



**MENLO PARK PLANNING COMMISSION
MINUTES**

Study Session and Regular Meeting

March 26, 2007

6:00 p.m.

City Council Chambers

701 Laurel Street, Menlo Park, CA 94025

CALL TO ORDER – 6:00 p.m.

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

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

A. STUDY ITEM: Presentation by Bruce Mast of Build-It-Green

B. PUBLIC COMMENTS

There were none.

C. CONSENT

There were no consent items on the agenda.

D. PUBLIC HEARING – 7:00 p.m.

1. **Use Permit/Jeff Kravitz/900 Cloud Avenue:** 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 area and width in the R-1-U (Single-Family Urban) zoning district. *(Continued from the meeting of March 12, 2007)*

Staff Comment: Planner Fisher said the setbacks for the left and right side were shown incorrectly in the staff report and that the left side setback should read eight-feet and the right side setback should read seven-feet-eight-inches.

Public Comment: Mr. John Stewart, project architect, Stewart Associates, San Carlos, said that concerns had been expressed about privacy related to the left and right side elevations. He said they were open to suggestions for the windows on the stairs. He said they were willing to reduce the number of windows from three to two or to use special window coverings such as shutters. He said they had raised windowsills on the

left side, but could raise those even more, except for the bedroom windows because of egress requirements.

Mr. Jeff Kravitz, project contractor, said they planned to do landscape screening on both sides of the residence. Mr. Stewart said one of the conditions was to submit a landscape plan.

Commissioner Pagee said that it appeared that one would have a view of the neighboring property from the second landing. She said one problem with stairways and windows was lighting which might be left on and would spill into neighbors' properties. Mr. Stewart said the sill of the window was four-feet off the landing, but they could raise the sill another foot and add shutters. Commissioner Pagee said the two-story wall on the left side was 27 or 28 feet. She said there appeared to be a trellis and some other detail. Mr. Stewart said that there was a flowerbox. He noted there was a large existing tree that should provide some screening. Commissioner Pagee asked where it was relative to the windows. Mr. Stewart said he believed the tree was in front of the master bedroom. Commissioner Pagee noted other homes on the side of the street which were in Menlo Park and had detached garages. She asked why they were proposing an attached garage. Mr. Stewart said the property owners wanted an attached garage so they would have a larger yard.

Commissioner Riggs said the issue with the stairwell window was the view from the upper gallery and the suggestion of shutters would solve problem of lighting and privacy concerns. He said the challenge with landscape screening was that the planting would have to exceed 14-feet before it accomplished screening. He said that the trees at that corner were deciduous and would not benefit privacy from November to March. Mr. Stewart said they could offer shutters or obscured glass. He said he would not want to raise the windowsills any higher. Commissioner Riggs said that he agreed about raising the windowsills, but he did not think obscure glass would be attractive. Mr. Stewart said that one of the trees was a Bay. Commissioner Riggs said the Bay laurel was not deciduous but it would only partially screen the view.

Mr. Daniel Smith, property owner, said he and his wife wanted the garage up front to have both a larger yard and an enclosed yard for the protection and safety of his two children.

Chair Keith closed the public hearing.

Commission Comment: Commissioner Deziel said he was hesitant to impose a condition for shutters in a use permit as that would be required for future property owners. He said the neighbor on the left was favorable of landscape screening and that on the other side with the stairwell there was considerable distance between the two homes. He said he would be in favor of landscape screening using larger trees.

Commissioner Pagee said that she agreed about the shutters and thought the windowsills could be higher and a skylight could be installed for light in the stairwell.

Commissioner Sinnott said she agreed about landscape screening and that the elevation was attractive. She commended the neighbors for writing letters that addressed their specific concerns.

Commissioner O'Malley said the windows should remain as they were and agreed on landscape screening.

Chair Keith said the requirement was for simulated divided light windows and thought the Commission usually required true divided light windows. She said it would take time for the landscape screening to get to the height needed to protect privacy.

Commissioner Pagee said that the Commission usually required simulated true divided light windows with grids on the exterior and interior.

Planner Fisher asked that the applicant to clarify what windows would be used. Mr. Stewart said they would use true divided light windows.

Commissioner Sinnott confirmed that the windowsills already had been raised; she said she did not want the windowsills to be raised any higher.

Commissioner Deziel said since the applicant wanted a tall house that the Commission should be able to require tall landscape screening.

Commissioner Riggs said the shutters were proposed by the applicant but he agreed that they were not appropriate. He said 20-foot trees would be the best aesthetic solution. He agreed that the windowsills should not be raised any higher. He said the view angle issue would depend on how the upper gallery was furnished. He said that either shutters or tall trees for landscaping should be pursued.

Commissioner Riggs moved to approve as recommended in the staff report with the clarification that landscape screening would require trees on both the right and left side; the trees on the right side would be a minimum of 14-feet or the contractor had the option to have shorter trees and shuttered windows, although he did not think that shutters should be required in perpetuity. Chair Keith said she was in favor of trees rather than requiring shutters. Commissioner Riggs said that the landscape screening on the right and left should be a minimum of 14-feet in height. Commissioner Deziel suggested that there should be up to two trees on both sides. Commissioner Sinnott seconded the motion. Commissioner Pagee asked if the trees would be evergreen. Commissioner Riggs said that evergreen trees should be used on the right side but were not necessary on the left side. Commissioner Pagee said there had been a comment made that deciduous trees would protect privacy only for part of the year and suggested that evergreen should be required for all of the trees. Commissioner Riggs said that he would accept the requirement for evergreen trees. Commissioner Sinnott agreed as the maker of the second. Commissioner Deziel noted that an existing Valley oak tree was struggling because of irrigation for plantings around it and asked that this might be addressed, which was agreeable to Commissioner Riggs and Sinnott as the

makers of the motion and the second. Commissioner Deziel said the neighbor on the left side might not want a 14-foot tree at that location as it might interfere with light. He suggested deferring to staff's approval with input from the neighbor.

Planner Fisher restated the motion was to approve with a modification to the landscaping condition to require up to two trees on the left and right side, a tree at 14-foot on the right side and to consult on the left neighbor as to the height and type; and to include improved care of the Valley oak tree related to irrigation and to the type of plantings used near it.

Commission Action: M/S Riggs/Sinnott to approve as recommended in the staff report 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 Stewart Associates, consisting of eight plan sheets, dated received January 31, 2007, and approved by the Planning Commission on March 12, 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. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval of the Planning, Engineering and Building Divisions. Landscaping shall properly screen all utility equipment that is installed outside of a building and that cannot be placed underground. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
 - e. 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.

- 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. 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 plans that show a reduction in the proposed square footage to 2,800 square feet or less. The exterior appearance of the house shall not be substantially changed by this revision. Detailed square footage calculations shall be included as part of this plan submittal, and shall be reviewed and approved by the Planning Division.
 - b. Simultaneous with the submittal of a complete building permit application, the applicant shall submit plans that propose a pier and grade beam foundation, to reduce impacts from construction on the heritage valley oak tree. These plans shall be reviewed and approved by the Planning and Building Division.
 - c. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a landscape plan that provides ~~landscape screening along~~ **two trees on both** the right and left side property lines ~~for the~~ **to provide** privacy ~~screening of~~ **for** the adjacent neighbors. ***The tree(s) on the right side shall be an evergreen species and a minimum of 14 feet tall at the time of planting, and shall aim to screen the stairwell windows. The neighbor on the left side shall be consulted about the type and height of the tree(s) to be planted on the left side. The landscape plan shall also minimize irrigation around the existing valley oak, and specify appropriate plantings, if any, around the oak tree.*** This plan shall be reviewed and approved by the Planning Division.

Motion carried 7-0.

2. **Use Permit/John Bannister/645 Olive Street:** 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 in the R-1-S (Single-Family Suburban) zoning district.

Staff Comment: Planner Fisher said she had received a call from a neighbor to the rear asking whether landscaping was proposed, which was not.

Public Comment: Mr. Lou Dorcich, project architect, said he had spoken with Ms. Rosenthal, the neighbor to the rear, and that she was concerned with the view from the second story and its possible privacy impact on her child's bedroom. He said they were willing to work with her to develop landscape screening to resolve the issue.

Ms. Nancy Rosenthal, Menlo Park, said that they would like to see landscape screening in the rear of the proposed project. Commissioner Pagee asked if she preferred evergreen or deciduous trees. Ms. Rosenthal said she would like to discuss that with the project applicant and property owners.

Ms. Nancy Cox, Menlo Park, said her home was across the street and two houses down from the proposed project. She said this proposal was very sensitive to its one-story neighbor and she strongly supported the project.

Commissioner Keith closed the public comment.

Commission Comment: Commissioner Pagee moved to approve as stated in the staff report with direction to work with the neighbor on the privacy concerns with landscape screening. Commissioner Bims seconded the motion. Commissioner Deziel said the motion should include that staff would review and approve the landscape screening with input from the neighbor. Commissioner Pagee said she recommended that the applicant work with the neighbor on landscape screening between the view from the project's master bedroom and the neighbor's children bedroom window subject to review and approval by staff.

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

1. Make a finding that the project is categorically exempt under Class 1 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 Louis R. Dorcich, consisting of eight plan sheets, dated received January 22, 2007, and approved by the Planning Commission on March 26, 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. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval of the Planning, Engineering and Building Divisions. Landscaping shall properly screen all utility equipment that is installed outside of a building and that cannot be placed underground. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
 - e. 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.
 - 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. 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 provide an arborist report, if deemed necessary by the Building Division, and tree protection for all applicable heritage trees, as required by the Building Division.
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 landscape plan that provides landscape privacy screening for the neighbor to the rear at 670 Magnolia Street. The neighbor shall be consulted about the type of landscaping with the aim of screening the proposed master bedroom windows from the existing bedroom window. This plan shall be reviewed and approved by the Planning Division.***

Motion carried 7-0.

3. **Use Permit/Guillermo Prado/100 Green Street:** Request for a use permit to determine the Floor Area Limit (FAL) of a lot with less than 5,000 square feet of area, associated with the construction of an addition to an existing single-story, single-family residence in the R-1-U (Single-Family Urban) zoning district.

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

Questions of Staff: Commissioner Pagee noted that there was not a requirement for two parking spaces and asked staff to explain why there were not two spaces required. Planner Rogers said that the Commission had discretion to require additional parking. He said that staff's recommendation was based on the extent of work, noting that with larger projects there may be an easy place to add parking. He said that this project was a relatively small addition and there were no obviously good locations for a second parking space was factored into staff's recommendation. Commissioner Pagee noted that there was no parking in front of the garage as the driveway was only 10-foot-eleven-inches, and asked whether parking parallel to the garage or Green Street was an option. Planner Rogers said that was something the Commission might discuss and it was up to the Commission's discretion; he noted that staff's discussion centered on the additional paving that would be required for that remedy.

Commissioner Pagee said that the applicant was only requesting approval of FAL for this particular addition and if they later wanted to do another addition they would have to come back before the Commission. She said if there was additional FAL approved that the applicants could do a one-story addition without the need to come to the Commission for approval. She asked if the project could be continued or whether the FAL might be set without re-noticing. Planner Rogers said that the project could be continued and would need re-noticing to show the revised project description specific for the proposed addition and specific for FAL that was greater than the currently proposed addition. Commissioner Pagee said that the applicant wanted a permit to build and asked if there was some way to be cost effective for the applicant's sake. Planner Rogers said that if the Commission approved the project as noticed then the applicant could apply for a revised use permit. Commissioner Pagee said with the revision of the use permit regulations to allow one-story projects without discretionary review that the lots less than 5,000 square feet were penalized in that regard.

Public Comment: Mr. Carlos Castellanos said he represented the designer and the property owner.

Commissioner Pagee noted that the applicant had to apply for a use permit to request 12 additional feet. She said the idea the Commission was offering was to incorporate the potential for another addition now rather than later so that if the property owner wanted to building a one-story to the setbacks in the future she would be able to do so without the need for a use permit.

Commissioner Pagee asked how many cars the owner has. Mr. Castellanos said just one. Commissioner Pagee asked where a second parking space might be located. Mr. Castellanos said that perhaps a space could be put into the setback.

Commissioner Riggs said the two front bedrooms could be made eight feet bigger than what was proposed. He said the Commission's intent was to save the applicant time and money.

Chair Keith closed the public hearing.

Commission Comment: Commissioner Riggs said he calculated that the existing building was 1,360 square feet and the proposed building would be 1,720 square feet. Planner Rogers calculated the square footage and it appeared the existing structure would be over 1,300 square foot rather than the 1,133 square foot indicated on the application.

Commissioner Deziel said one way to give the applicant more square footage was to approve the project conditioned upon confirming the FAL numbers. Planner Chow said that if the Commission or any member of the public wanted to reconsider the approval that it could be brought back for the next meeting; or it might be approved contingent upon calculating the correct FAL; or it might be continue. Commissioner Pagee said that the FAL would need to be re-noticed. Planner Rogers said the FAL had not been listed.

Commissioner Sinnott said the neighbors would look at the plan and would not look at the numbers. She moved to approve with staff reviewing the FAL and those numbers confirmed through the building permit process.

Commissioner Riggs said he did not agree with Commissioner Sinnott. He said the proposal was noticed as a determination of FAL for the lot and not for a project and he was uncomfortable with approval of the proposal with incorrect numbers. Planner Rogers said the proposed FAL was shown on sheet A.1 as 1,479 square feet and the data sheet did not show the garage, which was 233 square feet. He said the combination of those square footages was equal to 1,712 square feet, which was the number reflected on a different document submitted by the applicant. He said if the Commission wanted to approve the project conditioned upon confirmation of the 1,712 square feet that would be legally fine. He said it was a minor error. Commissioner Deziel said the item was to confirm the FAL. Commissioner Deziel seconded Commissioner Sinnott's motion.

Commission Action: M/S Sinnott/Deziel to approve the request with staff confirming the numbers for the FAL.

Motion failed 2-5 with Commissioners Bims, Keith, Pagee, O'Malley and Riggs opposed.

Commissioner Riggs moved to continue to show correct numbers for the building coverage and to offer that the FAL be reconsidered between the applicant and staff to set the buildable area of the lot. Commissioner Pagee seconded the motion. Commissioner Deziel said he would like there to be two grades of approval: if the

applicant came back with the FAL confirmed as intended for the small addition proposed that the existing non-conforming parking might remain; but if the request was for increased FAL that the parking would need to be remedied. Commissioners Riggs and Pagee, as the maker and second of the motion, accepted the modification. Commissioner Deziel clarified that his direction was not to come back with maximum FAL without a condition that the parking would be remedied. Again, Commissioners Riggs and Pagee accepted the modification. Commissioner Sinnott noted that the applicant had made a simple request in what he wanted and apologized that the application had become very complicated because of what was an error in the plans in the staff report.

Commission Action: M/S Riggs/Pagee to continue the item to:

- Correct the FAL and building coverage totals
- Allow staff and the applicant to discuss the option of revising and re-noticing the proposal to include a higher FAL, in order to allow a future, ground-floor addition to occur without new Planning Commission approval.
- The Commission noted that a higher FAL could potentially require the addition of a second, uncovered parking space.

Motion carried 5-2 with Commissioners Deziel and Sinnott opposed.

4. Use Permit/Tom Spaulding/300 Constitution Drive: Request for a use permit to install three new wireless telecommunications antennas on an existing building and associated equipment in the M-2 (General Industrial) zoning district.

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

Public Comment: Mr. Tom Spaulding said he was representing both the applicant and the property owner. He said he was in agreement with the recommendation and conditions in the staff report. He said that Commissioner Riggs had e-mailed Planner Fisher to request that the antenna be located to the side. He said the antenna was located to get the optimum coverage and he requested that it be allowed at the proposed location.

Commissioner Deziel said Planner Fisher had indicated that 10 years as a time limit was preferable to five years to capture new technology, but there was no time limit recommended. Planner Fisher said the request was a good proposal and staff did not recommend any time limits..

In response to Chair Keith, Mr. Spaulding said the antennas were only on the south and west walls.

Ms. Margaret Fruth, Menlo Park, asked about the closest residence to this property and about the impact of radiowave emissions as there were three antenna facilities on this site.

Planner Fisher said her estimation of the scale of plan sheet A.1 indicated that the closest residences were 750 to 1,000 feet away and the closest residences were on Terminal Avenue.

In response to a request from Commissioner Deziel, Planner Rogers said the Commission was only approving the aesthetics of the proposal, and the FCC governed requirements for health and safety.

Commission Action: M/S Riggs/O'Malley to approve the item as presented in the staff report.

1. Make a finding that the project is categorically exempt under Class 1 of the current State CEQA Guidelines.
2. Make 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 Michael Wilk Architecture, dated December 14, 2006 consisting of nine plan sheets and approved by the Planning Commission on March 26, 2007, except as modified by the conditions contained herein and the recommended mitigation measures described in the RF report.
 - b. Prior to building permit issuance, the applicant shall comply with all County, State, and Federal 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 that are directly applicable to the new construction.

Motion carried 7-0.

E. REGULAR BUSINESS

1. Consideration of minutes from the January 8, 2007, Planning Commission meeting.

Commissioner Riggs recused himself from the consideration of the minutes because of one item for which he had been the proponent.

Mr. Riggs, Menlo Park, noted he was present as a member of the public, and asked that on page 2, the 2nd paragraph, to add “garage” before “pit.” He suggested on page 2, the 2nd paragraph, 4th line, that it should read “hydraulic pump area.” He asked to confirm with Commissioner Pagee that on page 2, 6th paragraph that she had asked if the awning cleared the light standard and that he had indicated it did. Commissioner Pagee agreed and indicated that she had also said that the rear area of the existing building was unattractive, with refuse containers and other debris from the retail businesses. Mr. Riggs said also in the same paragraph to add that “Mr. Riggs said all of the waste containers would be in the same “recessed” interior.” He said in the last paragraph regarding Commissioner Deziel’s question about the number of bathrooms required to add “for the store.” He said on page 3, condition 4, subparagraph (a) that the referenced Planning Commission meeting indicated was December 18, 2006 but that should read January 8, 2007.

Commission Action: Unanimous consensus to approve the minutes as modified.

- Page 2, 2nd paragraph, 1st line, insert the word “garage” before the word “pit.”
- Page 2, 2nd paragraph, 4th line, add the word “area” after the word “pump.”
- Page 2, 6th paragraph, 1st sentence, Replace the first sentence with the following: “Commissioner Pagee asked if the awning cleared the light standard; Mr. Riggs said that it did. She noted that the rear area of the existing building was unattractive, with refuse containers and other debris from the retail businesses.”
- Page 2, last paragraph, 7th line: add “for the store.” after the word “required.”
- Page 3, Condition 4.a. 4th line; Replace “December 18, 2006” with January 8, 2007.”
- Page 12, 7th paragraph, 3rd line; Replace the word “He” with “Commissioner Deziel.”
- Page 12, 7th paragraph, 4th line; Replace the word “daylight” with “skylight” and add the word “his” between the words “below” and “maximum.”

Motion carried 6-0 with Commissioner Riggs recused.

2. Consideration of excerpts for 511 Grace Avenue from February 26, 2007

Commission Action: Unanimous consensus to approve the excerpt minutes as modified.

- To replace all “Naclerro” with “Naclerio.”
- Page 4, 3rd paragraph, 3rd line, Replace the word “Commissioner” with “Commission.”
- Page 4, 5th paragraph, 1st line; Replace the word “hat” with “that.”

- Page 4, 5th paragraph, 2nd sentence; Replace the word “back” with “side” and replace the words “a second” with “the.”
- Page 5, 2nd paragraph, last sentence” Delete the word “an” after the word “not.”
- Page 7, last sentence; Delete the “0-1” included in the motion.
- Page 7, Staff Liaison; Replace “Justin Murphy, Development Services Manager” with “Deanna Chow, Senior Planner.”

Motion carried 7-0.

3. Consideration of excerpt minutes for 511 Grace Avenue from March 12, 2007.

Commission Action: Consensus to approve the excerpt minutes as modified.

- Page 2, 4th paragraph; Delete the “0-1” included in the motion.
- Page 2, last paragraph; last sentence; Add the word “two” between the words “the” and “trees.”
- Page 3, first sentence; Delete the “0-1” included in the motion.
- Page 3, Staff Liaison; Replace “Justin Murphy, Development Services Manager” with “Deanna Chow, Senior Planner.”

Motion carried 6-0 with Chair Keith abstaining.

4. Review of proposed modifications to the Agenda and Meeting Information attachment.

Planner Chow said one of the outcomes of the January 29 study session was to modify the agenda and meeting information to be more streamlined and informative.

The Commission discussed the wording related to the “Consent” agenda.

Ms. Margaret Fruth, Menlo Park, said that historically when a member of the public wanted to speak to an item on consent and the Commission and Chair did not want to pull the item that the member of the public was allowed to speak before the vote was made. She said she did not understand why the no-smoking language had been crossed out, but she would like it shown somewhere.

The Commission discussed the information under “Public Comment.” Consensus was to add to the first sentence: “The public may address the Commission on “any consent item” and items not on the agenda.” Commissioner Pagee confirmed under “consent calendar” that the word “public” would be removed. Commissioner Sinnott said that historically any person who requested that an item be moved from the consent calendar to the regular agenda had been honored.

Commissioner Deziel noted under A.2 that the first line indicated that it was a live video broadcast and that it should only indicate “audio.” He suggested removing the second “listening” and the phrase “of the meetings.”

Commissioner Deziel said page 3 seemed to indicate that the whole page was related to “Persons with Disabilities.” Planner Chow said that had been reformatted on B.3 to be smaller. Commissioner Sinnott said she thought it was appropriate.

Ms. Fruth said that if a person’s disability was visual that you would need the underlining to find the information.

Commission Action: M/S Deziel/Riggs to make the listing for “Persons with Disabilities” the same as the other headings on the page.

Motion carried 5-2 with Commissioner Keith and Sinnott opposed.

Commissioner Deziel suggested that the public would be required to have any hand-delivered written comment to staff by 4:00 p.m. on the day of the meeting, rather than by 5:00 p.m.

By general consent, the Commission indicated that under “Time Limit” that the first sentence should be moved to the end of the paragraph; and that the next sentence should swap the order related to “members of the public” and “applicants” so that “members of the public” came first.

Commissioner Bims suggested adding “no-smoking” at the end. Commissioner Deziel suggested adding an icon related to no-smoking.

Commission Action: M/S Bims/O’Malley to retain the wording indicating that “Smoking is not permitted in the Chambers.”

Motion failed 2-5 with Commissioners Deziel, Keith, Pagee, Sinnott, and Riggs opposed.

Planner Chow, in response to Chair Keith, said that the changes could be implemented for the next agenda which was agreeable to the Commission.

Commission Action: M/S Riggs/Keith to approve as recommended with the following modifications.

- Revising paragraph A “Public Comment” to insert four words and underline the word “not.”
- On paragraph B, to delete the last normal sentence.
- On page B.3 to delete the words “assistance for” and deletion of the underline and the colon and the merging of the text paragraph.
- Under Public Testimony, swap the order of the headings “Use of Microphone” and “Time Limits” and within “Time Limits” to move the first sentence to the end of the paragraph and reverse the order of the next sentence, now the first, to

read "Members of the public shall have three minutes and applicants shall have five minutes."

- To state under public testimony to require hand delivery by 4 p.m. rather than 5 p.m. on the day of the meeting.
- On page A.2 to add "audio broadcast" and delete "listen to" and "of meetings."

Motion carried 7-0.

NEW BUSINESS

Commissioner Riggs said that at the last meeting the Commission had unanimously agreed on a recommendation to the City Council to make entering into discussions with Caltrain on the City's preference as to either light or freight rail as a work priority. He said that recommendation had not been forwarded to the City Council and that members of the public who thought that item would be recommended attended the City Council meeting and were frustrated that it was not included in the work priorities. He said he requested at the last meeting to have the matter agendaized for discussion at this meeting. Planner Chow said she had thought the discussion was how items were recommended to the City Council, and thus had planned to agendaize that discussion later in the year closer to the time when the Commission would review the priorities. Commissioner Riggs said he would like better responsiveness at this time and how best to make the recommendation to the Council. Planner Chow said she could talk to the Acting Development Services Manager about bringing the discussion related to the light and heavy rail forward to the City Council. Commissioner Riggs said the Commission's recommendation was to bring the City into the discussion on light and heavy rail. Chair Keith said an EIR related to the heavy rail was being prepared and comments from the City needed to occur soon. Planner Chow said she would discuss with the Acting Development Services Manager about placing this item on the next agenda to see if there might be a separate memo from the Commission to update the priorities previously transmitted. Chair Keith said that if the memo was possible that there was no need for the Commission to meet on that and suggested that Commissioner Riggs might work with staff on the memo.

It was the Commission's consensus to have Commissioner Riggs work with staff on a memo to City Council regarding the priority of light versus freight rail.

Chair Keith asked staff if the study item that evening had been audio taped. Planner Chow indicated that it had not. Chair Keith said the Commission had Mr. Bruce Mast of Build It Green present to the Commission and members of the City Council information on green building. She said he provided a green check list for single-family and multi-family development. She asked whether the Commission would like staff to make that information available to applicants. Commissioner Deziel said he would like the information available but to not require its completion. He suggested that the information be provided in the information racks. Planner Chow said that the information could be made available there. Chair Keith asked if staff could hand it out to applicants. Planner Chow said that she was hesitant to do so as it was not a document

authorized by the City Council. Chair Keith asked if she should go through City Council to have staff pass out the information, and asked if Planner Chow could investigate how she might do that. Commissioner Deziel said that the information if distributed to applicants might appear to be required and it would also engender questions that would take staff's time to answer. Commissioner Riggs suggested the check lists could be stamped as "information only." Chair Keith said she would go to Council to see if this was something that could be provided.

The Commission discussed changing the July 2 meeting date, but no action was taken.

F. COMMISSION BUSINESS, REPORTS, AND ANNOUNCEMENTS

1. Review of upcoming planning items on the City Council agenda.

There was no verbal report.

ADJOURNMENT

The meeting adjourned at 9:53 p.m.

Staff Liaison: Deanna Chow, Senior Planner

Prepared by: Brenda Bennett, Recording Secretary

Approved by Planning Commission on May 7, 2007.