



PLANNING COMMISSION MINUTES

May 7, 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 (Absent), Bressler, Deziel, Keith (Chair), O'Malley, Pagee, Riggs

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

A. PUBLIC COMMENTS

There were none.

B. CONSENT

There were no items on the consent calendar.

1. **Use Permit and Variance/James M. Sagorac, Jr./948 Middle Avenue:**
Request for a use permit to demolish a single-story, single-family residence and construct two two-story, single-family residences and associated site improvements on a substandard lot with regard to lot width in the R-3 (Apartment) zoning district. Request for variances to allow covered parking to encroach five feet into the side yard setback where ten feet is required, and for uncovered parking spaces to encroach five feet into the ten-foot side yard setback, where parking is not permitted to encroach into a side yard.

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

Public Comment: Mr. Scott Stotler, Stotler Design Group, Los Altos, said he was hired to design the project. He said to the right of the subject property was a two-story apartment building. He said they had designed a project that would have a nice street presence with greater orientation toward the apartment building to protect the open space of a project currently in construction on the other side of the lot. He said there had been discussion to plant one tree in the front and two trees in the back; he requested to work with staff on the landscape plan. He said a small courtyard with a stucco wall was proposed for the front. He said they had maximized Floor Area Ratio (FAR) and impermeable surface percentage, and the project stayed within regulation

limits other than the variance request. He said the variance was needed because of the narrowness of the lot and to accommodate the parking requirements.

Commissioner Deziel asked Mr. Stotler about his comments on the stucco wall and the variance. Mr. Stotler said there were two alternative designs for the front elevation; one design had a stucco wall and the other did not.

Chair Keith asked Mr. Stotler to provide more explanation of the variance request. Mr. Stotler said in designing the garage to the prescribed dimensions they found that there was not enough space to meet the turnaround requirement of 24-feet. He said staff seemed to support the variance request. Commissioner Keith asked about the size of the trees that would be planted. Mr. Stotler said they would use three, 15-gallon trees.

Commissioner Pagee asked about the type of water heaters proposed and the location of the furnaces. Mr. Stotler said tankless water heaters would be used and the furnaces would be located in the attic. Commissioner Pagee asked whether the desired encroachment was at six or five feet. Mr. Stotler said that a civil engineer had indicated that the distance was six feet but they definitely would not encroach more than five feet. Commissioner Pagee said the plan indicated there would be two trees planted. Mr. Stotler said that the staff report had indicated three trees. Commissioner Pagee confirmed with Mr. Stotler that a condition requiring three trees was acceptable.

Ms. Lisa Hall, Menlo Park, said her property was located to the rear of the project. She said her husband and she had concerns regarding landscape screening, so she was pleased to hear that two trees would be planted between the two properties. She said they were also concerned that there would be adequate dust control during construction and that construction would be limited to the prescribed hours, and only Monday through Friday.

Chair Keith said the City's code contained constraints on when construction might legally take place. She suggested that Ms. Hall report any violations of those regulations to the Menlo Park Police for enforcement action.

Ms. Hsin Chen and Mr. Steven Chen, wife and husband, said they were neighbors and opposed the variance request. She said the proposed building would be very close to their apartment building and would impact the privacy of five families in the apartment building. She urged the Commission to deny the variance. Mr. Chen said that there was sufficient room to build a one-car garage without the need to request a variance. He said they received a drawing that showed the extended garage was for the inclusion of a laundry room.

Mr. Stotler said they were proposing a one-car garage with a depth of 21 feet and eight inches. He said the requested encroachment was five-foot and was to accommodate the 24-feet needed for the turnaround. Chair Keith suggested that the applicant could discuss possible landscape screening solutions with the Chens. Mr. Stotler said they

were very willing to do that; he noted that a six-foot fence would be constructed between the properties.

Chair Keith closed the public hearing.

Commission Comment: Commissioner Riggs asked if staff had been able to compare the window placement of 948 and 950 Middle Avenue. Planner Fisher said there were only a couple of windows on the side of 948 Middle Avenue and those were small. She said that there was a 20-foot building separation between the subject property building and the building at 950 Middle Avenue.

Commissioner Deziel asked about dust control and construction hours. Planner Fisher said that the City's code limited construction hours by ordinance and a demolition required a permit from the Bay Area Air Quality Control Board which specified measures for dust control.

Commissioner Bressler said one of the dominant features of the project was a driveway running the length of the lot on the property line and asked whether that was a variance and was characteristic of the neighborhood. Planner Fisher said that for R-3 and R-4 developments it was very common for the driveway to run the length of the lot along the property line.

Commissioner Riggs said the proposed project was very attractive and sensitive to the neighbors. He moved to approve as recommended by staff and make the findings for the variance request. Commissioner Deziel seconded the motion. He said the applicant was claiming a hardship. He said if the parking was not solved in this way that the first 18 feet of the property would need to be paved. He said this option supported the character of the neighborhood and met the parking requirements. He said the purpose of the variance was to allow projects to deviate from the regulations when what was proposed supported the intent of the ordinance and protected property values and took a community approach.

Commissioner Bressler said the lot was very narrow. He said the bigger issue for him was building greater on a lot that was more suited for a single-family residence. He noted however that if neighbors had concerns about the project, it was up to them to voice their concerns. He said the complaints made by the public this evening were issues that could be mitigated.

Chair Keith said the project would present a nice face to the street and was in an area in which there were several apartment buildings. She said that she would like a condition to require the applicant to work with the adjacent rear and side neighbors on Alice Street and the owners of the next door apartment building on a landscape screening plan with review and approval by staff. She thought perhaps the fence should be limited to five foot with one foot lattice.

Discussion ensued about the fence and lattice height and landscape planting. The Commission's consensus was that there should not be a limit less than allowed by ordinance on the fence height and that it would be difficult to plant along the fence as there was no soil. It was noted that the fence would not impact natural light to the apartment building.

Recognized by the Chair, Mr. Stotler said they were willing to work with the neighbors on a landscape plan.

Commissioners Riggs and Deziel as the maker of the motion and the second accepted Chair Keith's friendly amendment to have the applicant discuss a landscape plan with the adjacent neighbors at 947-951 Alice Lane and 908 Middle Avenue and for the landscaping plan to be reviewed and approved by staff.

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

1. Adopt a finding that the project is categorically exempt under Class 3 of the current State CEQA Guidelines.
2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
3. Make the following findings as per Section 16.82.340 of the Zoning Ordinance pertaining to the granting of variances:
 - a. The substandard lot width and the turning radius required by the Transportation Division create a constraint to the design potential for the redevelopment of two residential units on the site with the required number and size of parking stalls without approval of the requested variances.
 - b. The proposed variances are necessary for the preservation and enjoyment of substantial property rights possessed by other conforming properties in the same vicinity, and the variance would not constitute a special privilege of the recipient not enjoyed by neighbors.

- c. Except for the requested variances, the construction of the two units will conform to all other requirements of the Zoning Ordinance. Granting of the variances will not be materially detrimental to the public health, safety, or welfare, and will not impair an adequate supply of light and air to adjacent property since the structures will improve the nonconforming setback conditions, provide adequate on-site parking, and meet the floor area ratio, height, building coverage and landscaping requirements per the R-3 zoning district.
 - d. The conditions upon which the requested variance is based would not be applicable, generally, to other properties within the same zoning classification since the variance is based on a lack of desirable parking alternatives that meet the Transportation Division's turning radius requirements.
4. Approve the use permit and variance requests subject to the following *standard* conditions:
- a. Development of the project shall be substantially in conformance with the plans prepared by Stotler Design Group, consisting of 16 plan sheets, dated received on April 30, 2007, and approved by the Planning Commission on May 7, 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. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval of the Planning, Engineering and Building Divisions. Landscaping shall properly screen all utility equipment that is installed outside of a building and that cannot be placed underground. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
 - e. Prior to building permit issuance, the applicant shall submit plans indicating that the applicant shall remove and replace any damaged and significantly worn sections of frontage improvements. These revised plans shall be submitted for the review and approval of the Engineering Division.

- f. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a Grading and Drainage Plan for review and approval of the Engineering Division. The Grading and Drainage Plan shall be approved prior to issuance of a grading, demolition or building permit.
5. Approve the use permit and variances subject to the following *project specific* conditions:
 - a. ***Concurrent with the submittal of a complete building permit application,*** ~~Prior to building permit issuance,~~ the applicant shall submit a detailed landscape plan that shows ***landscape screening for the neighbors at 947-951 Alice Lane and 908 Middle Avenue, and*** a minimum of three 15-gallon trees on the site with a minimum of ***at least*** one tree planted in front. The plan shall be ***discussed with the neighbors at 947-951 Alice Lane and 908 Middle Avenue, and is*** subject to review and approval of the Planning Division.

Motion carried 6-0 with Commissioner Bims not in attendance.

Approved Excerpts on June 18, 2007.

2. **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 9,825-square-foot office building for medical/dental use and related site improvements in the C-4 (General Commercial applicable to El Camino Real) zoning district. The application includes a request for a tentative subdivision map to create four commercial condominium airspaces and a request to provide 49 parking spaces in accordance with the use-based guidelines instead of the 59 spaces per the zoning-district-based requirements. Due to the fact that the proposal has changed from five commercial condominiums to four, the Planning Commission actions on the use permit, architectural control and tentative subdivision map will be final unless the decision on the applications is appealed to the City Council.

Staff Comment: Planner Weiss said that staff received an e-mail from a nearby resident earlier in the day who indicated the proposal would set a precedent for future development along the El Camino Real Corridor and particularly the next project developed on the Gaylord's site. She said the person indicated the Commission should consider floor area and a traffic study when reviewing developments such as this. She said the Commission was requested to review the revised proposal and Council's guidance as well as the minutes from the Council consideration of the project.

Questions of Staff: Commissioner Deziel asked who wrote the e-mail. Planner Weiss said it was written by Mr. Martin Engle.

Commissioner Riggs asked about the use of the dedicated 20 square feet. Planner Weiss said the dedicated land was for the configuration of the corner of Watkins Avenue and El Camino Real. Commissioner Riggs asked about condition 6.a and the sidewalk on the Atherton side and whether the City had discussed this with Atherton. Planner Weiss said that the information had been conveyed to the Town of Atherton but no response had yet been received. Chair Keith asked when the message had been conveyed. Planner Chow said the City's Transportation Manager has been in contact with the Town's Transportation Director about the intention to put a sidewalk on private property and how this related to Watkins Avenue in that there was no intention to place a sidewalk on Watkins Avenue in Atherton, but rather to create a continuous walkway off the shoulder along Watkins Avenue.

Commissioner O'Malley confirmed with staff that the existing telephone pole, which he did not see on the plans, would remain and be located on the curbside, and that the buses would pull to the curbside at the same location to drop and pickup people.

Commissioner Deziel asked about condition 6.d regarding dedication of the 20 square feet. He said that Council needed to accept such offers of dedication and the applicant was limited to offering such dedication. Planner Chow said the dedication of the 20 square feet would be part of the revised map and deed to the City of that land as part of the tentative map process. She said if the applicant did not go through the final map process they could offer to dedicate the 20 square feet and that would go through the City Council process. Commissioner Deziel said he was concerned that the acceptance of the offer to dedicate was out of the control of the applicant, but the dedication was required by the use permit. He said the Council might not accept the dedication or postpone the acceptance, which would put the applicant out of compliance with the use permit. Planner Chow said the design of the project made this land dedication very important as otherwise cars would be driving over private property. She said she did not think the Council would stall on accepting the offer of dedication as it would need to be processed with due diligence. Commissioner Deziel said he would like to wordsmith the condition so that if the Council for some reason did not accept the dedication that the applicant would not be out of compliance with the condition of the use permit. Planner Chow said if the dedication was not accepted that the corner of the project would need to be reconfigured so that cars were not traveling over private property. She said some language could be added to the condition regarding the need to resolve the issue at the corner in the instance the offer to dedicate was not accepted. Commissioner Deziel said that would address his concern.

Public Comment: Mr. Joe Colonna, applicant, said that Mr. Bob Peterson would review the changes pertinent to the revised El Camino Real façade and streetscape. He noted that they had taken the project to the Council and were now before the Commission for a third hearing. He highlighted the following in his comments: there were no requests for variances or zone changes; the project met all of the development requirements with a Floor Area of 38% where 40% was allowed for office space and 55% Floor Area or 14,162 square feet for non-office space; setbacks from El Camino Real were increased by six feet to the corner of the main building and 10 feet to the other portion of the

building; the distance from the nearest residential neighbor to the project was increased from 43 feet to 72 feet at the property line; drainage improvements onsite would be added where there was currently no onsite drainage; impervious surfaces would be decreased; and landscaping increased. He said the Council sent the project back for redesign particularly for the street frontage and building façade along El Camino Real, including the bus stop and power pole. He said Council took a straw poll and the majority of the Council Members found that both the intensity of the medical/dental use proposed and the method of calculating the square footage were appropriate. He said in response to the direction of the Commission and Council, they had created a building entry from El Camino Real, a continuous six-foot wide sidewalk from the southern property line of El Camino Real to the driveway entrance on Watkins Avenue, offered the use of 20 square feet of dedicated land at the corner of Watkins Avenue and El Camino to improve the turning radius there, moved the bus stop along the curb closer to the area of the entry way to be situated about 45 to 50 feet from the power pole. He said they found in reconfiguring the project that the reduction of the first floor area impacted space needed for emergency access for five units so they reduced the number to four units.

Mr. Bob Peterson, project architect, used a PowerPoint presentation to review the project design changes with the Commission. He distributed a materials board for the Commission's review.

Commissioner Deziel confirmed with Mr. Peterson that the trash enclosure would be completely enclosed and covered. He asked about the noise level of the transformer. Mr. Peterson indicated he did not know what decibel that would be. Commissioner Deziel noted that the City's noise ordinance would provide protection. Commissioner Deziel asked about the location of units three and four on the tentative map. Mr. Colonna said the tentative map was of a one-space subdivision with four airspace condominiums. He said that when a future condominium subdivision was done that the units would be shown on that map and included with the CC&Rs.

Chair Keith said the plans for the west elevation showed an awning along those windows, but she had not seen the awning material on the materials board. Mr. Peterson said those were left off the illustration. He said these would be glass awnings supported by a four-inch pipe to support obscure glass to provide shade to all of the windows all around the building. Chair Keith asked whether there would be flower boxes on the trellises. Mr. Peterson said that the planting would be beneath the trellises and he would prefer that plantings not grow on the trellises. Chair Keith asked about bike racks. Mr. Peterson said there were two on the parking lot side. Chair Keith asked about landscape screening along El Camino Real. Mr. Peterson said they planned to use vines on the buildings.

Commissioner Pagee asked how deep the awning was. Mr. Peterson said it was about five feet. Commissioner Pagee asked if there would be any additional landscaping along El Camino Real. Mr. Colonna said that they had originally offered two street trees there. He said the Transportation Division indicated that they would want the two trees

to line up with existing trees, but that was not possible, so they eliminated the two trees. Commissioner Pagee asked about the west side of the west elevation and whether the awning and trellis would create articulation or whether the windows might be modified. Mr. Peterson said that they would prefer to keep the elegance of the window design as proposed.

Commissioner Riggs said it seemed that the Commission was being asked to consider some parts of the proposal. Planner Chow said the Council had recommended acceptance of the CEQA exemption, the medical/dental use, and the method of calculation of the square footage. Commissioner O'Malley asked about Council's position on the proposed parking. Planner Weiss said Council found the parking proposal to be acceptable.

Commissioner O'Malley said it appeared there was one monument sign where there had been two originally proposed. Mr. Colonna noted that one monument sign was proposed for the El Camino Real entry and one for the Watkins Avenue entry. He said they would bring back a signage plan. He said that they thought a sign on the corner of the building would be appropriate to identify the building for traffic traveling southbound on El Camino Real.

Following up on Commissioner Riggs' question of staff, Chair Keith confirmed with staff that the Commission was to consider the findings for the use permit, architectural control review and the tentative subdivision map.

Mr. Morris Brown, Menlo Park, said the project had not been approved by Council and that he did not see anything in the Council notes that confirmed the parking ratio. He said the calculation of the FAR had not been approved by the Council, and that in fact the Council would review how FAR was calculated and interpreted the following evening at their May 8 meeting. He said the treatment of this project, i.e. the CEQA exemption and traffic study, hinged on how the square footage was calculated. He said the applicant had an upcoming project at the Gaylord's site and that he firmly believed CEQA and traffic analyses should be done as there would certainly be impacts from the combination of the two proposed projects. He urged the Commission to not approve the project and wait for the outcome of the next night's Council meeting. He said that also there was an ongoing visioning project for El Camino Real and that project should be accomplished before anything was approved on El Camino Real.

Mr. Alan Bushell, Menlo Park, said he was a neighbor of the project and had lived there 30 years. He said the project would not meet the parking requirements for the area. He related history of the area's incorporation into Menlo Park and the conditions placed on parking at that time, which was one of the persuasive factors used to entice the unincorporated area to incorporate with Menlo Park. He said parking was difficult in the area because of the size and narrowness of the lots and the ingress/egress to the properties. He said the parking garage for an apartment building on Stone Pine Lane was only sparsely parked at night because the residents preferred paying a nominal fee to Menlo Park for a sticker to park on Stone Pine Lane overnight rather than paying a

heavier fee to the landlord for parking extra cars in the structure. He said in the future that the site tenants would ask their permanent employees to park in the residential area to make space for their clientele. He noted also that there was difficulty for vehicles when entering El Camino Real from Stone Pine Lane. He asked that the Commission not approve the reduced parking.

Ms. Anne McNatney, Atherton, said she and her husband's property faced the project. She said they were concerned with egress to the project from Watkins Avenue as there was a natural and existing entry from El Camino Real. She said they would like to see additional parking and perhaps even below-ground parking. She calculated that with the condominium tenants, the office tenants and their employees, vendor delivery vehicles and visiting physicians that 50 parking spaces were needed at a minimum. She said she was also concerned with garbage and hazardous materials disposal. She said that Mr. Colonna had indicated to her husband that the trash enclosure would be relocated but it had not been. She requested that if the enclosure remained at that location that trash pickup times be limited to 11 a.m. to 3 p.m. She said that there had been numerous accidents on Watkins Avenue when the restaurant had been in operation and she and her husband would like either a traffic light or a mandatory right turn at the intersection. She said medical buildings had security concerns related to burglary for drugs. She said also that ingress to other businesses would be impacted negatively by this project. She requested that a traffic study be done and that the project be continued until such a study could be completed.

Chair Keith closed the public hearing.

Commission Comment: Commissioner Pagee asked staff to clarify what was stated on the notice of the public hearing. Planner Chow said that the project description on tonight's agenda was the description used for the notice.

Chair Keith asked about the Council's consideration of FAR mentioned by one speaker. Planner Chow said during the Council's consideration of this project an issue was raised with how FAR was calculated over the last 20 years. She said that the Council gave direction to accept the calculation of the FAR for this project but indicated they would study how gross floor area should be calculated in the future.

Commissioner Deziel asked about the egress for the project. Recognized by the Chair, Mr. Colonna explained that the preference by the Transportation Division to have only ingress from El Camino Real to the site was to keep cars from exiting the property and traveling across the width of El Camino Real to make a U-turn. He said the preference was to have cars egress from Watkins Avenue and either make a right or left onto El Camino Real.

Commissioner Bressler said the project would change use from one that generated sales tax revenue for the City to one that would not and changed use from a lesser intensity one to one that was of the greatness intensity. He said he could not support the project as the City did not have a plan of how much medical/dental the City wanted,

why or where the City wanted it. He said the project was being considered piecemeal and the Commission was being told there was no need for a traffic study. He said the job of the Commission was to look at what kind of city was wanted and to make plans appropriately.

Commissioner Riggs asked for a comparison of evening rush hour traffic between a medical/dental site of 10,000 square foot and a restaurant and bar site of similar size. Recognized by the Chair, Mr. Colonna said that there was a comparison in a previous staff report prepared by the City's Transportation Division. He said that a medical/dental use would have 354 daily trips; a restaurant with high turnover would have 744 daily trips and a higher quality restaurant with lower turnover would have 526 daily trips.

Commissioner Riggs said the parking ratio provided for an allowance for certain conditions and asked by what qualification that allowance was made. Planner Chow said that staff looks at surrounding land use and the proposed use and whether there are any shared parking arrangements. She said that while there is a parking requirement for C.4 district that requirement has been modified based on the use-based parking guidelines. Commissioner Riggs asked about the traffic accident history mentioned and what hours the medical offices would be open, or if there were after work medical hours. Planner Chow said that some medical uses have later hours that could potential be to 6 p.m. or later. Commissioner Riggs asked about typical hours for existing medical/dental offices in Menlo Park. Planner Chow said she did not have that information.

Commissioner Bressler said he was concerned with potential revenue impact. He said that under Proposition 14 there might be a rolling exemption to allow businesses to develop or change use without an increase in property taxes. He said that additionally the City would not receive sales tax revenue from this project. He asked if an economic impact analysis had been done for the project. Planner Weiss said that such analysis was not typically done for these types of project proposals.

Commissioner Deziel said that the City had not been receiving sales tax revenue from the property for some time and there would be a net increase in revenue because of the property tax increase. He said the site was not a viable place for a restaurant any longer and that most new restaurants preferred to be located downtown. He said that this site was not a retail location, unless there was increased allowance for square footage that would accommodate a "box" business such as Kragen's. He said such a business would definitely increase traffic however. He said peak p.m. traffic was very high for restaurants and while medical/dental office use traffic was greater during the day than office or residential use, it was much lower in the p.m. than a restaurant. He said he would request later that the use-based parking guidelines be added to the Commission's priority work list discussion as he did not think a project proposal that met the use-based parking guidelines should be noticed as violating the zoning ordinance regulations. He said the project was reasonable and the applicant had diligently revised the design to improve its appearance. He said it was not reasonable to ask the

applicant to wait until the Grand Boulevard visioning project had occurred as that might be way off in the future.

Commissioner Deziel moved to approve the project as recommended in the staff report, to make the findings for the use permit, architectural control, CEQA exemption and tentative subdivision map.

Commissioner O'Malley said he agreed generally with Commissioner Deziel's comments. He said regarding traffic accidents near the project site that a restaurant serving alcohol most likely would have more accidents related to its clientele than a medical/dental office use. He seconded the motion.

Chair Keith asked about the potential of having a restricted right hand turn out of Watkins Avenue onto El Camino Real. Planner Weiss said to her knowledge there had been no previous discussions with Transportation related to that and suggested the applicant might have more information.

Recognized by the Chair, Mr. Colonna said that there are currently two driveways off of Watkins Avenue into the parking lot; one of which is only 10 to 15 feet from El Camino Real and which could be used for both ingress and egress. He said the Transportation Division asked them to make the El Camino Real ingress only as he mentioned before and to not use the driveway on Watkins Avenue closest to El Camino Real but to use the driveway near the trash enclosure as the one nearer to El Camino Real created traffic problems. He said there had been no other discussions related to a mandatory right turn from Watkins Avenue. He said their only discussions with Transportation related to the traffic in and out of the site.

Chair Keith asked if there was any landscape reserve. Mr. Colonna said there was not. Chair Keith said on page A.1.1 there was one parking stall with lines and asked what that was. Mr. Colonna said that was the space required next to a handicapped parking space. Chair Keith asked if there was any way to squeeze in one more parking space near the transformer and to move the trash enclosure a different direction. Mr. Colonna said there were space and corner requirements for the transformer. He said that they had proposed initially two parking spaces along El Camino Real, but later restrictions were placed by Transportation so that within 20-feet of the property line along El Camino Real there would be no parking to prevent cars from waiting on El Camino Real for a car to leave a space. Chair Keith asked about the area where there were stone pavers. Mr. Colonna said there was not adequate space there. Chair Keith asked about the garbage pickup limitations. Mr. Colonna said they would certainly work with the garbage company to limit the times for pickup. Chair Keith asked if they could move the trash enclosure to El Camino Real by the tree. Mr. Colonna said that he did not think the garbage truck would be able to stop there to pickup the trash.

Commissioner Deziel said that as the maker of the motion he would be willing to include something regarding the time limits for trash pickup.

Commissioner Pagee said the Commission should require the trash enclosure to be located elsewhere on the lot as it impacted the Atherton neighbors' view exiting their driveway.

Commissioner Riggs said that Allied Waste would listen to complaints related to garbage pickup. He noted that when the restaurant was operating that there were numerous traffic concerns at the intersection of Watkins Avenue and El Camino Real. He said he thought it would be good if the City started lobbying Caltrans to create a transitional left turn lane from Watkins Avenue onto El Camino Real. He said this use would have less odorous trash and would need less pickup than a restaurant use. He said that Mr. Peterson had indicated he would not like the vines on the trellis as shown on the plans. He said as the vines were shown on the design that he would expect them to be included in the project development. He said the project was meeting the goals outlined by the Commission and directed by the Council. He said the new use would be an improvement over the prior use, and he approved the project.

Chair Keith said the design appeared to be a box when viewed from El Camino Real traveling southbound. She said she agreed that the vines should be included as mentioned by Commissioner Riggs.

Commissioner Riggs said he saw Chair Keith's point but did not think they should try to design from the dais.

Commissioner Pagee said the project did not transition well from the residential area to the project building in the southbound approach. She said she liked that the building was now opened up on the first floor and more pedestrian-friendly. She said she thought the envelope had been pushed regarding square footage to preclude further study and impact requirements.

Commissioner Deziel asked Chair Keith if they could ask the architect if they could add a modern light shield above windows that might make the building greener. Mr. Peterson said they had done glass shields. He said they could possibly plant a couple of trees there. Chair Keith asked if the sidewalk might be placed back along the building and swap its location with the planting space and plant some trees. Mr. Peterson said that would mean the trees would not then line up along the view corridor which was desired by staff. Chair Keith asked about the width of the sidewalk along Watkins Avenue. Mr. Peterson said it was six-feet. Chair Keith asked how much space would be needed for trees to be planted there. Mr. Peterson said about one-and-a-half-feet. Chair Keith asked staff about reducing the sidewalk width. Planner Chow said that there was an ADA requirement of six feet. Commissioner Deziel said that the sidewalk along on Watkins Avenue was really a "faux" sidewalk and it could be at four-feet to allow for trees and greenery. Chair Keith asked about including a condition to allow for trees to be planted along the building. Commissioner Deziel said he would accept that condition to allow the sidewalk to jog and to plant trees along the building.

Planner Chow confirmed that the intent was to eliminate condition 6.f that required alignment of the sidewalk.

Chair Keith stated that with the proposed amendments there would be more trees planted on the El Camino Real side in the strip next to the building, that the sidewalk on Watkins Avenue would be reduced to four-feet to allow for planting of trees and greenery with the landscape plan subject to the review and approval of staff. These amendments were accepted by Commissioners Deziel and O'Malley as the makers of the motion and second.

Commissioner Deziel said that condition 6.d should include language to allow the applicant to reconfigure the sidewalk at the corner of Watkins Avenue and El Camino Real should the City Council not accept the offer to dedicate or to only require the applicant to offer to dedicate. Commissioner Riggs said that it might be conditional upon final map approval or offer to dedicate.

Chair Keith said another amendment was to require the applicant to work with Allied Waste on time limits for garbage pickup between business hours. These two additional amendments were accepted by Commissioners Deziel and O'Malley as the makers of the motion and second.

Commissioner Pagee asked about condition 6.j that required the shrubs along Watkins Avenue be maintained at three-feet yet the trash enclosure next to a resident's driveway was 10-feet in height. She said this was a safety issue.

Chair Keith asked Mr. Colonna if there was another location for the trash enclosure. Mr. Colonna said that it might be moved along the rear property line. He said the waste company preferred that the trash enclosure be as close as possible to the street. Commissioner Riggs noted that there was tall shrubbery along the rear property line that would provide landscape screening. Commissioner Deziel said that pushing the enclosure closer to the rear would mean more noise for residences. Chair Keith suggested that the applicant could work with the three adjacent neighbors on the location of the trash enclosure. Commissioner Riggs suggested making the trash enclosure narrower or to encourage the applicant to work with Allied Waste to make the trash area smaller. Chair Keith said that was a good suggestion to direct (condition m) the applicant to work with Allied Waste to try to reduce the footprint of the trash enclosure.

Commission Action: M/S Deziel/O'Malley 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. Make 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. Make findings that the proposed minor subdivision is technically correct and in compliance with the Subdivision Ordinances and the State Subdivision Map Act.
5. Approve the use permit, architectural control and minor subdivision subject to the following **standard** conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by Peterson Architects and BKF Engineers, consisting of 15 plan sheets, dated received May 1, 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. Prior to demolition or building permit issuance, the applicant shall comply with the requirements of Chapter 12.48 (Salvaging and Recycling of Construction and Demolition Debris) of the City of Menlo Park Municipal Code, and is subject to review and approval by the Public Works Department.

- e. Concurrent with the submittal of a complete demolition permit application, the applicant shall submit a plan for 1) construction safety fences around the periphery of the construction area, 2) protection measures for the pittosporum hedge to remain on the site, 3) dust control, and 4) erosion and sedimentation control. The fences and erosion and sedimentation control measures shall be installed according to the plan prior to commencing demolition. The plans shall be subject to review and approval by the Building and Engineering Divisions prior to issuance of a demolition permit.
- f. Concurrent with the submittal of a complete building permit application, 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.
- g. 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 building permit.
- h. Concurrent with the submittal of a complete building permit application, the applicant shall submit a detailed landscape and irrigation plan demonstrating compliance with Chapter 12.44 (Water-Efficient Landscaping) of the City of Menlo Park Municipal Code. This plan shall be subject to review and approval of the Planning Division. The landscaping shall be installed prior to final inspection of the building.
- i. Concurrent with the submittal of a complete building permit application, the applicant shall submit a lighting plan, providing the location, architectural details and specifications for all exterior lighting subject to review and approval of the Planning Division. A photometric study shall be included. The lighting plan shall minimize glare and spillover.
- j. Prior to the building permit issuance, the applicant shall pay the applicable Building Construction Street Impact Fee.

- k. Prior to final building inspection, the applicant shall enter into a “Stormwater Treatment Measures and Operation Maintenance (O&M) Agreement” with the City subject to review and approval of the Engineering Division. With the executed agreement, the property owner is responsible for the operation and maintenance of stormwater treatment measures for the project. The agreement shall run with the land and shall be recorded by the applicant with the San Mateo County Recorder’s Office.
 - l. Within two years of the date of approval of the tentative map, the applicant shall submit a final map for review and approval of the City Engineer. If the applicant intends to sell the condominium units upon obtaining final building inspection, the applicant shall submit a complete final map application prior to building permit issuance.
 - m. Concurrent with the submittal of the final map, the applicant shall submit CC&R’s (covenants, conditions and restrictions) to the Engineering Division for the approval of the City Engineer and the City Attorney. The final subdivision map and the CC & Rs shall be recorded concurrently.
6. Approve the use permit, architectural control and minor subdivision subject to the following **project-specific** conditions:
- a. Concurrent with the submittal of a complete building permit application, the applicant shall apply for the necessary approvals consistent with the City of Menlo Park approved plans from the Town of Atherton related to the storm drainage system and any frontage improvements, and require no parking in the Watkins Avenue right-of-way and the Caltrans right-of-way along El Camino Real in the Town of Atherton’s jurisdiction. The applicant shall pursue no parking with the Town of Atherton along the property frontage along Watkins Avenue and El Camino Real. The applicant is responsible for all conditions imposed by the Town of Atherton. Any modifications to the plans, as required by the Town of Atherton, shall be subject to review and approval of the Transportation and Planning Divisions. The applicant shall submit documentation of necessary approvals from the Town of Atherton to the Building and Engineering Divisions for review prior to issuance of a building permit.
 - b. Prior to building permit issuance, the applicant shall submit improvement plans for new curb, gutter and landscaping along the El Camino Real property frontage to Caltrans. The submittal shall include a complete application for an encroachment permit for work performed within Caltrans’ jurisdiction. A complete application includes review and approval by the City of Menlo Park and the Town of Atherton. The applicant shall construct the improvements as applied for prior to final building inspection.

If Caltrans approval is not received prior to building permit issuance, the applicant shall provide written acknowledgement that construction of the building is proceeding at the applicant's own risk, and that any revisions or conditions required by Caltrans is the applicant's responsibility and may require further City review.

- c. The turning radius for the corner of Watkins Avenue and El Camino Real shall be 25 feet unless otherwise approved by the City of Menlo Park and the Town of Atherton. Prior to building permit issuance, the applicant shall verify and show this radius on the plans, which is subject to review and approval of the Town of Atherton. Documentation of approval from the Town of Atherton shall be submitted.
- d. The applicant shall deed an approximate 20 square foot area at the property corner of El Camino Real and Watkins Avenue to the City of Menlo Park as part of the final map approval or shall **offer dedication of** this land area as right-of-way to the City of Menlo Park prior to building permit issuance, whichever process comes first. The acceptance of the deed or dedication ~~requires Menlo Park City Council approval~~ **shall be reviewed by Menlo Park City Council prior to building permit issuance.**
- e. Concurrent with the submittal of a building permit application, the applicant shall submit documentation to dedicate a public access easement for the proposed sidewalk along Watkins Avenue and El Camino Real. The acceptance of the deed or dedication requires Menlo Park City Council approval prior to building permit issuance or final map approval, whichever process comes first.
- f. ~~Concurrent with the submittal of a complete building application and prior to building permit issuance, the applicant shall submit revised plans showing a continuous detached sidewalk along the El Camino Real frontage subject to review and approval of the Transportation Division. Associated modifications to the landscaping plan shall be shown and is subject to review and approval of the Planning Division.~~
- g. Concurrent with the submittal of a complete building permit submittal, the applicant shall submit a parking lot signage, striping and circulation plan for review and approval of the Transportation Division.
- h. Prior to issuance of a grading or building permit, the applicant shall obtain the necessary approvals to merge the four legal lots into a single lot and submit documentation of the recordation to the Building Division.

- i. Prior to issuance of a grading or building permit, the applicant shall submit documentation demonstrating that the existing pittosporum hedge adjacent to the property line at the rear of the parking lot has been trimmed to 20 feet to 25 feet in height.
- j. After installing the landscaping along Watkins Avenue frontage, the property owner shall maintain the shrubs at a maximum height of 3 feet.
- k. The applicant shall apply for a separate Sign Permit for the monument sign adjacent to the driveway on the subject property.
- l. ***Prior to building permit issuance, the applicant is encouraged to work with Allied Waste regarding changing the garbage pick-up hours to occur during business hours and shall provide documentation regarding correspondence with Allied Waste on this issue to the Planning Division for review.***
- m. ***Prior to building permit issuance, the applicant is encouraged to work with Allied Waste to attempt to reduce the size of the trash enclosure footprint and shall provide documentation regarding correspondence with Allied Waste on this issue. Any modifications shall be shown on revised plans subject to review and approval of the Planning Division.***
- n. ***Concurrent with a complete building permit submittal, the applicant shall revise the landscape plan and site plan to include the following: 1) Add trees along El Camino Real between the sidewalk and the front of building #1 at El Camino Real near Watkins Avenue; and 2) Reduce the Watkins Avenue sidewalk width to 4 feet and create a 3.5-foot planting area with trees and shrubs.***

Motion carried 4-2 with Commissioners Bressler and Pagee voting in opposition and Commissioner Bims not in attendance.

- 3. **Use Permit Revision/June Sohn/846 Oak Grove Avenue:** Request for a use permit revision to include massage services as part of an existing day spa business in the R-C (Mixed-Use) zoning district.

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

Questions of Staff: Chair Keith asked if the issues with the property related to the past owner had been resolved. Planner Rogers confirmed they had with the removal of the carport and prefabricated storage units and restoration of two landscape areas.

Commissioner Deziel asked about the enforcement requirements related to massage services use permit requests. Planner Rogers said the police conduct a criminal record background check. Responding to Chair Keith, Planner Rogers said the permits were for one-year only and needed to be posted onsite.

Public Comment: There was none.

Commission Action: M/S Riggs/Bressler to approve the item as recommended in the staff report.

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 revision subject to the following *standard* condition:
 - a. Development of the project shall be substantially in conformance with the plans prepared by Linda Wohlson, consisting of two plan sheets, dated received April 23, 2007, and approved by the Planning Commission on May 7, 2007, except as modified by the conditions contained herein.
4. Approve the use permit revision subject to the following *ongoing, project-specific* condition:
 - a. All massage therapists shall hold a valid permit from the Menlo Park Police Department, per the requirements of Municipal Code Section 5.28.060.

Motion carried 6-0 with Commissioner Bims not in attendance.

4. **Use Permit Revision/The Phillips Brooks School/2245 Avy Avenue:** Request for a use permit revision for the construction of a permanent emergency vehicle access road from Zachary Court, installation of a trash enclosure, and landscaping modifications, including the removal of three non-heritage trees, associated with the installation of the road. The applicant also requests modifications to an existing condition regarding the timing of the removal of temporary portable buildings prior to occupancy of the new buildings. The requested changes are to the use permit, which was previously approved on January 9, 2006. No other changes to the buildings, conditions or operations of the school are proposed.

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

Questions of Staff: In response to Commissioner Deziel's questions, Planner Chow confirmed that Zachary Court was a public street and although there was not an explicit municipal code related to access from a road fronting a property, it was implied that a property had right of access to a street fronting it, although there might be limitations on that access. In response to a question from Commissioner O'Malley, Planner Chow said with the elimination of temporary buildings that the blacktop for the play area would be restored.

Chair Keith said she would like more information on ideas 1 and 2 listed on page 3 of the staff report as persons had sent in comments about those. Planner Chow said Site Plan A.1.2 showed a fire access road from Avy Avenue that had already been constructed for the north side of the site. She said the applicant had looked at extending that fire access road through the site, but did not think there was sufficient room for a 20-foot fire access road without impact on existing facilities. She said the applicant also looked at bringing the fire access road from Altschul Avenue through an existing parking lot but that was constrained because of trees and the topography.

Public Comment: Mr. Scott Riles, President of the Board of Phillips Brook School (PBS), said the site and buildings were regulated by the Department of State Architect, but the City of Menlo Park had jurisdiction over traffic, utilities, use permit and fire protection. He said the Menlo Park Fire Protection District required the access road. He said they looked at every alternative and met with neighbors to get their input in the design process as they proceeded and were sensitive to the fact that the road was proposed behind neighbors' homes.

Mr. Brian Fletcher, Callendar Associates Landscape Architects, project architect, said they first looked at providing all access for fire and emergency services from Avy Avenue through the proposed parking lot. He said that appeared to accommodate the fire and emergency access except for some existing buildings and a proposed new building at the rear of the property. He said the access proposed from Avy Avenue was not satisfactory to the Fire District because of the buildings to the rear of the property. He said they then looked at the Altschul Avenue entry but existing paved surfaces within the school site were heavily used, thus they would need to create a new 20-foot road. He said to do that would compromise existing playfields and heritage trees at the rear of the property. He said to use the Altschul Avenue entry would involve the greatest distance for fire and emergency vehicles to travel to access the facilities at the other end of the property. He said they looked at an alternative access from Zachary Court and invited neighbors to two public meetings regarding this alternative. He said one neighbor attended the first meeting and seemed very supportive of the proposed design. He said the neighbor had suggestions that were then incorporated into the design as much as possible. He said part of those suggestions was to use pavers that would blend with the aesthetics of the existing driveway apron on Zachary Court and to have the access bend away from the existing driveways. He said additionally landscaping would be used to create screening. He said the gate would be set back from Zachary Court and kept locked; the Fire District would have the only key.

Chair Keith asked why emergency access had not been included with the original application for the use permit. Mr. Fletcher said they had included emergency access in that design, but found out later that the Fire District would require greater emergency access for the site than anticipated. Chair Keith asked whether the Fire District reviewed plans prior to applications coming to the Commission. Mr. Fletcher indicated that had not been required prior to coming before the Commission. Chair Keith asked who had determined that the paved area, specifically where the bus barn was located, was too busy to allow for emergency access through that area. Mr. Fletcher said it was through discussion with the Las Lomas School District operations manager that this was determined.

Mr. Jeffrey Herbst, Menlo Park, said he was a neighbor and lived on Zachary Court. He said the other alternative designs presented in the staff report had not been thoroughly looked at. He said the request should be continued so that those other options might be looked at further for viability before the Commission permitted the applicant to cut into Zachary Court. He said the developer of Zachary Court had negotiated with the Las Lomas School District to build a fence between the property and Zachary Court with the understanding that the Zachary Court neighbors would have a key for that gate to access that area. He said PBS had been a great neighbor but their planning for fire access should have occurred at the beginning of the project so that buildings might have been located differently to accommodate access. He said that the Zachary Court neighbors should not have to pay for PBS' poor planning. He said the Las Lomas School District collected rent from PBS and were receiving benefit. He said the School District should solve the problem of access and not PBS. He said cutting into the cul-de-sac would negatively impact property values on Zachary Court.

Chair Keith asked Mr. Herbst if he knew how wide his driveway was. Mr. Herbst said that two cars could fit in the driveway, but that it might be less than 20-foot wide. Chair Keith said there were driveways from Zachary Court to houses other than on Zachary Court and asked if the proposed driveway to PBS matched those driveways well whether that would assuage his concerns. Mr. Herbst said he thought more effort should be directed to the other options and noted that he was the neighbor who attended the first public meeting and had made suggestions about the driveway area. Chair Keith noted that Zachary Court was a public street. She said the applicant planned to make the driveway appear as if it led to a residence and that it would be blocked similar to the other residences' driveways and landscape would be added. She asked if the key to the gate was desired by other neighbors on Zachary Court. Mr. Herbst said he thought the key and access for Zachary Court neighbors was already part of the plan. He said Chair Keith had valid points, but he thought cutting into the street and trying to make it look like a driveway to a residence was not going to work and it would not fit the neighborhood and streetscape. He said Zachary Court had never been intended as access for the school property.

Commissioner Deziel said he was concerned that neighbors would have a key for the gate noting that it was a grade school. Mr. Herbst said there were many other ways to get onto the site that were not locked. He said the gated area was never meant to

provide open access to the school and noted again that the Zachary Court developer had negotiated with the school district to allow the Zachary neighbors to have a key. He said their understanding was that this area was never meant to be opened up as access.

Commissioner Pagee said the cul-de-sac was owned by the City. She said if the School District sold its property where the access was being proposed, that an entire development might be built in the same location as this gated area. She said creating a service road for fire access at the proposed location would help protect Zachary Court from such a future development. She said it also was a benefit for the community to have fire access at that location as it provided the quickest possible way to get access for emergencies. Mr. Herbst said he would like a comparative study done to determine what the quickest route was: from the Zachary Court entrance or the Altschul Avenue side. He said there was already a public in-and-out cut from Altschul Avenue to the blacktop on the PBS site.

Commissioner O'Malley said there was fear of negative impact on property value and asked if an opinion had been gotten from a real estate expert about that. Mr. Herbst said he had not gotten such an opinion. Commissioner O'Malley said he had looked at the area and thought the proposed improvements would enhance the area and make the entry very attractive, but he understood Mr. Herbst's desire that other options were explored. He added that he thought a property owner should have the right to access his property from a public street.

Commissioner Riggs asked whether the City has jurisdiction over what was built on the School District property. Planner Chow said the owner of the property was the School District but the tenant was PBS and the City had the ability to regulate what PBS does on the campus through the use permit process. She said if the School District itself decided to build an access road that the City would not have jurisdiction over that construction. Commissioner Riggs noted that if the School District decided to solve the access problem for the tenant, then the City would have no authority over what was done.

Mr. Karim Abdalle, Menlo Park, said his concern was that PBS had not been particularly forthcoming about the change in plans and the public meetings to review those. He said the notice was worded to indicate that it concerned temporary changes. He said the emergency access was not planned at the beginning when it should have been and now the Zachary Court residents would pay the price. He said that the alternatives should be looked at more thoroughly.

Dr. Thomas Warden, Menlo Park, said the intention of the landscaping plan that was approved by the Commission on January 9, 2006 was to create a green screen on the Avy Avenue side with diverse plantings that would increase the urban forest-like feel of the area and to mitigate the removal of a six-foot berm that had protected neighbors from car headlight glare into their homes. He said that the only trees planted were deciduous and only partially screened and only for a portion of the year. He said that

the original use permit included language that was not included now in the proposed user permit and revision, specifically in condition “h” that the words “along Avy Avenue and the first block of Bellair Way” had been deleted. He said the Commission was looking at incomplete documents and should question why, how and who had deleted that language, and not make a decision using incomplete documents. He noted that he was the Area 14 representative to the Sharon Heights Homeowners Association and his area included Avy Avenue, Bellair Way, Deanna and Zachary Courts. He noted that he was not speaking on behalf of the Homeowners Association. He noted however that he had attended all Planning Commission meetings pertaining to this applicant. He said he had garnered from those meetings an important distinction that if the School District was to do this project for their use then it would be under State jurisdiction and regulation, but with the leasing of the property to a tenant that the School District lost that right. He said that PBS has not been forthcoming about the use permit revision and had indicated it was merely for changing out some temporary buildings. Dr. Warden said his final question was whether the fact that the Fire District had reviewed access plans after the Planning Commission was as red a flag to the Commission as it was to him.

Responding to Chair Keith, Planner Chow said that typically applicants worked with the Fire District during the building review process, but staff was now trying to upload that in the front of the process to better to address such design issues as this in the future.

Chair Keith closed the public hearing.

Commission Comment: Chair Keith asked whether the language that Dr. Warden had indicated was missing from the conditions should be there. Planner Chow said the letter to PBS contained all of the full conditions, but in the preparation of this staff report that a prior staff report without the previous changes had been used in error. Chair Keith said that it was a concern to have incorrect information from staff on any project the Commission needed to review.

Commissioner Riggs asked about conditions for the landscaping along Avy Avenue. Planner Chow noted that information on page C.4 had been part of the use permit as condition “q” and that was revision to include 40, 24-inch box trees to be installed along Avy Avenue. She said this revision arose from discussion of the project with the Environmental Quality Commission (EQC). She said that condition was now stricken out of the revised use permit as the applicant had already met that condition. Commissioner Riggs asked whether evergreen trees had been specified. Planner Chow said the EQC had indicated that native trees should be used and specifically more oak trees. Chair Keith said the intent of the revised condition was to provide a green screen for the neighbors.

Mr. Riles clarified that the landscape screening did include evergreen trees. He noted that the landscaping was still in process as they were in construction. Responding to Chair Keith, Mr. Riles said that PBS holds at least three quarterly meetings in the fall, mid-year and spring, but not usually in the summer when school is out. He said notices of the meetings are mailed to 80 neighbors. He said at their last meeting there had

been one neighbor and that previously there had been meetings where no one from the neighborhood attended.

Chair Keith expressed concern that she had seen gates for emergency access on other school properties that tended to remain open as it was easier access for school deliveries or drop offs. Mr. Riles said that this gate and access would remain locked and only the Fire Department would have the key noting that they go to great lengths to keep cars and the children separated. He said he had no knowledge of neighbors having a key to this gate.

Mr. Fletcher said there would be a secondary pedestrian gate for which the Zachary Court neighbors would have a key. Chair Keith asked where this second gate was shown on the plans. Commissioner Deziel said sheet A1.2.1 showed the gate detail and did not show a secondary pedestrian access. Mr. Fletcher said there had been discussion with neighbors to have that secondary pedestrian access to honor a previous agreement made and that it would be similar to the gate currently located at the site.

Chair Keith asked what other landscape screening would be used along Avy Avenue. Mr. Fletcher indicated that there would be a mix of evergreen and deciduous shrubs.

Chair Keith asked if the driveway apron had to be 30-feet at the proposed Zachary Court access. Mr. Fletcher said that roughly estimating it might be possible to narrow it to 24 feet. Commissioner Deziel said the plans indicated the driveway apron was 20-feet but the diagonal for the bend into the proposed access gate was 30-feet. Commissioner Riggs commented that it would have been easier for the applicant and Fire District if the driveway had been designed to go straight up the right property line. He noted that the design was modified and the driveway moved over to allow more landscaping for Mr. Herbst's property. He said that required a diagonal to provide space for a fire engine to navigate the turn into the access.

Mr. Fletcher said there was an existing catch basin near the driveway at Mr. Herbst's property and there needed to be a minimum of five-foot distance between the catch basin and the beginning of the access driveway if its width was lessened. Commissioner Riggs asked if that change in shape would result in less paving. Mr. Fletcher said that it would.

In response to Chair Keith, Planner Chow said there were certain requirements for curb cut location and that a change in the location of the curb cuts as proposed would need review by Public Works and the Transportation Division. ..

Commissioner Deziel said he would like to comment on the public request to consider the alternative designs. He said he walked the distance from Altshcul Avenue and from the bus barn to the rear buildings and to the fence. He said if the emergency event being designed for was a fire in the rear buildings that Altschul Avenue access would have an 800-foot driveway that would need to be constructed on a built-up ridge because of the slope and topography, and this would probably affect at least a corner of

the soccer field. He said he had investigated the other options and believed that if fire emergency was the design issue that Zachary Court access was the best solution. He said however that the proposed gate was too close to the street and suggested that permeable paving of some type should continue further along the driveway as this would help to make it look more like a driveway to a house. He said the landscaping was very instrumental in screening the fence. He said there was not much landscape in the area currently.

Commissioner Bressler said hundreds of children and their coaches use the soccer field at the project site. He noted that if it were impacted there would be a lot of unhappy people coming to the Planning Commission to complain.

Chair Keith said she was leaning toward approval but thought the plan should show the location of the pedestrian gate and that the width of the driveway should be diminished.

Commissioner Riggs said he would not move the access gate back from the street as that would create an overnight parking space. He said he thought the driveway should be downplayed as much as possible rather than trying to make it look like a residential driveway. He suggested straightening the driveway within the limits of the catch basin and perhaps use rolled curb rather than a retaining wall and have the design come back to the Commission.

Commissioner Deziel said that he did not want a pedestrian gate as it might stay open all of the time, which created a risk for the children.

Chair Keith asked if there was a motion to continue to allow the applicant to meet with neighbors and look at increasing pervious paving. Commissioner Deziel said that the applicant was in the midst of construction and continuance would create a delay. Chair Keith asked the Commission for comments on the other proposed revisions to the use permit related to the trash enclosure and phased removal of temporary buildings.

Commissioner Riggs said the phased occupancy was a good suggestion and that the proposed site of the trash enclosure was upwind which was important. He said he looked at the plans, drove around and walked the site. He said he agreed that access from Altschul Avenue would impact the playing field. He said the bus barn area was a complex area and leading to that were three eucalyptus trees about eight feet apart, and at least one would need to be removed to pave 20-feet. He said that the Zachary Court option seemed like the logical solution.

Chair Keith asked staff if the Commission could approve everything but the Zachary Court access and have that come back with redesign and without re-noticing. Planner Chow said that was possible and that the need to re-notice would depend on what was requested of the applicant. She said when the item could be reconsidered would depend on what needed to be changed.

Commissioner Deziel said that the language related to Bellair Way had been a clerical error and did not corrupt that use permit. He moved to make the findings and revisions to the use permit as recommended in the staff report with modifications to require a landscape plan be brought back for the Commission's review, with consideration of landscape and paving materials, location of the fence, gate, and cut/retaining wall. Chair Keith seconded the motion and added that the correct version of the original use permit should be used. Commissioner Deziel agreed with that addition.

Commissioner Riggs said that the landscape screening along Avy Avenue was not screening headlights and requested that be addressed. Chair Keith said the applicant had indicated that would be addressed. Recognized by the Chair, Mr. Fletcher said that they intended to plant shrubs and replace the berm as high as was possible. He said the shrubs were selected to reach a height that would screen headlights. He said they would use a mix of evergreen and deciduous five-gallon shrubs and 15-to24-inch box trees.

Commissioner Riggs said the neighbors wanted the pedestrian gate and suggested leaving that to the coordination of the applicant with the neighbors. Chair Keith agreed with that. Mr. Fletcher expressed his concern about continuing for redesign. He said that they had followed staff's guidance to conduct a public review process regarding the needed change in emergency access and they had conducted two public sessions. He said they had canvassed each neighbor to help design this access and the plan before the Commission addressed the neighbors' comments. Chair Keith said the neighbors wanted a pedestrian access gate and that was not on the plans. Mr. Fletcher said that could be a condition of approval.

Commissioner Bressler indicated he was sympathetic to the applicant and respected what already had been done to get the neighbors' input, and he would accept a condition to add a gate. Chair Keith said she thought there were more issues. Commissioner Riggs questioned the proposed shape of driveway. He said it was not clear how many neighbors had input into the design but those who spoke this evening did not want something that looked unnatural. He said the retaining wall would make this very visible as a new road.

Recognized by Chair Keith, Mr. Fletcher said that there was not a retaining wall proposed, but a three-to-one slope that would be landscaped. .

Commissioner Deziel moved a substitute motion to approve per staff recommendation with additional clarification of the landscape area at Zachary Court with changes subject to staff review, to consider moving the gate to the fence line, use permeable pavers for the first 30 feet of the driveway, and to have no pedestrian gate.

The substitute motion died due to the lack of a second.

Commissioner Deziel restated his original motion to make the findings and revisions to the use permit as recommended in the staff report with modifications to require a

landscape plan be brought back for the Commission's review, with consideration of landscape and paving materials, location of the fence, gate, and cut/retaining wall. Chair Keith asked about the condition for a pedestrian access gate. Commissioner Deziel did not want to add the condition. Chair Keith withdrew her previous second of the motion.

Motion died for lack of a second.

Commissioner Bressler moved to approve as recommended with staff review of landscaping and a condition requiring a pedestrian gate.

Motion died for lack of a second.

Commissioner Keith moved that the applicant continue to work with neighbors so that the driveway was diminished and to have pedestrian gate for access of Zachary Court neighbors.

Commissioner Riggs said the Fire District wanted a 20-foot wide lane for shared traffic, but that if the road was just for emergency fire access that it could be 16 feet or less. He recommended that the applicant work with the Fire District to see if a dedicated fire road eliminated the need for a 20-foot Road. He moved to second Chair Keith's motion, but with this modification. Chair Keith accepted the modification.

Commissioner Pagee said the applicant should present a clearer picture of what the neighbors would see with this emergency access and that included striping of curbs and signage for emergency.

Chair Keith asked the applicant if he understood the action proposed by the Commission. Mr. Riles said that PBS was in the middle of a \$6,000,000 construction process with the prospect of at least a 90-day delay to re-do a process they had already done. He said he suspected that the end result if they were to try to work with the neighbors again would not be much better than what was currently proposed. He said that conditions on the approval would work but that continuance was disaster for them.

Commissioner Riggs withdrew his second from Chair Keith's motion and made a substitute motion to make findings and approve per the staff report with conditions for the applicant to coordinate with Zachary Court residents to maintain a pedestrian gate, use permeable paving for a further expanse up the driveway and not just the fancier pavers at the front of the driveway, and for the access to have less bend subject to administrative review.

The substitute motion died for lack of second.

Commission Action: M/S Deziel/Bressler to approve the item as recommended 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 detrimental to property and improvements in the neighborhood or the general welfare of the City.
3. Approve the use permit revision subject to the following conditions:
 - a. The applicant shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility company's regulations that are directly applicable to the project.
 - b. The applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the new construction.
 - c. The following provisions for the use permits dated March 3, 1980, and revised on April 1, 1985, March 17, 1997, May 5, 1997, and February 23, 1998, shall remain in effect:
 - Subleasing of the site, or allowing use of the site for non-school related activities, by Phillips Brooks School shall require approval of a use permit revision by the Planning Commission.
 - d. The maximum allowable student population on the site shall be 276 students. This increase shall be valid until either the earlier of the school leaving the site or the expiration of the school's lease on July 31, 2022, at which time the maximum student population will be 228 students.
 - e. The maximum allowable number of staff on the site shall be 50 staff. This increase shall be valid until either the earlier of the school leaving the site or the expiration of the school's lease on July 31, 2022, at which time the maximum teacher population will be 22 teachers.
 - f. All student instruction and regular school activities shall continue to be limited to the hours of 8:00 a.m. to 3:30 p.m. The school's hours of operation shall be extended with the goal of ending at 10:00 p.m., except for the monthly board meetings, which would be allowed to occur until 11:00 p.m., for the following ancillary School activities:

- Daily student drop off from 7:30 to 8:00 a.m.;
 - Daily after school care;
 - After school sports practices (three times per week);
 - “Back-to-School” night (once per year);
 - Middle School Admissions Night (once per year);
 - Board Meetings (once per month);
 - Board Committee Meetings (two to three times per month);
 - Parent Coffees (six per year);
 - Parent’s Association Meeting (two to three times per year);
 - Student Presentations (once per year for each class);
 - New Family Picnic (once per year);
 - Book Fair (once per year); and
 - Neighborhood meetings on school operations.
- g. The applicant shall not allow more than 140 vehicles to exit its driveway during the morning traffic peak hour period (7:45 a.m. – 8:45 a.m.). The applicant shall satisfy this requirement by means it deems appropriate without review by the City, but the City may verify compliance at any time by conducting traffic counts at the driveway exit of the site.
- h. The applicant shall continue to communicate in writing to all parents of students enrolled in the school that no parking is allowed on the north side of Avy Avenue. Documentation of the communication shall be submitted to the Planning Division on an annual basis, and the effectiveness of the street parking restriction shall be analyzed by the Transportation Division.
- i. The existing “right turn only” sign located at the exit of the school’s parking lot shall be maintained until the City Council directs otherwise.
- j. The applicant shall submit a copy of the student enrollment roster and the staff roster to the Planning Division for purposes of verifying the student enrollment and staff numbers. The rosters shall be submitted annually three months from the first day of the school year. The Planning Division shall return the rosters to the school within one week of receipt. The City shall not make copies of the rosters or disseminate any information from the rosters to the public to the extent allowed by law.
- k. The applicant shall maintain the committee of school representatives and neighbors to identify issues related to the school’s operation and develop resolutions to those issues. The committee shall meet a minimum of once every three months starting from October 2, 2001. The results of the committee’s work shall be reported annually by the applicant in writing to the Planning Division.

- I. The applicant shall comply with all aspects of the traffic safety control program approved by the City Council on February 12, 2002. Compliance with these items shall be to the satisfaction of the Transportation Division.
- Maintain the landscaping in front of the site in order to provide adequate visibility for vehicles exiting the driveway, yet also maintain the screening of the school facilities.
 - Encourage the Las Lomas District to monitor the intersection of Avy Avenue and Altschul Avenue during the times when the District's students use the intersection.
 - Maintain the curb red for a distance of 20 feet on the south side of Avy Avenue to the east of the driveway exit to allow improved visibility and to allow improved turning movements from the driveway exit onto Avy Avenue.
 - Maintain the curb red for a distance of 165 feet on the south side of Avy Avenue to the west of the driveway exit to allow improved visibility and to allow improved turning movements from the driveway exit onto Avy Avenue.
 - Maintain "school zone" signage on the eastbound and westbound approaches of Avy Avenue near the site.
 - The Police Department shall augment its enforcement efforts to enforce the parking prohibitions at the red curb locations on Avy Avenue, as budget resources allow.
 - The Police Department shall augment its enforcement efforts near La Entrada School and the intersection of Avy Avenue and Altschul Avenue during the morning drop-off and afternoon pick-up periods, as budget resources allow.
- m. If the applicant desires to extend this use permit revision allowing a student population of 276 students and a staff population of 50 employees beyond July 31, 2022, the applicant shall submit such application prior to April 2022 for consideration by the Planning Commission.
- n. The Community Development Director shall review any complaints received by the City regarding the expanded student enrollments and staff numbers at Phillips Brooks School. The Community Development Director and his/her designee shall work with the School and the neighbors to try to resolve such complaints, when possible. The Community Development Director shall have the discretion to bring complaints to the Planning Commission for review. Any future changes to the conditions of approval based on these complaints, including revocation of the use permit revision, shall be timed to coincide with the renewal dates for the School's lease agreement with the Las Lomas School District. The current lease is up for renewal on July 31, 2007, and will be up for renewal again every five years after that until its automatic termination on July 31, 2022.

- o. Development of the project shall be substantially in conformance with the plans prepared by Berger Detmer Ennis, consisting of 28 plan sheets, dated received January 5, 2006, and approved by the Planning Commission on January 9, 2006 and subsequent revisions dated May 1, 2007 consisting of 18 plan sheets, except as modified by the conditions. The applicant shall also maintain the site in compliance with the plans dated received January 5, 2006.
- p. The landscaping plan shall comply with the Water Efficient Landscape Ordinance. The applicant shall install and maintain landscaping along Avy Avenue and within the campus per the approved plans. Plantings should include native species, a variety of trees, plants, shrubs, and groundcover.
- q. The applicant shall require that drop-off and pick-up of passengers occur only in designated loading and unloading zones, as specified on plans dated received January 5, 2006. Compliance with this item shall be to the satisfaction of the Transportation Division. The applicant shall also require that no drop-off or pick-up of passengers occur on Zachary Court.
- r. Upon completion of construction and prior to occupancy of each new building, the corresponding temporary project portable shall be vacated. A temporary portable shall be considered vacant when all furniture, equipment, and supplies have been removed, and power has been disconnected. In no event shall the applicant conduct dual occupancy of a new building and the corresponding temporary portable.
- s. All portables shall be removed from the site no later than 30 days following vacation of the last portable building or January 15, 2008, whichever is earlier.
- t. Prior to occupancy of the first building, the applicant shall submit documentation from Allied Waste approving the trash enclosure subject to review and approval of the Planning Division.

Motion carried 4-2 with Commissioners Keith and O'Malley opposed, and Commissioner Bims not in attendance.

Chair Keith noted that it was 11:30 p.m. It was the Commission's consensus to consider the minutes .

C. REGULAR BUSINESS

1. Consideration of minutes from the March 26, 2007, Planning Commission meeting.

Commission Action: M/S Deziel/Riggs to approve with staff review to confirm vote on motion failed at bottom of page 9 and vote on motion carried on page 10.

- Page 2, 2nd paragraph, next to last line - remove the "d" from the last word "garage."
- Page 2, 4th paragraph, 1st sentence – Replace the word "Commission" with the words "applicant to" and delete the words "with the applicant" at the end of the sentence.
- Page 3, 4th paragraph, 1st sentence - end sentence at "use" and delete "ask the applicant."
- Page 8, 1st paragraph, 5th sentence – replace maybe with may be.
- Page 9, 6th paragraph, 1st line -.Add the words "did not" after the word "he" and replace the word "agreed" with "agree."
- Page 9, section beginning "Commission Action" - replace "with" staff recommendation to "per" staff recommendation.
- Page 9, 8th paragraph – Change the vote to "2-5 with Commissioners Bims, Keith, Pagee, O'Malley and Riggs opposed."
- Page 10, 3rd line – Noting the sentence: "Commissioner Deziel clarified that his direction was not to come back with maximum FAL without a condition that the parking would be remedied." Commissioner Riggs said for the record that although he voted for this decision that in a future similar situation he would vote against.
- Page 13, 7th paragraph, 4th line – Replace the word "symbol" with "language."
- Page 15, 2nd paragraph – After the words "Motion carried 7-0" add the heading "New Business."
- Page 15, 3rd paragraph, 3rd line – Replace "make entering" with "to enter" and replace "Caltrans" with "Caltrain."
- Page 15, 3rd paragraph, 16th line – Replace the words "Negative Declaration" with the word "EIR" and replace the word "freight" with the word "heavy."

Motion carried 5-0 with Commissioner Bressler abstaining and Commissioner Bims not in attendance.

2. Consideration of minutes from the April 9, 2007, Planning Commission meeting.

Commission Action: M/S Keith/Deziel to approve the minutes as modified.

- Page 3, 1st paragraph, 5th line – Add the word "failure" after the word "term."
- Page 3, 2nd paragraph, 1st line – Add the word "seen" after the word "not."

Motion carried 5-0 with Commissioner Bressler abstaining and Commissioner Bims not in attendance.

3. Selection of Vice Chair –

Commission Action: M/S Riggs/Bressler to nominate Commissioner Deziel for Vice Chair.

Motion carried 6-0 with Commissioner Bims not in attendance.

D. COMMISSION BUSINESS, REPORTS, AND ANNOUNCEMENTS

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

Staff did not review upcoming planning items with the Commission.

ADJOURNMENT

The meeting adjourned at 11:43 p.m.

Staff Liaison: Deanna Chow, Senior Planner

Prepared by: Brenda Bennett, Recording Secretary

Approved by Planning Commission on July 16, 2007.