict of interest.

2. **Use Permit/Samuel Sinnott/2198 Clayton Drive:** Request for a use permit to construct alterations to an existing nonconforming single-family residence that would, along with work for a previously approved two-story addition, exceed 50 percent of the replacement value of the existing structure in a 12-month period in the R-1-S (Single-Family Suburban) zoning district.

Staff Comment: Planner Rogers said revised plans had been distributed to the Commission and as discussed in the staff report there were some minor errors with the original plans as they had not indicated the full extent of the modifications taking place in the bedroom #2 area. He said that those were shown correctly on Plan Sheet A.1.0 now. He said the applicant had also indicated he was interested in adding a door from the family room to the front yard and that did not occur on the revised plan due a drafting error, but staff had tentative language for a condition to give the applicant flexibility to add a door in that location.

Questions of Staff: In response to a question from Commissioner Keith, Planner Rogers said the proposed door would be in the area adjacent to the powder room in the right-hand bay (Sheet A.1.1.).

Public Comment: Mr. Sam Sinnott, owner and architect, commended staff for a well-written staff report and he submitted a letter of support from the neighbor. He said the residence was an adobe house with rebar. He said the front setback ran through the living room, and that ceilings would be raised, a new kitchen constructed, storage added, lighting improvements made with dormer windows and transom lights, provision of new landscaping and preservation of existing trees and a small brick wall in the rear. He described where the proposed addition of a door would be located. He said the property was currently a 16,000 square foot site with an original 12, 000 square foot site and another 4,000 square feet that was added later, and was the right-of-way for Clayton Road which had never been extended. He said a previous owner used that site for a carport that was now demolished. He said that probably this 4,000 square foot piece would be merged with a one-acre lot next to it at 2199 Clayton and that subdivision would come to the Commission in about six months. He said for the building permit they had to go through a drainage plan and review check. He said Ms. Janice Galbraith's letter alerted him to drainage issues on the site so he will improve the bubble boxes and perhaps relocate them so they will work better with the future subdivision. He said there is no storm drain on the private road.

Commissioner Pagee asked about the type of windows to be used. Mr. Sinnott said they would be wood windows, primed on both sides, and a solar unit with a spacer inside and grids on the inside and outside.

Commissioner Deziel asked if Mr. Sinnott would want a window in the front elevation of the second-story. Mr. Sinnott said that was a guest bedroom and he would take the idea of a window under consideration. Planner Rogers said in response to Commissioner Deziel that this would need to be a condition and staff was comfortable because of the orientation of the home and the distance from the setback that noticing had been adequate. Commissioner Keith asked if comfortable meant legal. Planner Rogers said it did.

Ms. Melanie Austin, Menlo Park, said there are storm drains on Clayton Lane and there are serious drainage problems. She asked about Fire District requirements for a turnaround at the

end of her street. Chair Bims said that review would occur if and when that proposal went forward. She said the fire trucks currently use driveways to turn around and her concern was that the proposed future subdivision might impact the ingress/egress for emergency vehicles.

Ms. Jeannette Rose, Menlo Park, said the neighborhood has no streetlights or sidewalks. She said her driveway has a wrought iron gate and her driveway is used so frequently for turnarounds. She said she thought the reason for the carport was to prevent school children from cutting through the neighborhood. She expressed concerns about the foot traffic as well as cars parking at night on the 2199 Clayton address.

Mr. Dave Galbraith, Menlo Park, said he and his wife had no objection to the proposal but their letter had been to raise the Commission's awareness about the drainage issues in the area. He said in the future if there was a development that the increase in ground coverage with housing might exacerbate the situation.

Chair Bims closed the public hearing.

Commission Comment: Commissioner Deziel moved to approve as recommended by staff with an option to allow flexibility to add a window on the front elevation of the second story and a condition to submit revised plans for the addition of the door as described in the staff report text.

In response to a question from Commissioner Riggs, Mr. Sinnott said that he could put some temporary fencing to deter pass through traffic and that the vegetation would also be a deterrent. In response to a question from Commissioner Deziel, Mr. Sinnott said the 4,000 square feet was about one-third paved and half soil and turf with some plantings along the fence. Commissioner Riggs said there were other vacant parcels in the City and he was not sure whether the Commission should become involved. Mr. Sinnott said that his project would be completed by May or June of the following year, and the subdivision should be well along before then, and that the vacant lot was being used for construction parking.

Chair Bims seconded the motion made by Commissioner Deziel.

Commission Action: M/S Deziel/Bims to recommend with the following modification.

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 Samuel Sinnott & Company, Inc., consisting of nine plan sheets, dated received September 6, 2006, and approved by the Planning Commission on September 18, 2006, except as modified by the conditions contained herein.

- b. Development of the project 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. 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.

4. Approve the use permit subject to the following specific conditions:

- a. Simultaneous with the submittal of a complete building permit application, the applicant may submit revised plans and elevations showing the addition of a door from the family room to the front yard in the area immediately adjacent to the powder room, as well as the addition of a front-facing window in bedroom #4. The revised plans shall be subject to review and approval of the Planning Division.***

Motion carried 6-0 with Commissioner Sinnott recused and not in the chambers.

- 3. Use Permit Revision and Architectural Control/Trinity School/2650 Sand Hill Road:**
Request for a use permit revision and architectural control to construct a new two-story, 5,145-square-foot enrichment center at an existing multi-building school and church complex in the R-1-S (Single-Family Suburban) zoning district. No change is proposed to the existing 136-student enrollment capacity.

Staff Comment: Planner Rogers noted additional correspondence received and distributed from Amy and Scott Arnold, Sherwood Way; Leilani and Skip Stritter, San Mateo Drive; Edward J. Davila and Mary Greenwood, Oak Knoll Lane; and Sue Sarter, Sunset Lane. He said these letters were in support of the application.

Planner Rogers said staff had distributed revised conditions of approval to the Commission and he reviewed the revisions under condition 5 and as shown on page 3 of the handout. Under 5.b, in the last sentence before the bulleted items, the words "one time" were deleted as the items are regular and recurring. He said under the first bullet that the phrase "and enrichment activities" was added after "extended care." He said an item was added as bullet number two regarding basketball practice, which is a current activity at the school. He said under the last bullet regarding up to five special events that the words "one-time" were inserted before "special time" events.

Public Comment: Mr. Dennis Toomey said he was for general purpose the property owner for Trinity Episcopal School. He said that the school is K-5 and has been for 40 years, and that was not proposed to change. He said at times they may not have been the best neighbors, but at this time and with this proposed project they had actively listened and tried to address all concerns.

Ms. Mary Meancho, Head of School, said the program offered at the school has basic curriculum and enrichment studies in art, music, foreign language, science and a garden program. She said that the project would not add more students or programs but would provide space to implement the programs, such as art and science rooms, a 2nd-grade classroom, and work space for teachers. She said the project would allow the installation of restrooms on the first floor for the children's and personnel's need. She said that they have a dedication to the landscape and the beauty of the school. She said since May 23 they have had 21 meetings with the community and designated an e-mail for neighbors to contact them directly.

Mr. Mark Cavagnero, Mark Cavagnero Associates, the project architect, presented the project. He said the design used the buildings in a campus-style way and kept to a minimal footprint with the two-story structures, which prevented sprawl. He had a model of the design brought forward for the Commissioners to see. He noted that the music room had the best noise dampening features. He said regarding materials that they were looking at a range of wood siding; he said the existing wood shingles are a maintenance problem. He said they would like to keep as much natural ventilation as possible and they were trying to keep the project as green as possible. He said regarding general concerns they had an acoustical consultant look at noise levels, which were way below 60 decibels and about 44 and 46 decibels with the music room doors and windows open. He said regarding glare that there would virtually be none because of the orientation of the buildings. He said that they were committed to creating a remediation landscaping because of the need to remove trees for the project.

Commissioner Keith asked about the glass on the model and use of glass generally on the project. Mr. Cavagnero said the glass on the model would only be used in specific places. Mr. Cliff Franz said he was working with the architect and the sandblasted glass was an array they were using to show the school's logo at the school's request.

Commissioner Keith said there was a beautiful redwood and asked if there was some way to keep the tree. Mr. Cavagnero said that the answer from arborists has been that because of the construction the tree roots would be impacted and the tree would not survive. He said they have looked at every way to preserve the tree and it was not possible. Ms. Meancho said they would like to use the wood from the tree for an outdoor altar in the proposed redwood grove.

Chair Bims asked if they had considered solar panels. Mr. Cavagnero said they looked at them preliminarily. Mr. Franz said that they are still looking at their use and an appropriate place would be the skylights.

Commissioner Pagee asked if the music room would be at the same level as the other classroom and if they shared a wall. Mr. Franz said the rooms would be at the same level but there would be two walls. Commissioner Pagee asked where the mechanical equipment would be placed. Mr. Franz said they were considering a radiant heating system and the mechanical equipment would be in the basement. Commissioner Pagee asked if in the future there was a need to keep doors shut whether there would be a way to bring outside air into the classrooms. Mr. Franz confirmed that Commissioner Pagee was referring to the music room and he said there were upgrades that could occur as the project was designed if the need arose to have the classroom's doors and windows shut.

In response to a question from Commissioner Deziel, Ms. Meancho said that the music room was used approximately six hours per week, and currently music was taught for 5.5 hours a week.

Commissioner Keith said that the Commission had put a time limit on special one-time events for another private school and asked if the applicant would be amenable to that. Ms. Meancho asked what time that was. Commissioner Keith said 10 p.m.; Ms. Manacho said that was acceptable.

Ms. Maya Seawald, Menlo Park, said that the school was not consistent in its responses to the neighbors. She and her husband had raised a concern about the expanse of glass and were told that design was not the final one and the glass was to show parents what the inside of the classrooms looked like; yet, this was what was being proposed as the design. She said regarding noise tests that the first one was not heard by anyone; the second test blasted everyone out of their houses, and the third test involved teachers banging away and that could be heard in her side yard. She said regarding glare they were told by letter that there would not be an impact but her home was located in the area that would be impacted by glare at the solstice. She said the school is at the top of an incline and the height and size of the buildings was emphasized by its location. She said the noise from the school was distracting for those who work out of their homes.

Ms. Mary Greenwood, Menlo Park, said she had previously submitted a letter. She said many of the parents who have children at Trinity School are residents of Menlo Park and care deeply about the School. She said she emphasized with neighbors as she also lives in the vicinity of a large public school. She said as a parent at Trinity School that the School takes the neighbors' concerns seriously. She said the plans would not result in more programs or additional noise. She urged the Commission to approve the proposal.

Mr. Edward J. Davila, Menlo Park, and a member of the Trinity Board, said he hoped that Menlo Park realized the treasure that Trinity School represented for Menlo Park and the first class educational experience it provided. He said great concern was taken in the selection of the architect and vendors to have individuals who could realize the School's vision to accommodate its needs and be sensitive to the concerns of the community. He asked the Commission to approve the project proposal.

Mr. Robert Hogue, Menlo Park, said the School is wonderful but there is a noise impact. He said special events throughout the year generate a lot of noise. He said that with the size of the project proposed that he thought there would be a great increase in noise. He requested a scaled down project and the use of materials to abate noise. He said the neighborhood wanted to make three points that the project was a noise amplification problem and should be addressed by the Commission; the School's promises to the neighborhood in the past have not been kept; the last project in 2000 had construction in the evenings, weekends, even on Sundays and that was supposed to be the School's last expansion problem. He said despite meetings that none of the neighbors' concerns had been addressed in the plans. He said that they were also concerned with impacts to the values of their homes from the size of the project.

Commissioner Keith asked about construction hours enforcement. Planner Rogers said that construction could not occur on the weekends for a non-residential project and was limited to the hours between 8 a.m. and 6 p.m. He said the Code Enforcement Officer who accompanied him to the site for the sound tests reinforced those regulations to the neighbors and indicated

that if they saw construction occurring outside of those hours they should report that to the Menlo Park Police Department.

Mr. Mark Weissar, Menlo Park, said he lived adjacent to the School, and that he and his family had recently moved to the community. He said the architect's comment about glare alarmed him as his property was in the area of impact. He said the sound of children was delightful but there were other sources of noise from the site. He said noise had been a point of disclosure when he had bought his home.

Mr. John Sacrason said he was both a Trinity parent and a Sharon Heights homeowner and resident. He said he loves both the School and the neighborhood. He said a cap on enrollment was a benefit to the School, the students and the neighborhood. He said there had to be a way to create a win-win situation. He said he wanted the construction to be done as promised and to see some sound benefits for the community.

Mr. Mel Berman, Menlo Park, said his property directly faces the new addition. He said he had discussed the noise problems with the School and the Planning Commission previously. He said the School had indicated it would be willing to keep doors closed but the Planning Commission had not required that as a condition. He said he would like air conditioning installed in the music room. He said that working at home he was not able to hear on the telephone because of the music.

Mr. Phil Seawald, Menlo Park, said he was concerned whether the School had looked at the large picture as the 2000 project was supposed to be the last expansion project. He said he and other residents incurred costs from that project because of damage to the streets and sidewalks from the trucks hauling concretes. He said there should also be fines for construction beyond the allowable hours.

Mr. Trask Leonard said he was a parent of Trinity School and head of the Building Committee. He said that they had met with the Ford property repeatedly and they were supportive of the project. He asked the Commission to review all of the materials presented including a City-sponsored sound test as well as a very scientific study of any possible glare issues.

Mr. Paul Wineman, Menlo Park, said their property was directly across from the proposed addition. He said the sound test was not complete and it pertained to Monte Rosa Drive only, located two streets and six houses from his property. He said the existing noise on his street was such that he has to keep the front windows of his house closed during school hours. He said the School had indicated in letters to the neighbors that they were committed to keeping their windows closed during music sessions. He said he would like to see this applied as a condition of approval. He said they were told five years ago that project was the last expansion and he asked for a condition of approval that there would not be an increase in school enrollment or any future construction at the site. He said he would like a pole with mesh used to show the scale of the proposed building in comparison to the neighborhood.

Chair Bims closed the public hearing.

Commission Comment: Commissioner Sinnott moved to approve as recommended in the staff report with some emphasis that the construction hours be adhered to and to have Mr. Sacrosan (sp.?) as the sounding board from the Homeowners' Association. She said she would like to discuss if the windows could be closed during music sessions. She thought the glare issue

was really a non-issue and the landscaping done at the site was beautiful. She said the landscaping could be used after construction to provide screening to mitigate impacts.

Commissioner O'Malley said that the neighbors seemed to be mostly concerned about the noise from the music sessions and he thought the answer was to air condition that one room. Commissioner Deziel said that there was only music for six hours a week and he said the classrooms surrounded the music room and he was not sure how this should be mitigated. Commissioner Riggs said that music was an existing program at the site and if the children massing in the Great Hall were moved from Monte Rosa to the other side nearer Siskiyou that air conditioning would not necessarily address the noise. He said that exhaust fans have been used in other public buildings to circulate air successfully. He said he saw no way to shield the noise generated by the School because of how it was situated relative to the surrounding houses.

Commissioner Pagee said that there were different air ventilation systems that would be quiet. She said Charles Salter was a good sound acoustical engineer, and that if the Church membership asked him what the effects would be of this mounted noise on a hill projecting across a canyon that it would be like being in a rock quarry and shouting. She said the materials on the exterior of the building should be sound absorbing rather than sound reflecting and she thought wood would help. She said however there were a lot of patio surfaces and bulkheads might help keep sound from projecting out. She said with acoustical studies that the neighbors should be brought in to look at the studies to understand sound levels as they travel in the canyon. She said the City really needed story poles as they show people what the effects of construction would be. She said it was not known how the trees would block the view of a box on the hill, and the project would remove trees. She said she would like more greenery added. She said that the music room was just part of the bad noise and there had to be a sensitivity to the massing of children on the site as shrieking could be annoying as well. She said the campus looked well-maintained. She said she could support if there were more efforts to mitigate impacts and she would like the neighbors to be involved in the development of the landscaping plan and the sound study, which should also include more streets in the area.

Recognized by Chair Bims, Ms. Meancho said that mitigating noise from the music room was important to them because there were classrooms in the vicinity. She said the classrooms on the lower level typically have their doors and windows closed during instruction.

Commissioner Keith said the gardening area was beautiful. She said in the future she would like story poles required for larger projects. She said she thought the plantings needed to be improved along Monte Rosa and Siskiyou. She said the Leaf Project was beautiful. She said because the School was on a hill, it seemed to loom over properties that were lower on the slope. She said without the redwood and Monterey pine trees that the site would be very open there. She said that one of the speakers indicated they were looking at solar panels; she would recommend that but not require it for a condition. She said she would like to hear about fan systems.

Chair Bims said he thought the exhaust fan was an interesting idea but might create glare above the roof line. He said there was concern about construction staging and condition 4.k addressed submittal of a staging plan. He said the applicant had talked about staging coming in through the parking lot and not further down Monte Rosa. Recognized by Chair Bims, the contractor for the project and he said that they planned to bring construction vehicles in from the first driveways. He said they hoped to make some use of the service road toward the late

portion of the summer. He said the construction parking would be in the barricaded area so they would not impose on the parking in the neighborhood and would keep spoils in the same area. He said that one or two days a month there would be a need to shuttle equipment about the size of a bobcat. Commissioner Pagee asked if there was a construction schedule. The contractor said there was. Commissioner Pagee asked about the amount of spoils to be removed. The contractor said that it would not be possible to store all of the soils on site and what was removed would have to be brought back in, and with a 10-wheel truck he would need about 40 trucks. Commissioner Pagee asked if the trucks would come from Sand Hill rather than Monte Rosa. The contractor said that was correct and he would give subcontractors a haul route for any trucks larger than pickup trucks. Commissioner Pagee asked about loud music and language. The contractor said there was no music allowed and a tight lid was kept on loud voices and intrusive sounds. He said they have a full-time work superintendent who is always accessible to the neighborhood contact.

It was the Commission's consensus to not stay past 11:30 p.m.

Commissioner Pagee seconded Commissioner Sinnott's motion and asked, if amenable to her to include a landscape plan, list of contacts for construction noise and debris, an inclusion of the neighbors in a sound study so they might see how the noise impacts their properties, and to recommend looking at solar panels. Commissioner Sinnott asked how her landscape plan differed from condition "1." Commissioner Pagee said that it did not include the neighbors and offer protection for the neighbors to mitigate the glare and view. She said she would like story poles but those could not be required.

Ms. Rosalind Cole, Cavagnaro Associates, said the acoustical study had been completed and the results could be shared with the neighbors. She said that Mr. Tom Schindler with Charles Salter had conducted the study. Commissioner Pagee said it would be nice if Mr. Schindler could be present during the meeting with the neighbors. Commissioner Sinnott said Commissioner Pagee's comments were acceptable to her to add to the motion.

Commissioner Deziel said regarding glare that if a home had a five-foot picture window, 350-feet away, that on about three or four days a year there would be glare for about three seconds. He indicated the glare issue was a non-issue.

Commissioner Riggs said he was struggling to see the source of the glare issue, and agreed with Commissioner Deziel that he could not see a glare issue that was intractable. He said there were construction issues, interior and exterior noise. He said he was relieved to see that Plant Construction would do this project as they were currently doing a school project in Portola Valley with three neighbors hovering at all times and it was being handled professionally and sensitively. He agreed with Commissioner Pagee to have Charles Salter address noise issues with neighbors and that his office might recommend bulkheads at the perimeter of the plaza to mitigate noise. He suggested seeking the sound engineer's advice on mitigation of noise. He said along with the good fortune that Plant is the contractor there was additional fortune to have Cavagnaro Associates involved as the proposed design would fit well. He said the design was a good site use and circulation was clear. He said he supported the project.

Commissioner Keith asked if there could be time limits in condition 5.b of the revised conditions that any special events would terminate at 10 p.m. She suggested that the School's contact have the construction schedule and provide that information to the neighbors so they might be apprised of times when there might be heavier equipment used.

Commissioners Sinnott and Pagee accepted the amendment on time limits.

Planner Rogers asked for more detail on the landscaping requirement. Commissioner Pagee said she would like the applicant to share the landscape plan with the adjacent neighbors on Siskiyou whose backyards face the project (four properties) and first four houses along Monte Rosa, those affected by the construction, a worst case site section of the highest and lowest elevation, and to show how the landscaping will mitigate the massing of the building. Planner Rogers confirmed that review and approval would be made by staff. He said regarding the noise mitigation study if there were mitigations suggested whether those had to be applied. Commissioner Pagee said that the study was done with the existing music room and that perhaps it should be done in the area of the proposed music room. Ms. Meancho said that the test was done in the first grade classroom which was adjacent to the proposed music room and there were 20 adults using percussion instruments and singing as loudly as they could. Commissioner Pagee said there was a sound level that was objectionable to the neighbors. Mr. Franz said that when one study was done the loudspeaker was positioned in the doorway facing outwards, which was a mishap and unrealistic sound test. Commissioner Pagee asked that they share the reasonable sound test with the neighbors and if Charles Salter had recommendations that those be made available to the neighbors. Commissioner Riggs said he thought noise from the music room was important to control for the School's purpose and he thought that Charles Salter should do a study on the playground and after school activities, and suggest mitigation. Commissioner Pagee said that a sound wall would be a better mitigation beyond the play areas. Ms. Meancho said the building would only add one decibel. Commissioner Riggs asked the school if they would use this project to install a low deflecting berm wall to mitigate noise from the site. Ms. Meancho said this was considered in 2001 and was a recommendation at that time but structurally was not desirable.

Commissioner Pagee said her amendment then was to take the recommendations from the two sound studies already done of methods to mitigate cumulative levels of noise from the playground to the residential neighbors.

Commissioner Sinnott said she would like to drop the acoustical condition. Commissioner Riggs said he was trying to find a way to respond effectively to neighbors' concerns. He said he would like to suggest having Charles Salter make, as part of the landscape plan, a report on possible noise mitigation. Commissioner Riggs said he would suggest a supplementary report prepared by an acoustical engineer, suggesting economical landscaping changes, such as low landscape forms, to reduce the noise transmitted to nearby residential properties from this site. The applicant may revise the landscape plan to include such elements.

Planner Rogers confirmed that there was a non-binding recommendation to look into solar panels, establishment of a point of contact for all construction related concerns, 10 p.m. time limit in condition 5.b, and an integrated landscape plan to address the noise issues as well as the site line, high/low, comparison.

Commission Action: M/S Sinnott /Pagee to recommend 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. 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 architectural control and use permit revision subject to the following *construction-related* conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by Mark Cavagnero Associates, consisting of 14 plan sheets, dated received September 6, 2006, and approved by the Planning Commission on September 18, 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. 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 or building permit.
 - g. As part of the Grading and Drainage Plan, the applicant shall include improvement plans for the pedestrian pathway along Sand Hill Road. The improvements shall be submitted for the review and approval of the Transportation and Planning Divisions.
 - h. 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.

- i. Prior to building permit issuance, the landscaping plan shall comply with the Water Efficient Landscape Ordinance (Chapter 12.44) subject to the review and approval of the Planning Division.
- j. Simultaneous with the submittal of a complete building permit application, the applicant shall submit plans for a covered trash enclosure for review and approval of the Planning Division.
- k. Prior to building permit issuance, the applicant shall submit a construction staging plan, showing the areas for storage of materials, and a construction vehicle parking plan. The plan shall be substantially in conformance with the preliminary construction plan. The plan shall be subject to review and approval of the Planning and Building Divisions.
- ~~l. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a landscape plan showing the heritage replacement trees to be a minimum 24-inch box size when installed.~~ ***Prior to building permit issuance, the applicant shall specify a point-of-contact for all construction related issues and concerns, and shall notify all property owners and residents within 300 feet of the subject property, as well as any other residents who have previously requested to be kept apprised of the project's progress, of the point-of-contact's name and contact information. The applicant shall provide documentation that this distribution has taken place, which shall be subject to review and approval of the Planning Division.***
- m. ***Simultaneous with the submittal of a complete building permit application, the applicant shall submit a landscape plan. The landscape plan shall be shared with the property owners and residents at 901 through 921 Siskiyou Drive and 1135 through 1165 Monte Rosa Drive (odd numbered-properties only, for each street), and shall be subject to review and approval of the Planning Division. The landscape plan shall include the following elements:***
 - ***Specifications that the heritage replacement trees are a minimum 24-inch box size when installed.***
 - ***Two cross-sections through the project site, one from the highest of the eight previously-cited residential properties, and one from the lowest of the eight previously-cited residential properties. Each cross-section should extend from the residential property through the project site. The cross-sections should show the visual impact of the proposed construction, as well as the screening provided by existing and proposed landscaping. New landscaping should be represented as at the time of installation. Where additional landscaping features may help lessen the visual impact of the proposed construction, the applicant may revise the landscape plan to include such elements.***
 - ***Supplementary report prepared by an acoustical engineer, suggesting economical landscaping changes, such as low landscape forms, to reduce the noise transmitted to nearby residential properties from this***

site. The applicant may revise the landscape plan to include such elements.

- ***Specifications that the heritage replacement trees are a minimum 24-inch box size when installed.***
 - ***Two cross-sections through the project site, one from the highest of the eight previously-cited residential properties, and one from the lowest of the eight previously-cited residential properties. Each cross-section should extend from the residential property through the project site. The cross-sections should show the visual impact of the proposed construction, as well as the screening provided by existing and proposed landscaping. New landscaping should be represented as at the time of installation. Where additional landscaping features may help lessen the visual impact of the proposed construction, the applicant may revise the landscape plan to include such elements.***
 - ***Supplementary report prepared by an acoustical engineer, suggesting economical landscaping changes, such as low landscape forms, to reduce the noise transmitted to nearby residential properties from this site. The applicant may revise the landscape plan to include such elements.***
- n. Simultaneous with the submittal of a complete building permit application, the applicant may submit revised plans showing the use of solar panels on the roof of the Enrichment Center. The revised plans shall be subject to the review and approval of the Planning Division.***
5. Approve the use permit revision subject to the following *ongoing, project-specific* conditions:
- a. The maximum allowable student population on site shall be 136 students.
 - b. All student instruction and regular school activities shall continue to be limited to the hours between 8:00 a.m. and 3:15 p.m. on Mondays through Fridays. The following school activities are allowed to occur outside of these hours and days:
 - Before and after school extended care ***and enrichment activities*** (7:30 a.m. drop-off, 6:00 p.m. pick-up)
 - Back to School BBQ (September)
 - Back to School Night (September)
 - Halloween Carnival (October)
 - Advent Lessons and Carols (December)
 - Grandparents and Special Friends Day (May)
 - Arts Night (May)
 - Fun Day (June)
 - Graduation/Last Day of School (June)
 - Up to five additional one-time, special time events each year (***until 10:00 p.m.***)

Motion carried 7-0.

- 4. Use Permit and Architectural Control/OmniPoint T-Mobile/1100 Middle Road:**
Request for a use permit to install wireless telecommunications facility in the R-1-S (Single-Family Suburban) zoning district and architectural control to add a new spire to an existing church building.

Staff Comment: Planner Fisher said she had no additional comments to the staff report.

Public Comment: Ms. Tasha Skinner, San Francisco, representing T-Mobile, said the design of the antenna was to match the style of the existing AT&T "Church Steeple. " She said regarding the depth that it was noted as 28-inches and it actually was 36-inches. She said the cabinets were noted as 40-inches and the width was actually 51-inches. She said the conditions were acceptable.

Commissioner Pagee asked why the existing steeple was not used. Ms. Skinner said that there was not enough room. Commissioner Deziel asked if the recommended mitigation section would be acceptable as a condition of approval. Ms. Skinner said that was acceptable.

Commissioner Riggs said he had concerns with the architecture, but it was understandable if the Church wanted to do it. He was concerned with the 4-inch by 18-inch cap. Ms. Skinner said that she could see about doing something to improve the area.

Chair Bims closed the public hearing.

Commission Comment: Commissioner Deziel moved to approve as recommended by staff; and Commissioner Pagee seconded the motion.

Commissioner Riggs proposed an amendment to run the wires internally and to adopt the recommended mitigation measures. Commission Sinnott seconded the amendment.

Commission Action: M/S Riggs/Sinnott to amend to run the wires internally and to adopt the recommended mitigation measures.

Motion failed 3-4 with Commissioners Bims, Keith, Pagee, and Sinnott opposed.

Commission Action: M/S Deziel/Pagee to approve as recommended by staff.

Motion failed 3-4 with Commissioners Bims, Keith, Pagee and Sinnott opposed

Commission Action: M/S Sinnott/Keith to deny the project application.

Motion failed.

Ms. Skinner asked about lowering the height of the second steeple. Commissioner Deziel said he would agree with running the cable internally. Commissioner Riggs moved to approve with the cable running under the roof, the new spire be constructed approximately two-thirds lower, and the mitigation recommendations adopted as a condition.

Commission Action: M/S Riggs/Deziel to recommend 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 necessary findings, pursuant to 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 safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of the proposed use, and will not be detrimental to property and improvements in the neighborhood or general welfare of the City. (*Due to the Federal Communications Commission (FCC) preemption over local law regarding concerns over health where the proposed facility meets FCC requirements, staff has eliminated the standard finding for "health" with respect to the subject use permit.*)
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 Delta Groups Engineering, Inc., dated June 9, 2006 consisting of five plan sheets and approved by the Planning Commission on September 18, 2006, except as modified by the conditions contained herein~~ **with the engineering report prepared by Hamlett & Edison, Inc. by implementing the recommended mitigation measures as described.**
 - b. Prior to building permit issuance, the applicant shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility company 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. The applicant and the owner of the property upon which the cellular facilities are to be installed shall cooperate with the providers of other cellular, personal communication or similar communication systems for the co-location of facilities including similar antenna facilities, if such co-location is structurally feasible and will not interfere with other co-located facilities, as reasonably determined by the City of Menlo Park. In the event the applicant and/or the property owner fails to cooperate with the co-location of other communication facilities, such refusal or lack of cooperation shall be grounds for termination/revocation of the use permit granted herein.
4. **Approve the project subject to the specific conditions as follows:**
 - a. **Prior to building permit issuance, the applicant shall submit revised plans showing the proposed spire at approximately two-thirds the height of the existing spire and the associated proposed cables installed under the existing roof. The plans are subject to review and approval of the Planning Division.**

Motion carried 5-2 with Commissioners Pagee and Keith opposed.

5. **Zoning Ordinance Amendment Review/City of Menlo Park:** One-year review of Zoning Ordinance Amendments Relative to Single-Family Residential Developments.

Continued to a future meeting.

E. REGULAR BUSINESS #2

1. **Clarification of a Use Permit Revision and Variances/Sam Sinnott/1981 Menalto Avenue**: Planning Commission clarification on an action to approve a use permit revision and variances on August 14, 2006 for property located at 1981 Menalto Avenue.

Commission Action: Continued to a future meeting.

2. **Consideration of excerpts from the August 28, 2006, Planning Commission meeting regarding 75 Arbor Road, Allied Arts.**

Commission Action: Continued to a future meeting.

F. COMMISSION BUSINESS, REPORTS, AND ANNOUNCEMENTS

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

There was no report made.

ADJOURNMENT

The meeting adjourned at 11:40 p.m.

Staff Liaison: Justin Murphy, Development Services Manager

Prepared by: Brenda Bennett, Recording Secretary

Approved by Planning Commission on 1/8/07.