



MENLO PARK PLANNING COMMISSION MINUTES

Regular Meeting

January 22, 2007

7:00 p.m.

City Council Chambers

701 Laurel Street, Menlo Park, CA 94025

CALL TO ORDER – 7:00 p.m.

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

INTRODUCTION OF STAFF – Deanna Chow, Senior Planner, Megan Fisher, Associate Planner, Thomas Rogers, Associate Planner, Justin Murphy, Development Services Manager, Lorraine Weiss, Contract Planner

A. PUBLIC COMMENTS

There were none.

B. CONSENT

1. **Use Permit, Architectural Control, and Tentative Subdivision Map/Joe Colonna/1906 El Camino Real:** Request for a use permit, architectural control, and tentative subdivision map to demolish an existing one-story 5,750-square-foot commercial building and construct a new two-story 10,000 square foot office building for medical/dental use and related site improvements. The application includes a request for a tentative map to subdivide one parcel into five commercial condominium airspaces and a parking reduction to reduce the amount of required parking to 50 spaces based on the proposed uses where 60 parking spaces would otherwise be required in the C-4 (General Commercial applicable to El Camino Real) zoning district.

Commissioner Deziel said he would like the item pulled from the consent calendar.

Staff Comment: Contract Planner Weiss indicated that staff had no additional comments.

Public Comment: Mr. Joe Colonna, the applicant, said they agreed with staff's conclusions that the revisions were enhancements to the building and the site and more in character with the neighborhood. He said they also agreed with staff that putting doors on the El Camino Real frontage was not warranted because of the location of the building on the site and the proposed use of the property. He said they also were requesting to eliminate condition 6.c regarding the improvements in the El Camino Real right-of-way as they preferred to do the improvements on the private property because of safety concerns with the traffic at the intersection of El Camino Real and Watkins.

Mr. Bob Peterson, project architect, said the approach they took was to incorporate comments from the Commission and the public at the September 18 meeting into a fully integrated and

functional design rather than to add superficial elements unrelated to the form and function of the project, such as pilasters, arches, bay windows or a non-functional front. He said this would be a professional office building and they wanted it to have a quiet demeanor and not a busy presence. He said there was a floor plan for the Commission to review. He reviewed the changes they had made to the design.

Commissioner Bims asked if the plans submitted required sidewalks to be constructed in the public right-of-way. Mr. Colonna said the site plans showed the sidewalks completely on the site. He said that if the condition 6.c was upheld then they would need to come back with construction plans. He said they believed the street improvements could be accomplished on their property. Commissioner Bims asked if the street improvements were required to be in the Caltrans' right-of-way whether the plans would need to come back to the Commission. Mr. Colonna said that they would not with condition 6.c as written. Commissioner Bims asked about the monument signs for the site and if those would be part of a separate sign permit. Mr. Colonna said that was correct.

Commissioner Riggs asked about condition 6.i regarding future ground floor doors facing El Camino Real. Mr. Colonna said that he understood the condition to mean that if tenants on the ground floor wanted to add front doors on their spaces that they could do so with staff level review.

Commissioner Riggs said that more than one of the Commissioners would like to see more landscaping in front of the building and the sidewalks moved away from the building. He asked if between traffic and initial contact with Caltrans whether what was proposed was consistent with street improvements and would allow for a bicycle lane. Development Services Manager Murphy said that there was a difference between what was shown on the applicant's plans for the Caltrans' right-of-way and what staff was currently supporting. He said that staff would support a curb placement that was consistent with the block between Buckthorn Way and Spruce Avenue. Commissioner Riggs asked whether condition 6.c was putting a portion of the improvements in the right-of-way and if so, how much. Development Services Manager Murphy said that the improvements would be in the public right-of-way. Using the existing joint utility pole as the reference point, the new vertical curb would be 12-inches from the roadway side of the pole. He said staff would prefer the sidewalk to be either entirely in the right-of-way or entirely on the private property with a public access easement. Commissioner Riggs asked how firm staff was on their preference of having the sidewalk firmly on one side or the other. Development Services Manager Murphy said the placement of the curb was the overarching issue; he said it was cleaner if the sidewalk was located either totally in private or public property, but if it straddled those lines that could be dealt with satisfactorily.

Mr. Morris Brown, Menlo Park, said he was also speaking for "Menlo Park Tomorrow." He asked about an e-mail letter addressed to the Council and Commission from Mr. Michael Brady and noted that it had not been included in the packet. He said the project was under-parked and even when the site was a restaurant there had been problems with overflow parking. He said the project was obviously over 10,000 square feet and there should have been a traffic study conducted. He said if this project was not denied that it would be appealed to the City Council.

Chair Keith closed the public hearing.

Commission Comment: Commissioner Deziel said that the proposed revisions fell short of what the public deserved and that the building had no El Camino frontage façade although it had

been clearly requested by the Commission. He said there was an alternative for an El Camino Real façade that preserved the functionality desired by the applicant. He said he would move to recommend to the City Council to deny on the basis of architectural control as the project failed to meet finding 3.b in that it did not present an attractive and welcoming façade to El Camino Real when it was possible to do so, which made this unharmonious and disorderly growth within the context of the City's expressed desire to participate in the Grand Boulevard concept. He said the lack of façade along El Camino also prevented making finding 3.c in that allowing the building to present its rear at the entry to the City's El Camino Real commercial corridor did not promote, and could discourage and degrade investment in properties along that corridor as it was unfriendly and could suggest unwanted or even illicit activities. He said that presenting welcoming facades was codified within the El Camino Real Grand Boulevard Initiative and the Menlo Park City Center Guidelines, both of which he had given to the applicants at a meeting on January 5, 2007. Commissioner Pagee seconded the motion.

Commissioner Riggs said he was sensitive to the best efforts of an architect to comply with what the Commission wanted while trying to address the clients' goals, but he fully understood what Commissioner Deziel was saying. He said the provision of a façade that works on a boulevard was a particular thing. He said he had looked at other interpretations on El Camino and other boulevards in other cities. He said buildings with a vertical rhythm were successful along boulevard frontage. He said this project could be designed to have more of a vertical rhythm, but he did not know if those changes would be ideal.

Commissioner Bims said he was acutely aware of the traffic circulation at this intersection, including the need for people to make a right from El Camino to Watkins and from Watkins to El Camino. He said that pushing out the sidewalk into the right-of-way would make traffic conditions more difficult there. He said also that he did not want to see anything done to the site that would encourage people to drop people off from the street or at the front of the building given the traffic conditions. He said for that reason he would have trouble with the front of the building facing the street. He said that given the uniqueness of the site and type of businesses, discreet medical services, the rear entrance design made sense.

Commissioner Sinnott said the proposed changes were an improvement to what they had seen before. She said she did not see this property as being centrally located in the Grand Boulevard scheme but on the tail end of it and transitioning to Atherton and a residential area. She said the trellis work opened up the south end of the building and was very inviting and created a friendly façade. She said she thought the project anchored the end of the El Camino Real commercial district beautifully.

Commissioner O'Malley said he had not been at the meeting when the project was previously discussed, but based on his review of the prior plans that those presented now were a vast improvement. He said pushing the sidewalk further out into the street area was dangerous. He said that a front facing façade to El Camino Real was not desirable. He said he supported the project.

Commissioner Deziel said he liked how the project was situated on the site and he could make the CEQA findings exemption. He said the intent for the motion to deny was that the Commission had requested a façade and had not gotten one, which indicated that a recommendation for continuation for redesign would not make a difference. He said the project looked like a building without a front. He said he agreed that the sidewalk should be where indicated and if Caltrans was willing to give up some right-of-way that could then be landscaped area beyond the sidewalk.

Chair Keith asked staff about the e-mail letter referred to by Mr. Brown and to address the comments about the square footage in the stairwells and elevator banks. Development Services Manager Murphy said the letter was from Mr. Michael Brady and dated January 12, 2007, but he had not seen the letter, noting that it might have been blocked by a spam filter. He said the issue of floor area that the letter was addressing related to issues Commissioner Pagee had asked about at the December 18 meeting. He said it referred to the California League of Cities' definition of gross floor area and the City of Menlo Park's zoning ordinance definition of gross floor area, the latter of which would be more applicable. He said there were some portions of the building as proposed that were excluded from the gross floor area calculations and that reflected staff discussions with the applicant regarding what had historically been excluded from gross floor area. He said those had occurred over a number of years because of discrete interpretations made by staff and the Council. He said those interpretations were not codified and staff believed the representation of the plans was consistent with how this definition had been applied to other projects, but noted again these interpretations were not codified in the zoning ordinance which was close to 40 years old.

Commissioner Bims said if this building were used for retail that all of Commissioner Deziel's comments were valid. He said the intended use was condominium offices and that was why he was not supporting Commissioner Deziel's motion.

Commissioner Pagee asked about square footage for stairwells in residential and commercial buildings. Development Services Manager Murphy said residential stairwells were fully within the building so for properties with single-family zoning the floor area associated for the stairwell was counted once. He said in this particular design at least a couple of the stairwells were not fully enclosed and thus were eligible for exclusion based on previous interpretations of the zoning ordinance. Commissioner Pagee asked whether when a project was as close as this project to the square footage to trigger CEQA review whether it was in the best interest of the City to allow such a "sliding under the door" calculation. She said the project was so border line in terms of square footage that it was questionable and the neighborhood has concerns about traffic and parking impacts. She said she thought it would be fairer to the neighborhood for the residents to be given information on these interpretations.

Development Services Manager Murphy said the City's TIA guidelines were specific in terms of 10,000 square feet, and regardless of what was, or was not counted, that the City Council, who established the guidelines, could change them. He said the Council had previously changed the guidelines from 5,000 square feet to 10,000 square feet through a public process. He said to codify gross floor area definition would require Council to direct resources to that end. He said the historical interpretations were consistently applied by staff.

Chair Keith said what the applicant had done for revisions were very minor and did not address what the Commission had requested regarding a front façade. She said if the project was at the end of the commercial El Camino corridor then it was also at the beginning of the commercial El Camino corridor. She said she was also concerned about CEQA, particularly with a project such as this that was so close to the trigger for CEQA. She said she was leaning toward support of the motion.

Commission Action: M/S Deziel/Pagee to recommend to the City Council to deny the tentative subdivision map, use permit, and the architectural control request.

1. Makes no finding that the project is categorically exempt under Class 3 of the current CEQA Guidelines since the application is being recommended for denial.
2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that, without prejudice to the proposed medical/dental use itself at this location, the proposed new building has such an unfriendly and unharmonious façade that the proposed medical/dental use housed in such building will be detrimental to property and improvements in the neighborhood and the general welfare of the City.
3. Make the following findings, as per Section 16.68.020 of the Zoning Ordinance, pertaining to architectural control:
 - a. The general appearance of the structure is not in keeping with the character of the neighborhood.
 - b. The development will be detrimental to the harmonious and orderly growth of the City in that the El Camino Real elevation does not present an attractive or welcoming façade, which results in an incongruous design.
 - c. The development will impair the desirability of investment or occupation in the neighborhood in that the lack of an inviting façade on the El Camino Real side of the building would appear unfriendly to the public.
 - d. The development provides adequate parking as required in all applicable City Ordinances and has made adequate provisions for access to such parking.
4. Make findings that the proposed major subdivision is technically correct and in compliance with the Subdivision Ordinances and the State Subdivision Map Act, but the proposed project would be detrimental to property and improvements in the neighborhood or the general welfare of the City.
5. Deny the use permit, architectural control and major subdivision.

Motion carried 4-3 with Commissioners Bims, O'Malley, and Sinnott opposed.

C. PUBLIC HEARING

3. **Use Permit/Stanley F. Nielsen/442 Gilbert Avenue:** Request for a use permit to construct a new two-story, single-family residence on a substandard lot with regard to lot width in the R-1-U (Single Family Urban) zoning district. *Continued from the meeting of January 8, 2007 at the request of the applicant.*

Staff Comment: Planner Rogers said the color sheet would be distributed to the Commission as well as a letter from George and Donna Tuma, who indicated that they did not support the project and had construction concerns. He indicated that there was also a letter from Mr. Thomas Sharp.

Public Comment: Mr. Stan Nielsen, project architect, said he had been before the Commission two weeks prior and asked if the Commission had any questions.

Commissioner Pagee noted that the structure and driveway had been flipped and confirmed with Mr. Nielsen that this was in response to the Transportation Division's request to relocate the driveway to avoid interference with a stop sign.

Commissioner Bims said a neighbor on Shirley Way had requested additional landscaping and asked whether the applicants had worked with those neighbors. Mr. Nielsen said that staff had recommended a tree and that was amenable to them and apparently to the neighbor as well.

Chair Keith closed the public hearing.

Commission Comment: Commissioner Sinnott moved to approve as stated in the staff report; Commissioner Bims seconded the motion.

Commissioner Riggs asked if the Black ash tree had been removed. Mr. Nielsen said that he did not think it had been. Commissioner Riggs said it was not clear why the tree needed to be removed. Mr. Nielsen said it was a foundation and excavation issue and that as the tree was currently small they felt it should be removed so it would not impact the foundation, as it grew larger. He said they were willing to plant other trees. In response to a question from Commissioner Riggs, Mr. Nielsen said he was not sure why the Chinese pistache tree, a street tree, was to be removed. Commissioner Riggs asked if the applicant was willing to keep the tree. Mr. Nielsen said he would like to check the arborist report, but he was willing to work with staff to keep the tree. Commissioner Riggs said a 20-inch Walnut tree was being removed and asked if that would be replaced by the Maples. Mr. Nielsen said that was accurate. Commissioner Riggs said trees planted in the parkway were in the way for pedestrians. He asked staff if a landscape plan would be submitted subsequent to this approval. Planner Rogers said the addition of a tree would require an updated sheet under condition 4.a. Commissioner Riggs said he would like cleanup of the parkway to be included in the landscape plan.

Commissioner Riggs asked that the motion be amended to keep the Chinese pistache tree, to require the suckers around the base to be cleaned up and for a revised landscape plan to include the parkway. Commissioner Pagee asked if the amendment could also include trees as landscape screening for the neighbor at 405 Shirley Way. She said there would be trees removed in that area and as the master bedroom was on the second floor that trees would help with privacy issues.

Commissioners Sinnott and Bims as the makers of the motion and second accepted the modifications to the motion from both Commissioner Riggs and Pagee.

Commissioner Deziel said it was worthwhile to consider whether 15-gallon or 24-inch box trees were better as the 15-gallon tree tended to grow faster but also tended to die more often. He said regarding the Black ash that a fabric could be introduced to prevent roots from breaching foundations.

Commissioner Sinnott said she would leave the motion as previously amended and not change the size of the trees.

Commission Action: M/S Sinnott/Bims to approve per the staff report with the following modifications.

1. Make a finding that the project is categorically exempt under Class 3 of the current 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:
 6. Development of the project shall be substantially in conformance with the plans prepared by Nielsen Architects, Inc., consisting of 10 plan sheets, dated received January 12, 2007, and approved by the Planning Commission on January 22, 2007, except as modified by the conditions contained herein.
 7. 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.
 8. 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.
 9. 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.
 10. Simultaneous with the submittal of a complete building permit application, the applicant shall submit plans indicating that the applicant shall remove and replace any damaged and significantly worn sections of frontage improvements. The plans shall be submitted for the review and approval of the Engineering Division.
 11. 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.
 12. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance. Prior to the building permit issuance, the applicant shall implement the tree protection plan and technique recommendations in the Arborist Report for all applicable heritage trees.
4. Approve the use permit subject to the following **project-specific** conditions:
 - a. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a revised landscape plan showing the installation of one additional 15-gallon tree along the property line between 442 Gilbert Avenue and 405 Shirley Way. The plans shall be submitted ~~for the~~ **subject to** review and approval of the Planning Division. **The revised plan shall include the following elements:**

- i. Additional landscaping shall be installed along the property line between 442 Gilbert Avenue and 405 Shirley Way. The new landscaping shall include at least one additional 15-gallon tree along this shared property line, and shall have the overall objective of protecting the privacy of residents of the property at 405 Shirley Way.*
- ii. The Chinese pistache street tree shall be retained, and the base of this tree shall be cleaned in order to preserve the tree's health.*
- iii. The parkway strip in front of this parcel shall be integrated into the landscape plan.*

Motion carried 7-0.

- 2. **Use Permit and Variance/Chris and Kristine Ball/555 Morey Drive:** Request for a use permit for first and second story additions to an existing single-story, nonconforming residence that would exceed 50 percent of the replacement cost of the existing structure in a 12-month period, and would increase the floor area by more than 50 percent on a substandard lot with regard to lot size, width, and depth, in the R-1-U (Single-Family Urban) zoning district. Request for a variance to allow the first and second story additions to encroach seven inches into the right side setback.

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

Questions of Staff: Commissioner Bims said the applicants' arguments to support the variance request had noted that when this property was built with its existing home that there had been a less restrictive zoning regulation for setbacks. He asked what the elements of the zoning ordinance were at that time.

Planner Fisher said that for some time the requirement for setbacks had been 10 percent but she had not researched the zoning regulations when the home was built.

Commissioner Bims said the staff report indicated there were alternative designs that would potentially increase cost but were more appropriate to the site. He asked if staff had a particular style in mind or a particular floor layout. Planner Fisher said the applicants wanted to build to a two-story on the non-conforming side of the residence, but this addition could be made both on the other side and the rear of the home. She said it was also possible to extend into the front.

Mr. Chris Ball, property owner, said that he and his wife bought their home three years prior and loved the property and the neighborhood. He said that with their increasing family size however that the structure was becoming small for their needs. He said the principle of their expansion was to keep within the character, scale and scope of the neighborhood. He said that was why they choose this design which was smaller than others proposed by the architect. He said their second guiding principle was to work with their neighbors closely and use their feedback in the development of their design. He said the home currently has an existing wall that is seven-inches into the side setback. He said that was because the home when it was built had not been centered on the lot. He said that they were building on the existing footprint and the neighbors on the nonconforming side were comfortable with the expansion as the addition would be above their garage. He said additions to the rear would abut the livable space of that neighbor, including their yard and garden.

Mr. Richard Harmon, project architect, addressed the findings that needed to be made for a variance. He said the hardship was that the living side of the house was situated on the non-conforming side and that the house had not been centered on the lot when it was built, and this was particular to this property. He said regarding the finding that the variance was needed for the preservation and enjoyment of property rights that the alternate design was undesirable and to offset the wall seven-inches so as not to require a variance was objectionable aesthetically and functionally. He said the regarding the third finding related to the variance not being detrimental to health and welfare of surrounding residents that the project would not impact light or air as the addition would terminate at the neighbors' garage and the overall height would appear from the street to be one-story. He said that staff also indicated that granting this variance would set a precedent for the rest of the neighborhood but he did not see how when the other properties had the five foot side setbacks. He said although the petition of support did not have the word variance in it that all of the neighbors knew the variance request was part of the proposal. He said the few opposing letters were objecting to the second story design and not to the variance request.

Commissioner Sinnott asked where the architect could remove the seven inches to prevent adding to the non-conformity. Mr. Harmon said from the bedrooms. Commissioner Sinnott said there was a gracious hallway and it seemed possible to reduce the floor plan by seven inches. Mr. Harmon said on the second floor they could find the inches internally but there would be an external offset on the second story.

Mr. Ball said he was concerned with the offset of the wall by seven inches on the second story as to what that meant to the living room on the first floor. He said that if they added to the rear of the home that the entire wall of the addition would have to jut in seven-inches the length of it.

Commissioner Bims said the staff report indicated the applicants' choice of Dutch Colonial that is not a prevailing style in the neighborhood. He said the applicants had indicated they chose this style to mitigate the impacts on the health, welfare daylight, etc., of the neighbors. He asked if the prevailing architectural styles in the neighborhood would have more impacts if used. Mr. Harmon said the style chosen reflected the clients' east coast preferences but the style lowered the visual impact of the house in that there was not a second-story wall at the front of the house, and the second story would have a very low plate height and small attic. He said in bulk and three dimensions it was a smaller house than it could be. Mr. Ball said they had alternative designs but this design was the smaller design. He noted that it would almost look like a one-story from the street. He said if the neighborhood also included Allied Arts that there were very similar styles with roofs and dormers, and that there were multiple homes with this style and was within the diverse style of homes in Menlo Park.

Commissioner Bims noted the applicants' comments on page D.1 of the staff report that the addition would look awkward were they to build on the new more restrictive setbacks. He asked if the applicants were aware of zoning ordinances applicable at the time the existing home was built. Mr. Harmon said that the homes on the street had a consistent five-foot setback on the side or a 10-foot distance between houses. He said however that this house had not been centered on the lot when built although in every other way it was consistent with the other homes that were built at the same time.

Commissioner Deziel asked if the Commission supported staff's recommendation whether the applicants would go with Alternate Plan B. Mr. Harmon said they could bring in the side of the addition seven inches but whether that was desirable or not was not certain. Commissioner

Deziel said that even if the house had been centered that it still would have encroached into the setback.

Commissioner Pagee noted that the legal, nonconforming garage had a water heater situated in it. She asked where the water heater would be moved to so a car could park in the garage. Mr. Harmon said they would not move the water heater. In response to another question from Commissioner Pagee, Mr. Harmon said the furnace would also go into the garage next to the water heater. Commissioner Pagee said this was a five-bedroom house and yet there would be no space in the garage to park cars. Planner Fisher said the washer and dryer would be moved out of the garage and the water heater would be in the corner of the garage. Commissioner Pagee said this was a significant improvement to create a five-bedroom home and questioned the adequacy of a single-car garage. Mr. Ball said the garage currently held one car and the driveway would accommodate two cars parked side-by-side.

Commissioner Bims asked about the placement of the chimney and if the applicant was amenable to the 18-inches. Mr. Harmon said they were.

Chair Keith closed the public hearing.

Commission Comment: Commissioner Deziel moved to approve as recommended in the staff report to deny the variance but approve the use permit. Commissioner Riggs said the issue was that the Balls wanted to build something twice the size of anything else on Morey Drive, and that the house was a mixed bag as the architectural style chosen would present an eave line to the neighborhood lower than other two-story homes but would present a 27-foot height wall on the side. He said the house was 41 square feet less than the absolute maximum FAR. He said the architect had done a great job creating a luxury five-bedroom home on a 5,000 square foot lot. He said however there was only a one-car garage and the only other possible parking space was in the setback. He said there was a challenge to accept this five-bedroom home and disregard the parking.

Commissioner Bims seconded the motion. He agreed with Commissioner Riggs regarding the parking. He said he could not approve the variance based on the arguments he had heard. He said regarding the use permit he was not against the Dutch Colonial style or a home within 41 square feet of the maximum allowable FAR, but he thought the style looked odd in this neighborhood.

Commissioner Sinnott said she agreed that more parking would be preferable, but it was not codified. She said inevitably the neighborhood would experience growing families with a need for larger space. She said that she could support the encroachment of seven-inches into the setback.

Commissioner Pagee said she could support the motion but had concerns with the parking. She said that the zoning ordinance required a minimum of two parking spaces and with five bedrooms she thought the Commission could push to create a precedent for more parking as letting the design go forward with a one-car garage was also setting a precedent less desirable.

Commissioner Deziel said this home would have a 60-degree angle on the neighboring property. He said on the left edge of 565 Morey there was a garage in the front and a bedroom in the back. He said the applicants were trading off 20-feet of depth and allowing southern exposure for the neighboring property.

Commissioner Keith said she could not make the findings for the variance but the architect had done a nice job. She said she hoped they could bring back a design without a variance and address the parking.

Commissioner Riggs said that another applicant had brought forth a five-bedroom home with a two-car garage on a half-acre lot, and the Commission had sent the project back for redesign to include a three-car garage. He said in this instance the home would have five bedrooms with a one-car garage on a 5,000 square foot lot with no outside additional parking space available. He said the parking did not support the project and was a big issue, and it should be designed to meet the requirement for parking.

Commissioner Sinnott said that the Commission sometimes requires the parking or does not and that the Commission needed consistency.

Development Services Manager Murphy said the requirement in single-family zoning was two off-street parking spaces, one covered, and one uncovered. He said in his recollection he was not aware of any projects in which the Commission had made case-by-case decisions on this requirement.

Commissioner Pagee said the Planning Commission should look to the future as to impacts. She said the largest parking issues were in East Menlo Park. She said that if there was to be a large remodel on a home with only two-parking spaces that there would not be enough parking spaces in the future. She said the Commission needed to be consistent and codify parking needs somehow. She said she would encourage a redesign to address the variance and to address the addition of two parking spaces.

Commissioner Deziel said in use permit situations that the Commission could use economics in the argument. He said the applicants did not buy a one-story house but a lot. He said some people moving into Menlo Park could afford to demolish and rebuild but others might just have enough money for a remodel. He said that seemed to be saying that only the really wealthy could build in Menlo Park. He said there was a constraint on parking and there would be cars in the future but he could not say imposing another \$37,000 of cost to demolish and rebuild was justified.

Commissioner Riggs said he agreed with Commissioner Pagee that this proposal was virtually new construction. He said the Commission would not accept the parking requested by developers for Linfield Drive and Oak Grove Avenue even though the developers were targeting "empty nesters."

Commissioner Bims said the lot was substandard in width, depth, area with a house proposed at 90 percent lot coverage and FAL with only one parking spot. He said that two parking spots should be the minimum for such a proposal.

Commissioner Riggs made a substitute motion to deny the variance and continue the user permit for redesign to create two conforming parking spaces.

Mr. Ball said he was sure the architect could develop new designs, but all of this would become more expensive, and at some point it would be economically untenable. He said the message seemed to be that Morey Drive improvements should be limited to property owners who do not have children. He said however that the City of Menlo Park has a parking failsafe in its "no overnight parking." Mr. Harmon said that it seemed like the direction was penny-wise and

pound-foolish as rather than allow for an additional seven-inches on one side now the design would need to take 10-feet from the front of the lot for an additional garage door.

Commissioner Sinnott said she would not support the motion because as she noted previously that the parking needed to be codified to be consistent.

Commissioner Riggs said that the redesign could accommodate a second parking space without using additional 10 feet from the front of the lot.

Chair Keith said she believed in consistency of actions as a Commission and she remembered sending back another project for redesign for additional parking. She asked when the applicants could get on the schedule with their redesign. Development Services Manager Murphy said there would be a three-week period for noticing after receipt of the revised plans. He said to provide required parking that the applicants would either have to demolish part of the building which would change the footprint of the house and this would need to be re-noticed.

Commission Action: M/S Riggs/Pagee to make a substitute motion to deny the variance and continue the use permit for redesign to create two conforming parking spaces.

Motion carried 4-3 with Commissioners Deziel, Keith, and Sinnott opposed.

Commission Action: M/S Riggs/Pagee to deny the variance and continue the use permit for redesign to create to conforming parking spaces.

Motion carried 4-3 with Commissioners Deziel, Keith, and Sinnott opposed.

3. **Use Permit/Manou Movassate/1085 Trinity Drive:** Request for a use permit for excavation into the required front setback for a new driveway associated with the development of a new two-story, single-family residence on a standard lot in the R-E-S (Residential Estate Suburban) zoning district.

Staff Comment: Planner Chow had no additional comments.

Questions of Staff: Commissioner Deziel asked if there was a maximum amount of excavation that could be requested into the setback. Planner Chow indicated that the applicant could request any amount for consideration.

Public Comment: Mr. Manou Movassate, applicant, said that he had not realized there was a need for the use permit. He said the driveway was very steep and it was essential to have maneuverability of vehicles at the bottom of the driveway to prevent residents from backing out into the street. He said he had intended to have three-foot planting space by the retaining walls in the motor court but staff's recommendation was more stringent. He said they would like the retaining walls to come out five feet rather than eight feet, which would give them three-feet for landscaping.

Mr. Peter Egbert, Menlo Park, said he and his wife live next door to the project and they object to the excavation and the retaining wall. He said they had spoken with other neighbors and there had been a letter submitted from another neighbor expressing concerns with the project. He said the project was a much bigger home than what was in the neighborhood. He said two Monterey pines were removed and the neighbors had expected landscaping in the front for mitigation. He said however the proposed excavation would not allow enough space for a front

yard and landscaping. He said that he and his wife backed out of the driveway every day and the previous owners at the subject property had done so as well. He said the property owner and developer would build the house and sell it and the neighbors would be left with the impact of the structure.

Commissioner Bims said the applicant had indicated an alternate proposal for a smaller hammerhead for more landscaping and asked if that was amenable to the neighbor. Mr. Egbert said that landscaping would be down the driveway and would not benefit the streetscape. He said he preferred no hammerhead.

Mr. Movassate said the three-feet of landscaping would eventually be visible from the street.

Mr. Movassate said there were a series of steps next to the driveway that could be eliminated to provide space for the hammerhead.

Chair Keith closed the public hearing.

Commission Comment: Commissioner Riggs moved to approve as recommended in the staff report and make the findings; to require landscape buffer in the front setback to include trees and also between the project and 1075 Trinity Drive. Chair Keith asked about the steps being eliminated. Commissioner Riggs said that he did not think those were relevant to landscape planting. He said that significant trees should be required above the retaining wall to maintain the streetscape. Chair Keith asked what size trees should be required. Commissioner Riggs said his request was for 24-inch box trees. Commissioner Page seconded the motion.

Commissioner Deziel said he had visited the property and met the applicant. He said there was some merit to the applicant's proposal to plant trees in the three feet along the retaining wall in that it would create an interesting green view. He said he could draft something to allow for landscaping at the lower level. Commissioner Riggs said it would take time for trees to get the desired height. He said he would like 24-inch boxes at street level. Commissioner Deziel said the street view as existing was more bushes and shrubs than trees. Commissioner Riggs said the site needed landscaping in front and the side to screen views into what was essentially a well. In response to a question from Chair Keith, Commissioner Riggs asked what staff's perspective on landscaping was. Planner Chow said most of the landscaping had related to the streetscape, but they could certainly work on the landscaping for the side setback. In response to a question from Planner Chow, Commissioner Riggs suggested trees along the guardrail on the side. He said the best direction would be for staff to work with the neighbor on the placement of trees.

Commissioner Riggs restated the motion: to approve the use permit, make the findings, and include landscape planting of a minimum two 15-gallon trees along Trinity Drive and two 15-gallon trees along the left side property line, both of which coordinated through staff with the neighbors.

Commissioner Deziel said he had an amendment to the motion.

Commissioner O'Malley asked for clarification of Commissioner Riggs motion before Commissioner Deziel stated his proposed amendment. Commissioner O'Malley said he thought the motion originally had included reducing the retaining walls from eight feet to the five feet for the hammerhead. Commissioner Riggs said that was opened up for discussion but not resolved and indicated that Commissioner Deziel might address in his amendment.

Commissioner Deziel moved to amend the motion to allow an additional encroachment up to three feet, but in no case would the encroachment be any closer to 10 feet, and to include the planting of significant trees of two to three 24-inch box trees. He said he would require landscaping in the front. He said this was for staff to coordinate.

Commissioner Riggs and Commissioner Sinnott accepted Commissioner Deziel's amendment.

Commission Action: M/S Riggs/Pagee to approve 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 Kohler Associates, consisting of 12 plan sheets, dated received January 16, 2007, and approved by the Planning Commission on January 22, 2007, 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. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance. Prior to the building permit issuance, the applicant shall implement the tree protection plan and technique recommendations in the Arborist Report for all applicable heritage trees.
- 4. Approve the use permit subject to the following *project specific* conditions:
 - a. Prior to building permit issuance, the applicant shall submit revised plans to reduce the front yard encroachment by approximately 8 feet. ~~The retaining wall should be revised to extend from the pathway to the uncovered parking space adjacent to the attached garage subject to review and approval of the Planning Division.~~ **Up to an additional three-foot encroachment, not exceeding an overall 10-foot encroachment into the front setback, is allowed to accommodate a landscape area. The plan shall be subject to review and approval of the Planning Division.** All applicable building permits shall be revised accordingly and are subject to review and approval of the Building Division.
 - b. **Prior to building permit issuance, the applicant shall submit a landscape plan showing the installation of two or three 36-inch box trees in the landscaped area below grade and a coordinated landscape plan for the area at street level. The plan shall be subject to review and approval of the Planning Division.**

Motion carried 7-0.

- 4. **Use Permit and Architectural Review/Todd Edwards/1142 Crane Street:** Request for a use permit for a ground floor, dry cleaning personal service establishment in the C-3 (Central Commercial) zoning district and architectural control for alterations to the front building elevation.

Staff Comment: Planner Fisher noted an error in the staff report. She said she had indicated in the staff report that the area with the white curb in front of the Washington Mutual site would be a feasible loading zone, but it would not. She said that green curbs could be used for loading zones and that there was no loading zone in front of 1139. She said there was an area on Ryan Lane marked both yellow and green that could be used for loading. She said staff received a letter from a business owner across the street who had concerns with traffic and parking impacts. She said the letter suggested the need for more short-term parking spaces but he was concerned also with employee parking. Planner Fisher said there currently was a parking study being done of this area. She said the applicant had stated there would only be two full-time and one part-time employees. She said there was concern with delivery trucks parked all of the time in the parking plaza but the applicant said the delivery trucks would be parked off site.

Commissioner Bims asked if the red curb could be changed in the front of 1142 Crane Street. Planner Fisher said that the current red curbs were there because of sight distances needed.

Mr. Todd Edwards, President of the Peninou French Cleaners, said he had also brought his architect..

Commissioner Riggs asked if he thought the business could be profitable with no parking and no delivery space. Mr. Edwards said there were two, 15-minute green zones directly across from the property and he understood that there had been a viable dry cleaning business at 1155 for many years. He said his business did about 32 transactions a day. He said he had been

looking for a new location for three years and this business had been in existence for 100 years. He said the zones across the street were mostly empty during the day. He suggested adding more green zones but the street had a lot of open parking during the day.

Chair Keith closed the public hearing.

Commission Action: M/S Pagee/Sinnott to approve the item as presented in the staff report.

1. Adopt a finding that the project is categorically exempt under Class 1 of the current State CEQA Guidelines.
2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the City.
3. Adopt the following findings, as per Section 16.68.020 of the Zoning Ordinance, pertaining to architectural control approval:
 - a. The general appearance of the structure is in keeping with the character of the neighborhood.
 - b. The development will not be detrimental to the harmonious and orderly growth of the City.
 - c. The development will not impair the desirability of investment or occupation in the neighborhood.
 - d. The development provides adequate parking as required in all applicable City Ordinances and has made adequate provisions for access to such parking.
4. Approve the use permit and architectural control requests subject to the following *standard* conditions of approval:
 - a. Development of the project shall be substantially in conformance with the plans prepared by the applicant, consisting of three plan sheets dated December 19, 2006, and approved by the Planning Commission on January 22, 2007, except as modified by the conditions contained herein.
 - b. Prior to building permit issuance, the applicant shall comply with all West Bay Sanitary District, Menlo Park Fire Protection District, and utility companies regulations that are directly applicable to the project.
 - c. 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. A sign permit for any future signage is required, and subject to review and approval by the Planning Division.

Motion carried 7-0.

5. Use Permit/Conor Medsystems/1010 Hamilton Court: Request for a use permit for the use and storage of hazardous materials and for the outside storage of materials and equipment associated with the main use in the M-2 (General Industrial) zoning district.

Staff Comment: Planner Rogers said he had some documents applicable to this agenda item and the next agenda item that would be distributed.

Questions of Staff: Chair Keith said she noted on D.3 that there was no box marked for office use. Planner Rogers said the second box should have been checked by the Building Division and he had confirmed that with Mr. Ron Le France.

Public Comment: Mr. Jeff Tylack, Vice President of Operations, said that Conor Medsystems was a startup company that began in 1999 in Menlo Park. He said they finished their investigational research and were now requesting additional space to do manufacturing. He said they make a coronary stint that was slightly different than others as it has medication to keep the artery from closing.

Commissioner Pagee noted they would have two buildings for manufacturing and asked if materials from one building would be transported to the other. Mr. Tylak said that they would cut the stints in one location and periodically a batch would be released to the second unit; and then the stints would be sent to another off-site sight for sterilization. In response to Commissioner Pagee, Mr. Tylak said the units were packed into lots to be transported to the other building.

Commissioner Bims asked if the ramping up of their manufacturing business was inhibited by the nearby location of Mid-Peninsula School. Mr. Tylak said not at all.

Mr. Randall Dowlery, project architect, described the site in relation to the existing Conor Medsystems site.

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

Mr. Dowlery described the modifications to the interior and exteriors of the buildings. He said they were adding HVAC to the roof and would add roof screening for the equipment. Commissioner Pagee asked if the colors were the finished product. Mr. Dowlery said gray and white and some deeper black were the colors consistent throughout the business park. He said most of the work would be on Building K and would include a two-story lobby to make a front presence for the business. He said in this instance the air units would be on the ground and would be screened.

Commissioner Pagee asked when the testing of the generators would occur. Mr. Dowlery said that often happened on Saturdays but could occur during an evening shift. Commissioner Pagee asked if it could be guaranteed not to occur between 10 p.m. and 8 a.m. Mr. Dowlery said it could. Commissioner Pagee said she wanted the applicant to be aware of the City's noise ordinance.

Commissioner Pagee said the report indicated that sulfuric acid was used in several locations and asked how the product was handled and stored. Mr. Tyack said it was stored in double containment and the waste was also stored in double containment. He said a waste company

picks up the waste. He said the process would be identical to what was currently being done. Commissioner Pagee said that this item might need to be brought to the attention of County Environmental Health Services.

Chair Keith asked if there were any members of the public to speak on items C.5 or C.6. There were none. Chair Keith closed the public hearings on both C.5 and C.6.

Commissioner Riggs asked about the noise rating on the new HVAC equipment at 1010 Hamilton Avenue. Mr. Dowlery said that they certainly could provide that information and it complied with 50 decibels at the property line. Commissioner Riggs noted that the site was fairly close to residential areas. He said the generator proposed for use was 74 decibels and that was loud. He asked if acoustic panels could surround the generators. Mr. Dowlery said they looked at designing with acoustical panels. Commissioner Pagee asked if they used an acoustic engineer. Mr. Dowlery said they used a Mechanical Engineer. Mr. Tylak said that the 75 decibels rating was at seven meters. Commissioner Riggs noted that the list of emergency phone numbers was out of date.

Commissioner Bims asked if any of the hazardous material were stored in a gaseous state. Mr. Tylak said the hazardous materials were in liquid forms.

Commission Comment: Commissioner Pagee moved to approve as recommended by the staff report with conditions stated. Commissioner Riggs seconded the motion but amended to require that the generator noise be abated to 50 decibels at the property line and HVAC noise be abated to 40 decibels at the property line for nighttime operation, and that up to date emergency numbers be submitted. Commissioner Pagee asked if those decibel requirements were ordinarily applied to the lots in commercial area. Planner Rogers asked which property line was being referred to. Commissioner Riggs said the east property line. Planner Rogers said that would be unprecedented as the zoning did not change to residential at the property line. Planner Chow said this would be more restrictive than current zoning regulations.

Discussion ensued about the location of residences. Planner Rogers said the closest residences were located on the frontage road on Willow Road and these were 800 feet away from 1010 Hamilton and 400 feet away from 1394 Hamilton. Commissioner Riggs said he would drop his acoustical requirements for 1010 Hamilton but would keep the requirement for updating the emergency phone numbers.

Commission Action: M/S Pagee/Riggs to approve with the following modification.

1. Make a finding that the project is categorically exempt under Class 3 of the current 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 DGA, consisting of ten plan sheets, dated received on January 16, 2007, and approved by the Planning Commission on January 22, 2007 except as modified by the conditions contained herein.

- b. Prior to building permit issuance, the applicant shall comply with all sanitary district, Menlo Park Fire Protection District, and utility companies regulations that are directly applicable to the project.
 - c. Prior to building permit issuance, the applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
 - d. If there is an increase in the quantity of hazardous materials on the project site, a change in the location of the storage of the hazardous materials, or the use of additional hazardous materials after this use permit is granted, the applicant shall apply for a revision to the use permit.
 - e. Any citation or notification of violation by the Menlo Park Fire Protection District, San Mateo County Environmental Health Department, West Bay Sanitary District, Menlo Park Building Division or other agency having responsibility to assure public health and safety for the use of hazardous materials will be grounds for considering revocation of the use permit.
 - f. If the business discontinues operations at the premises, the use permit for hazardous materials shall expire unless a new business submits a new hazardous materials business plan to the Planning Division for review by the applicable agencies to determine whether the new hazardous materials business plan is in substantial compliance with the use permit.
 - g. Concurrent with the submittal of a complete building permit application, the applicant shall submit documentation of approval from Allied Waste for the proposed garbage enclosure, subject to review and approval of the Planning Division.
4. ***Approve the use permit subject to the following specific conditions:***
- a. ***Prior to issuance of a building permit, the applicant shall submit a revised Hazardous Materials Business Plan, subject to review and approval of the Planning Division. The revision shall include correct phone numbers for the local police department and other agencies within the Emergency Response Plan section.***

Motion carried 7-0.

6. **Use Permit and Architectural Control/Conor Medsystems/1394 Hamilton Avenue:**
Request for a use permit and architectural control for the use and storage of hazardous materials, for the outside storage of materials and equipment associated with the main use, and for the construction of an addition to an existing industrial building in the M-2 (General Industrial) zoning district.

Commission Comment: Commissioner Riggs moved to approve with a requirement for an updated emergency phone list; to abate HVAC noise levels to 50 decibels at the property line, and to abate the generator noise to 50 decibels at the property line.

Commissioner Deziel asked the applicant to address the decibel limits. Mr. Tylak asked if it was possible to meet those decibel limits at the property line. Commissioner Pagee suggested that they do the best they can do, use an acoustic engineer and perhaps bring the project back. Commissioner Riggs said he did not want the project to come back and indicated that he just wanted the noise to be addressed proactively.

Commissioner Bims noted that eventually a train would be going through this area and the train's whistle at crossings would be louder than any generator.

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

1. Make a finding that the project is categorically exempt under Class 3 of the current 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 subject to the following *standard* conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by DGA, consisting of ten plan sheets, dated received on January 16, 2007, and approved by the Planning Commission on January 22, 2007 except as modified by the conditions contained herein.
 - b. Prior to building permit issuance, the applicant shall comply with all sanitary district, Menlo Park Fire Protection District, and utility companies regulations that are directly applicable to the project.
 - c. Prior to building permit issuance, the applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
 - d. If there is an increase in the quantity of hazardous materials on the project site, a change in the location of the storage of the hazardous materials, or the use of additional hazardous materials after this use permit is granted, the applicant shall apply for a revision to the use permit.

- e. Any citation or notification of violation by the Menlo Park Fire Protection District, San Mateo County Environmental Health Department, West Bay Sanitary District, Menlo Park Building Division or other agency having responsibility to assure public health and safety for the use of hazardous materials will be grounds for considering revocation of the use permit.
 - f. If the business discontinues operations at the premises, the use permit for hazardous materials shall expire unless a new business submits a new hazardous materials business plan to the Planning Division for review by the applicable agencies to determine whether the new hazardous materials business plan is in substantial compliance with the use permit.
 - g. Concurrent with the submittal of a complete building permit application, the applicant shall submit documentation of approval from Allied Waste for the proposed garbage enclosure, subject to review and approval of the Planning Division.
 - h. Concurrent with the submittal of a complete building permit application, the applicant shall submit plans indicating that the applicant shall remove and replace any damaged and significantly worn sections of frontage improvements and install new frontage improvements as appropriate. These revised plans shall be submitted for the review and approval of the Engineering Division.
 - i. Concurrent with the submittal of a complete building permit application, the applicant shall submit a Grading and Drainage Plan and Hydrology Report for review and approval of the Engineering Division. The Grading and Drainage Plan shall be prepared based on the City's Grading and Drainage Plan Guidelines and Checklist and the Project Applicant Checklist for the National Pollution Discharge Elimination System (NPDES) Permit Requirements. The Grading and Drainage Plan shall be approved prior to issuance of a grading or building permit.
- 5. Approve the architectural control and use permit subject to the following specific conditions.**
- a. Prior to issuance of a building permit, the applicant shall submit a revised Hazardous Materials Business Plan, subject to review and approval of the Planning Division. The revision shall include correct phone numbers for the local police department and other agencies within the Emergency Response Plan section**
 - b. The sound impact of all heating, ventilation, and air conditioning (HVAC) equipment and the emergency generator shall be limited to a volume of 50 decibels, as measured at this parcel's property line.**

- c. ***Prior to issuance of a building permit, the applicant shall submit an acoustical report subject to review and approval of the Planning Division. The report shall specify that the sound impact of all heating, ventilation, and air conditioning (HVAC) equipment and the emergency generator shall be limited to a volume of 50 decibels, as measured at this parcel's property line. If modifications to the existing building permit submittal are needed in order to limit the sound impact to the specified level, the applicant shall submit a building permit revision subject to review and approval of the Planning Division.***

Motion carried 7-0.

Chair Keith recessed the meeting for a brief break.

D. REGULAR BUSINESS

1. **Use Permit/Phil Giurlani/531 Pope Street:** Request for a use permit to demolish two existing single-story residential structures and construct a new two-story, single-family residence and detached accessory building on a substandard lot with regard to lot width in the R-1-U (Single Family Urban) zoning district.

Item was continued to the meeting of February 5, 2007 at the request of the applicant.

Chair Keith suggested looking at project priorities before the minutes.

2. **Consideration of minutes from the November 13, 2006, Planning Commission meeting.** (Continued from the meeting of December 18, 2006)

Commission Action: Unanimously decided to continue the item to the meeting of February 5, 2007 due to lack of time.

3. **Consideration of minutes from the November 27, 2006, Planning Commission meeting.**

Commission Action: Unanimously decided to continue the item to the meeting of February 5, 2007 due to lack of time.

4. **Consideration of minutes from the December 18, 2006, Planning Commission meeting.**

Commission Action: Unanimously decided to continue the item to the meeting of February 5, 2007 due to lack of time.

5. **Commission discussion of City Council Project Priorities for Fiscal Year 2007-08.**

Chair Keith noted that the first item on the City Council Project Priorities list was the El Camino and Santa Cruz economic development. She said that the Commission had the downtown as a priority. Commissioner Deziel said he had a letter with a number of suggestions from a resident regarding the downtown. The Commission indicated that they wanted to keep their bullets under downtown revitalization and added some of the points from the letter regarding trash,

trash receptacles, and sidewalk maintenance. Commissioner Sinnott said there was also a homeless problem that needed to be addressed. Commissioner Riggs said he thought the Commission was recommending to consider light rail rather than a freight train and to expand public transit beyond the linear Caltrain concept. Commissioner Deziel said that he would support Caltrain having a Marsh station. Commissioner Riggs said light rail was cheaper to install and to run and there were ecological benefits from light rail. He said the City should step forward and state an opinion for light rail on the Dumbarton Corridor.

Commissioner Deziel suggested addressing the paving of front yards for parking. Chair Keith asked about setting policy for alley access. Commissioner Pagee agreed that there should be guidelines. Commissioner Riggs suggested adding to the Council's priorities that the City enforce the ordinances it has currently.

Chair Keith said that the main item would be downtown revitalization with 1.8 – encourage cleaner sidewalks and trash receptacles, 1.9 – screen tenants' trash receptacles in the parking plazas, 1.10 – sidewalk and light pole maintenance and landscaping, 1.11 - allow use of parking spaces on selected nights for outdoor dining, and 1.12 – increase number of power washings of the sidewalk and street in the downtown.

The downtown item was unanimously supported and favored as the number one priority.

There was not a majority of support (2 votes) for number 2 (bringing Venture Capitalists from Sand Hill to downtown).

There was a majority of support (6 votes) for number 3 (small companies and retain them in the M-2 district).

There was unanimous support for number 4 (develop and implement an economic element of the general plan).

There was majority of support (6 votes) to encourage Planner Fisher under number 5 (antennas as a permitted use).

There was not a majority of support (3 votes) for number 6 (an ECR corridor and train station and design based guidelines).

Regulate cash checking businesses and refer it to streamlining – phase 2.

There was unanimous support for number 8 regarding addressing paving of front yards.

There was not a majority of support (2 votes) for number 9 (establishing alley access guidelines).

There was unanimous support of encouraging the City to pursue light rail in Dumbarton corridor.

The Commission then discussed items on hold.

There was unanimous support of pursuing commercial development streamlining.

There was no majority (3 votes) of support for housing element.

There was a majority (4 votes) of support for the Haven Avenue Land Use Study.

Planner Chow said staff would list items from the most votes to the least and the heading of downtown with the collected items would be listed as the top priority.

E. COMMISSION BUSINESS, REPORTS, AND ANNOUNCEMENTS

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

There was no review due to a lack of time.

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 February 26, 2007.