



PLANNING COMMISSION MINUTES

May 5, 2008

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 (Chair), Keith, O'Malley, Pagee, Riggs (Vice chair)

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

A. PUBLIC COMMENTS

There were none.

B. CONSENT

1. **Approval of minutes from the March 31, 2008, Planning Commission meeting.**

Commission Action: M/S Keith/Riggs to approve the minutes from the March 31, 2008 Planning Commission with the following modifications.

- Page 9, 2nd paragraph, 7th line, add the words "changes to" after the word "that."
- Page 9, 2nd paragraph, 7th line, replace the words "relate to areas and boundaries and" with "be described as."
- Page 11, 2nd paragraph, 7th line, add the words "General Plan" after the word "transit."
- Page 13, 1st paragraph, 7th line, change "1.7 fee" to "1.7 feet."
- Page 14, 2nd paragraph, 6th line, replace the word "potential" with the word "potentials."
- Page 17, 4th paragraph, 1st line, add the words "that at the last study session" after the word "said;" add the words "questions about whether the PDP" after the word "been;" and replace the word "limiting" with the word "limited" after the word "language" in the same sentence.
- Page 17, 4th paragraph, 17th line, add the word "traffic" before the word "numbers."
- Page 18, 1st paragraph, 12th line, replace the word "use" with "uses;" and replace the word "they" with the word "Staff."

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- Page, 18, 3rd paragraph, 8th line, delete the word “they” after the word “tenants.”
- Page, 18, 3rd paragraph, 12th line, add the phrase “meaning the restaurant space shown on page P-1 would be precluded from being open in the a.m.” after the word “options.”
- Page, 19, 1st paragraph, 4th line, add the word “to” after the word “reluctant.”
- Page, 21, 1st paragraph, 6th line, add the sentence “He said Options 2, 3, and 4 were all trying to get to one scenario, which was a reasonable option for a restaurant that was open in the morning.”
- Page 24, 2nd paragraph, 2nd line, add the word “previously” after the word “Pollard” and delete the words “at the last” after the word “worthwhile.”

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

2. **Approval of minutes from the April 7, 2008, Planning Commission meeting.**

Commission Action: M/S Keith/Riggs to approve the minutes from the April 7, 2008 Planning Commission meeting with the following modifications.

- Page 12, 3rd paragraph, 6th line, replace the word “them” with the words “the Planning Commission.”
- Page 12, 3rd paragraph, 12th line, replace the word “reviewed” with the word “presented.”
- Page 12, 5th paragraph, 7th line, add the word “page” before the word “P1” and add the words “of the Staff Report” after the word “P1.”
- Page 12, 5th paragraph, 9th line, delete the word “on” before the word “page” and replace the words “he asked which” with the words “showed the combination of” and delete the word “those;” and add the word “that” after the word “uses.”
- Page 12, 5th paragraph, 12th line, add the words “was the worst case traffic and that it” after the word “floor;” and replace the word “in” with the words “allowed by.”
- Page 13, 1st paragraph, 2nd line, add the sentence “So it would be good planning to allow this scenario.”
- Page 14, 4th paragraph, last line, replace the word “within” with the word “after.”

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

C. PUBLIC HEARING

1. **Use Permit/Antonia Salas and Cesareo Cruz/504 Hamilton Avenue:** Request for a use permit to demolish an existing single-story, single-family residence and construct a new two-story, single-family residence and detached garage on a

substandard lot with regard to lot width and lot area in the R-1-U (Single Family Urban) zoning district.

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

Questions of Staff: Commissioner O'Malley said the property was currently fenced to the street. He asked about the setbacks for the proposed new fence. Planner Rogers said the fence would be set back from the street several feet so that it would not be in the public right of way.

Commissioner Riggs said there was a future alley line indicated and asked about the background of this proposed alley. Planner Rogers said the future alley line dated from the original 1930s subdivision map for this neighborhood. He said the line was along the back of the properties facing Hamilton Avenue. He said it was difficult to predict future use of this alley, but it had to be treated as legal and binding because of the map. He said an applicant in the future might choose to apply for abandonment and this applicant had been notified of that process.

Chair Deziel asked the purpose of condition 4.b to complete a heritage tree removal permit. Planner Rogers said it was to require that at time of submission so that the permit did not get lost in the rest of the process.

Public Comment: Mr. Luis Barbosa said he was the designer for the project.

Commissioner Riggs asked if house would be smooth stucco. Mr. Barbosa said it would be.

Commissioner O'Malley asked about the proposed new fencing. Mr. Barbosa said it would be seven feet from the property line and would run from the back of the house to the garage.

Commissioner Pagee asked about a color board. Mr. Barbosa said he had not brought a color board; he said the exterior would be rustic yellow and vintage Spanish-looking tile. Commissioner Pagee confirmed with Mr. Barbosa that the window grids would be on the exterior.

Chair Deziel closed the public hearing.

Commission Comment: Commissioner Keith moved to approve as recommended in the staff report. Commissioner O'Malley seconded the motion. Commissioner Riggs said he would like to make a friendly amendment to include in the use permit a condition to allow the garage to be built closer to the rear property line should the alley be vacated. Commissioners Keith and O'Malley accepted the friendly amendment.

Commission Action: M/S Keith/O'Malley to approve as recommended in the staff report with the following modification.

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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 CAD Drafting, consisting of 11 plan sheets, dated received April 21, 2008, and approved by the Planning Commission on May 5, 2008, except as modified by the conditions contained herein, subject to review and approval of the Planning Division.
 - b. Prior to building permit issuance, the applicants shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.
 - c. Prior to building permit issuance, the applicants shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
 - d. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval of the Planning, Engineering and Building Divisions. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
 - e. 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.

4. Approve the use permit subject to the following ***project-specific*** conditions:
 - a. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a revised site plan with the detached garage relocated approximately one foot toward the Hamilton Avenue frontage to remove the eave intrusion into the Future Alley Line, subject to review and approval of the Planning Division.
 - b. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a revised site plan showing the location, species, and installation size of a heritage replacement tree and Heritage Tree Removal Permit Application, subject to review and approval of the Planning Division. The tree type must be described in the Sunset Western Garden Book as a species that will reach a mature height of 30 or more feet, and the installation size must be at least 15 gallon.
 - c. ***If the Future Alley Line is abandoned, the applicant shall be permitted to relocate the detached garage toward the rear of the property, subject to review and approval of the Planning Division.***

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

2. **Use Permit and Architectural Control/Muthana Ibrahim/1110 Marsh Road:**
Request for a use permit and architectural control to expand the existing restrooms to make them ADA accessible and for exterior modifications to the snack shop/service bay building and pump island canopy in the C-4 (General Commercial) zoning district.

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

Public Comment: Mr. Muthana Ibrahim, project architect, Contra Costa, said they were in agreement with staff's recommendations.

Commissioner Riggs asked if the air separator would make noise. Mr. Ibrahim said it would not. Commissioner Riggs said the new islands were not described. Mr. Ibrahim said the equipment would be changed at the existing location of the pumps. Commissioner Riggs asked if there would be any commercial video streaming. Mr. Ibrahim said there would not.

Chair Deziel closed the public hearing.

Commission Action: M/S Keith/Riggs to approve 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. Adopt the following findings, as per Section 16.68.020 of the Zoning Ordinance, pertaining to architectural control approval:

- a. The general appearance of the structure is in keeping with the character of the neighborhood.
 - b. The development will not be detrimental to the harmonious and orderly growth of the City.
 - c. The development will not impair the desirability of investment or occupation in the neighborhood.
 - d. The development provides adequate parking as required in all applicable City Ordinances and has made adequate provisions for access to such parking.
3. 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.
4. Approve the use permit and architectural control subject to the following **standard** conditions
 - a. Development of the project shall be substantially in conformance with the plans prepared by MI Architects, consisting of seven plan sheets, dated received March 20, 2008, and approved by the Planning Commission on May 5, 2008, except as modified by the conditions contained herein, subject to review and approval by the Planning Division.
 - b. Prior to building permit issuance, the applicant shall comply with all Sanitary District, Menlo Park Fire Protection District, San Mateo County Health Department, and utility company's 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 issuance of a demolition permit or building permit, the applicants shall submit a plan for construction safety fences around the periphery of the construction area for review and approval of the Building Division. The fences shall be installed according to the plan prior to commencing construction.

- e. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval of the Planning, Engineering and Building Divisions. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
5. Approve the use permit and architectural control subject to the following ***project specific*** conditions:
- a. Concurrent with building permit submittal, the clean air separator shall be screened with appropriate landscaping or similar screening mechanism, subject to review and approval by the Planning Division.
 - b. Prior to building permit issuance, the applicant shall obtain approval from Allied Waste for the proposed trash enclosure, subject to review and approval by the Planning and Environmental Divisions.

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

Commissioner Keith recused herself from consideration of the next item C.3 as her residence was within 300-feet of the subject property.

3. **Use Permit Revision and Architectural Control/German American International School/275 Elliott Drive:** Review of use permit for the effectiveness of policies and programs related to traffic and parking for the German American School Society of San Francisco, the German American School of Palo Alto, and the Palo Alto French Education Association. The applicant is also requesting a use permit revision and architectural control to add two new portable buildings, to install a new fire access road from the existing parking lot to the asphalt playground, to install landscaping near the parking lot along Oak Court, and to extend the use permit for operation of the schools and the four existing portables until 2011. The maximum school enrollment would remain unchanged.

Staff Comment: Planner Chow said there was additional correspondence from a neighbor expressing support for continued use of the portable classrooms.

Questions of Staff: Commissioner O'Malley said there was an existing lease agreement through 2011 and asked for confirmation that the agreement was not under the purview of the Commission. Planner Chow said that was correct and the agreement was between the German American International School (GIS) and the Menlo Park School District (District).

Chair Deziel confirmed that GIS has a use permit for operations and this use permit was just for the use of portables. Planner Chow said that was correct. Chair Deziel said they had received a letter indicating possible impacts from the project, and asked about that process. Planner Chow said the District would be the lead agency on an environmental document and the City could certainly comment on that document. Chair Deziel asked if the City would have the ability to review the entire plan of GIS. Planner Chow said that the City could comment on anything that came under the City's jurisdiction.

Commissioner O'Malley said on page 7 of the staff report there was a reference to a meeting with neighbors. He said it seemed to indicate that the neighbors were no longer opposed. Planner Chow said she did not want to speak for the neighbors but the original objection was to the location of the additional portables, and after meetings those were relocated to where the existing portables were. She said she had received no additional comments about that issue.

Public Comment: Mr. Peter Metzger, Head of GIS, said they were in agreement with staff recommendations.

Commissioner O'Malley said there were comments that the baseball field level was raised by six inches. Mr. Metzger said he could not comment on how much the field level was raised, noting that the Little League had used the field and made some improvements. He said he understood that since the objections had been made that the Little League had adjusted the level.

Mr. Francisco Wong, Menlo Park, said he was one of the neighbors who had sent letters of objections to GIS when the use permit was first proposed. He said since then they had met with GIS representatives and had amicable resolution. He said there was some concern with the use of the field by the Little League and changes to the field level, with some slope into a neighbor's property. He said the Little League use was noisy on the weekends and there was parking on the access road.

Mr. Dave Montague, Menlo Park, said his concerns related to impacts related to downstream drainage. He said there was overcrowding at the schools. He said it would not be fair to make GIS discontinue its operations but rather to make it clear that the use permit would not be renewed in 2011 to get the District's attention. He said the children in the public schools were jammed into overcrowded facilities while the District was subsidizing private schools. He said he did not think the City had the opportunity to review the impacts of different schools development as the schools were developed piecemeal.

Commissioner Riggs asked if Mr. Montague's organization had pressed the District to provide bussing. Mr. Montague said they had, and although the original bond measure had provided funding for the purchase of busses, the District was looking at Samtrans to provide the bussing.

Mr. Jack Liu, Menlo Park, said the playing field had been raised above his property six inches and that caused runoff onto his property and his neighbor's backyard. He said the playing field was used day and night. He said that with the recent rains dirt had flowed onto his property and his neighbors. He said the District's new construction on the field should be removed. He said he had contacted the District's facilities manager with his concerns, but even after that, the District added more structures including three-tiered benches for the audience that were very close to the neighbors, and which gave a full view of adults' bedroom windows. He said at night the structures were an attraction to older children which was a nuisance.

Mr. Jon Kessler, Menlo Park, said he was a Director of GIS, but was speaking on his own behalf. He said he was not aware of the playing field issues and would direct his attention to that. He said however that he had not heard any objections to the project. He said he hoped that GIS would be able to remain past 2011, noting that they provide over \$300,000 a year to the District. He said they had made site improvements at their own expense. He said they encouraged their students' parents to participate in the School Foundation. He said he thought they were part of the solution and brought diversity to the community.

Ms. Colette Llewellyn, Menlo Park, said she lived near Hillview School, and there was use of the schools at all times. She said she recently went by Encinal School at 3 p.m. and was shocked at the mass of cars and disregard of no-parking. She said it was dangerous. She said that the O'Connor School should be reopened to handle local children and take the load off Hillview School. She urged that GIS not be allowed to renew their use permit. She said two-thirds of the school population lived east of El Camino Real and those children were shuttled by parents back and forth. She said she had done an informal survey of children about bussing and heard that they did not take public transit as they were not able to get home in time for extracurricular activities and also that other students indicated they would not use the bus, because their parents were willing to pick them up. She said they had to get the attention of the District because of the danger and impacts from overcrowded schools and traffic congestion.

Ms. Bobbie Fakkema, Menlo Park, said she was the closest neighbor to GIS. She said she had remodeled her home extensively and lived there 20 years. She said she had no problem with GIS. She said the use of the baseball field was a recent occurrence and it intensified activities on the weekend. She said also there was Tussock moth at GIS and that had impacted her trees. She said she asked the District for support to resolve that problem but they had indicated they did not have money for that. She said extensive development would be needed if the site were to be reopened as a public school. She said she supported GIS's proposal.

Ms. Susan Eschweiler, DES Architects, said they had developed the plans. She said she had some questions about some of the dates of the permitting. She referred to F2 and item 3, which indicated that the portable buildings would continue through June 30, 2008 or date established by the revision of the use permit revision, whichever was earlier. She said that should indicate later. Chair Deziel said that was a statement of

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the existing use permit and staff had cleaned up formatting styles. Planner Chow said F2, F3, F4 and F5 were what approved in 2007. She said the new conditions of approval were found on page 8 of the staff report. Ms. Eschweiler said the portables would not need then to be removed in 2008 but would be allowed until 2011. Planner Chow said that was accurate if the revised use permit was approved.

Chair Deziel closed the public hearing.

Commissioner Comment: Commissioner Riggs asked if setbacks applied in this property zoning. Planner Chow said the setbacks were determined by the use permit process. She said the baseball field was located by the District, and for which the City had no approval process. Commissioner Riggs said that the City had jurisdiction over drainage and that there should not be drainage from one property to another. Planner Chow said the Engineering Department was aware of the situation, but because the area was pervious it was not thought that it would increase what might be an existing condition. Chair Deziel asked if the District was responsible for implementing a standard for grading and drainage to keep runoff from leaving the property. Planner Chow said it was her understanding that was accurate. Commissioner Riggs said a pervious surface had a certain absorption rate and if rains were heavy that rate might not be enough to prevent runoff. He asked what the City's recourse was for a runoff situation that had not been reviewed by the City. Planner Chow said she would have to consult the City Attorney. Chair Deziel said the District had to be responsible to some entity for enforcement of development standards.

Commissioner Pagee suggested separating matters between those that the Commission had jurisdiction over and those that the Commission could make recommendations to the neighbors who had raised the issues. She said traffic was one issue the Commission could consider. She said the issue with vehicles traveling the access road and parking there could be controlled by the installation of a chain and lock. She said tree maintenance should be the responsibility of the property owner. She said if the trees were not being maintained by the property owner there should be some way a neighbor might force maintenance. She said in response to Chair Deziel that included spraying for the Tussock moth.

Commissioner Bressler moved to approve the use permit revision contingent upon mitigation related to the impacts of the baseball field. He said that at several meetings members of the public had stated that the District was not responsive to their concerns. He said there needed to be mitigations made by the District to the baseball field to address privacy, noise and drainage concerns.

There was no second; motion died.

Commissioner Riggs said the use permit revision application was made by a tenant. He asked if Little League was a lessor of GIS or the District. Mr. Jon Kessler said that Little League was not a lessor of GIS and that the District developed the property and GIS was not a participant in development decision, and in particular the baseball field. He

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asked if he could bring the applicant's pro bono counsel to speak. Mr. Daniel Zimmerman, Menlo Park, said GIS had no say into the use of the baseball field and that the District had that written into the lease.

Chair Deziel noted on page 11 the uses covered by the use permit. He said he did not see how mitigations related to the baseball field could be tied to the use permit as GIS had no control over the baseball field. He said he thought they should follow Commissioner Pagee's suggestion about reviewing the use permit revision and then consider the matters brought forth by the public.

Commissioner Pagee moved to approve the installation of the requested portable classrooms and the revision to the access path per the staff report and to separate the baseball field and maintenance issues. Commissioner Riggs seconded the motion.

In response to Chair Deziel, Planner Chow said there was a condition about the access road and if the Commission wanted to add a requirement to that condition for chain and bollards that could be done. She said it was item 6.e on page 11 of the staff report. Commissioner Pagee suggested a barrier that was okayed by the Fire District. Chair Deziel suggested: "Physical barrier subject to review by staff and approval by the Fire District." Commissioner Riggs said the Commission should check with the applicant as employees travel the access road to park their vehicles in the mulch area. Chair Deziel said that 6.e restricted the access road to emergency vehicle access only. Commissioner Riggs said that was correct and he would support the Fire District approval of a barrier. Chair Deziel asked the applicant to respond to the suggestion. Mr. Metzger said if a barrier was required they would comply but would like the flexibility to work with the Fire District on a barrier agreeable to both parties.

Commission Action: M/S Pagee/Riggs to approve as recommended by staff with the following modification.

1. Adopt a finding that the project is categorically exempt under Class 1 of the current State CEQA Guidelines.
2. Adopt the following findings, as per Section 16.68.020 of the Zoning Ordinance, pertaining to architectural control approval:
 - a. The general appearance of the structure is in keeping with the character of the neighborhood.
 - b. The development will not be detrimental to the harmonious and orderly growth of the City.
 - c. The development will not impair the desirability of investment or occupation in the neighborhood.

- d. The development provides adequate parking as required in all applicable City Ordinances and has made adequate provisions for access to such parking.
3. 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
4. Make a finding that the parking and traffic concerns of the neighbors have been adequately addressed by the school. Based on the past cooperative efforts between the school and the Elliott Drive residents to resolve neighborhood concerns related to the full-time school's operation, allow the German American International School, the German American School of Palo Alto and the Palo Alto French Education Association to continue to operate, and the need for future reviews shall be on a complaint basis only.
5. Approve the architectural control, use permit revision and use permit review request subject to the following **constructed-related** conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by DES Architects, consisting of 9 plan sheets, dated March 27, 2008, and approved by the Planning Commission on May 5, 2008, 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. The applicant shall comply with all County, State and Federal regulations that are directly applicable to the project.
 - e. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval of the Planning, Engineering and Building Divisions. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.

- f. 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 along Elliott Drive. These revised plans shall be submitted for the review and approval of the Engineering Division.
- g. 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.
- h. Simultaneous with the submittal of a complete building permit application, the applicant shall submit an arborist report for all heritage trees that may be impacted by construction activity, including staging and storing of equipment and/or material, and shall include, at a minimum, all heritage trees located within the area bounded by the Elliott Drive property line, the main building, the tennis courts and the parking lot. The arborist report should identify the size, species, and condition of each tree and protection measures to maintain and preserve the health of the trees. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance. Prior to the building permit issuance, the applicant shall implement the tree protection plan and technique recommendations in the Arborist Report for all applicable heritage trees.
- i. Prior to building permit issuance, the applicant shall obtain a certified arborist to perform the recommended tree preservation measures identified in the arborist letter dated November 17, 2007 by The Care of Trees. The applicant shall provide documentation that the work has been performed, subject to the review and approval of the Planning Division.
- j. Prior to installation of the landscaping improvements on Oak Court, the applicant shall apply for an encroachment permit, subject to review and approval of the Engineering Division. The applicant shall be responsible for the installation and maintenance of this landscaping.
- k.** Concurrent with a complete building permit submittal, the applicant shall submit a plan showing the location of the trash and recycling dumpsters. The existing dumpster located under the dripline of the oak tree near the parking lot shall be relocated and reviewed and approved by Allied Waste. The dumpsters shall not be located under the dripline of any tree, shall not impede vehicular on-site circulation, shall not reduce the number of on-site parking spaces, and shall minimize impacts on

adjacent residential properties. The proposed location is subject to review and approval of the Planning Division.

- I. ***Concurrent with a complete building permit submittal, the applicant shall submit a plan showing a physical barrier at the entrance of the emergency vehicle access road to prohibit vehicular usage and parking by non-emergency vehicles. The barrier is subject to review and approval by the Menlo Park Fire Protection District and the Planning Division.***

6. Approve the architectural control, use permit revision and use permit review request subject to the following **ongoing, project-specific** conditions:

- a. All student instruction and regular school activities shall be allowed to operate within the parameters identified in the table below. Activities held during the hours of operation on a school day are permitted and not considered extra curricular activities or special events regulated by this permit. Extra curricular activities related to school are permitted with the goal of ending by 4:00 p.m. Up to a maximum of 25 special events, such as, but not limited to, Back to School Night, Oktoberfest, and New Parent Welcome Breakfast, are permitted throughout the school year with the goal of ending by 10:00 p.m.

	Days of Week	Months of Year	Hours of Operation	Maximum Student Enrollment
<i>German American International School of San Francisco</i>	Monday through Friday	August to June	8:00 a.m. to 3:00 p.m.	300 with portables; 200 without portables
<i>German American School of Palo Alto</i>	Saturdays	September to May	9:00 a.m. to 12:00 p.m.	110
	Monday through Friday	Mid-June to Mid-July	9:00 a.m. to 12:00 p.m.	90
			12:00 p.m. to 5:00 p.m.	20
<i>Palo Alto French Education Association</i>	Tuesdays and Thursdays	September to June	4:00 p.m. to 6:00 p.m.	40

- b. The six portable buildings shall be removed from the site at the earlier of the termination of the lease or June 30, 2011.

- c. The school and subleases shall adhere to all terms of the *Parking and Traffic Policy German-American International School Year 2007-2008*. The *Parking and Traffic Policy* for each subsequent year shall be substantially similar to the 2007-2008 Policy.
- d. The Community Development Director shall review any complaints received by the City regarding operation of the German American International School or its lessees. 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.
- e. The fire road shall be used for emergency vehicle access only and shall remain free and clear of obstructions at all times.

Motion carried 5-0 with Commissioner Keith recused and Commissioner Bims absent.

Chair Deziel said the issues were the fill of the baseball field and drainage, noise and use of the baseball field, tree maintenance and traffic impact. Commissioner Pagee said they might want to address the location of the field and the installation of structures. She said that the contractor who installed the structures was obligated to do that without adding to the runoff onto other properties. She said also that a fence should be heightened to allow for landscape screening either planted by the District or the homeowners. Chair Deziel said the Commission could suggest to the District to consider relocation of the baseball field to mitigate impacts on neighbors. There was not a consensus to recommend that.

Chair Deziel said he thought the City should help the residents get the District to address drainage and grading. Planner Chow said that the District would have to submit grading and drainage plans for the City to review. Commissioner Riggs said he thought it might be better for staff to visit the site to determine if there was a problem with drainage, and if that was the case then the City should enforce its regulations. Commissioner O'Malley said looking at the pictures provided that he saw no evidence of runoff and he thought that there should be a determination of whether there was a drainage problem or not, and questioned whether it might have been the result of a much heavier rainfall. Chair Deziel asked if City staff could access onsite conditions and determine whether there existed a significant offsite drainage through the neighboring properties, and if so, to proceed with enforcement measures through the City Attorney. Planner Chow said she would need to find out enforcement measures possible with City Attorney review.

Commission Action: There was unanimous consent to have Staff access the grading and drainage and take appropriate action as need.

The vote was 5-0 with Commissioners Bims absent and Keith recused.

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Chair Deziel said that he had dealt with a Tussock moth problem. He said the moths had come from St. Patrick's Seminary, who had not the money to treat their trees. He said he went around the neighborhood and collected \$4,000 to have McLenahan spray all of St. Patrick's and his neighborhood for the Tussock moth. He suggested that the neighbors might do something similar and to spray the five acres of the school property as well as their own properties. He said Tussock moths appear every 30 years and were in an area for about seven years.

Commissioner Riggs said he thought that the Commission could only be a good audience to hear the neighbors' issues as the District was controlled by the State and unless School Board representation changed none of the issues raised would be addressed. Chair Deziel said he thought the Commission might write a letter to the School Board citing the privacy and noise impacts from the baseball field usage, tree maintenance and traffic impacts and possible mitigations. There was consensus of the Commission to have Chair Deziel write the letter. Chair Deziel said the letter would cover the issues raised. He said the Commission's willingness to grant use permits to enable lessees of public school district properties would hinge upon the District acting as a good neighbor.

Commissioner Riggs said he was not sure that making a threat about not renewing the use permit in 2011 would get the right response from the School Board. Commissioner O'Malley said they should not make a threat about any upcoming project. Chair Deziel said there was interest in making a communication that was not a threat. He said the District's lessees depended upon the City for use permit approval. He said the communication could be that the Planning Commission's willingness to approve use permits for lessees of the District depended upon the District being a good neighbor. Commissioner Bressler said the letter should indicate that when the Commission considers approval of a use permit they would take into serious consideration the steps the District had made to mitigate the concerns of the neighbors.

Chair Deziel asked the Commission to vote whether to make this communication from the Commission to the District listing the four areas of concern of neighbors and the statement made by Commissioner Bressler.

Commission Action: To approve sending a letter to the School Board to state:

- The baseball diamond area was not designed to adequately protect neighbors' privacy into their windows.
- The ancillary fixtures of the baseball diamond such as the team benches are too close to the property line.
- The noise from the baseball field, in particular on Saturdays, should be addressed.

- The deferred maintenance of the trees has resulted in pest infestation, which has created additional expenses for the residential neighbors.
- The Commission notes that they will take into consideration the steps to which the School District has taken to mitigate the concerns raised by the neighbors during the next Use Permit process for the property.

Motion carried 5-0 with Commissioner Keith recused and Commissioner Bims absent.

4. **Use Permit/Menlo Business Park LLC/1525 O'Brien Drive:** Request for a use permit for the indoor use and storage of hazardous materials for research and development purposes in the M-2 (General Industrial) zoning district.

Staff Comment: Planner Fisher said that Commissioner Keith had pointed out that Building Official Ron LaFrance had not checked a box on attachment F4. She said she knew he intended to check the second box that stated "The Building Division has reviewed the applicant's plans and listed hazardous materials/chemicals and has found the proposal meets all applicable Uniform Building Code requirements."

Questions of Staff: Commissioner O'Malley asked why there was a liquid spill plan when there did not seem to be any such chemicals listed. Planner Fisher suggested that would be better answered by the applicant.

Commissioner Pagee asked if notification included the school property on the other side of University Drive. Planner Fisher said the school and the residential properties to the south of that property were notified.

Public Comment: Mr. John Tarlton, Menlo Business Park, said that Pacific Biosciences was a Menlo Park success story. He introduced Ms. Carol Tillis, Executive Officer for Pacific Biosciences. Ms. Tillis said she was the Vice President of Finance. She said they moved six people from Cornell University to Menlo Park. She said they started with 20 people and now had 90 people and would start manufacturing soon. She said they were making next generation sequencing for diagnostic equipment.

Commissioner O'Malley asked why there was a plan for liquid spills. Ms. Renee Ricks, environmental consultant, said the permit for the City was based on the fire code and the business plan attached was based on state threshold limits. She said the toxic materials were used in very low quantities and the flammable and cryogenic materials were what were captured under the fire code. She said the flammable liquids were for backup generators. She provided the Commission with a complete inventory of materials/chemicals.

Commissioner Pagee asked about the exhaust fan in the roof, and the generators. Ms. Ricks said the generators were portable and would not be stored with fuel; in case of energy failure, the generators would be moved outside to run refrigerators.

Commissioner Riggs said the parking for the site was already full and asked how future employees' parking would be accommodated. Ms. Tillis said they had moved to this site in January and there were about 65 people already in the building.

Ms. Elka McGregor, DES Architects, said the exhaust fan was for the room below which was a shipping room to provide ventilation. She said it would be behind the roof screen so it would be completely concealed.

Chair Deziel closed the public hearing.

Commission Action: M/S Pagee/O'Malley moved to approve as recommended by staff.

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 provided by DES Architects, consisting of eight plan sheets, dated March 20, 2008, and approved by the Planning Commission on May 5, 2008 except as modified by the conditions contained herein.
 - b. Prior to building permit issuance, the applicant shall comply with all sanitary district, Menlo Park Fire Protection District, and utility companies regulations that are directly applicable to the project.
 - c. Prior to building permit issuance, the applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
 - d. If there is an increase in the quantity of hazardous materials on the project site, a change in the location of the storage of the hazardous materials, or the use of additional hazardous materials after this use permit is granted, the applicant shall apply for a revision to the use permit.

- e. Any citation or notification of violation by the Menlo Park Fire Protection District, San Mateo County Environmental Health Department, West Bay Sanitary District, Menlo Park Building Division or other agency having responsibility to assure public health and safety for the use of hazardous materials will be grounds for considering revocation of the use permit.
- f. If the business discontinues operations at the premises, the use permit for hazardous materials shall expire unless a new business submits a new hazardous materials business plan to the Planning Division for review by the applicable agencies to determine whether the new hazardous materials business plan is in substantial compliance with the use permit.

Motion carried 5-0 with Commissioners Bims and Keith not in attendance.

D. STUDY ITEM

1. **Study Session/Kenneth Rodrigues and Partners, Inc./2550 Sand Hill Road:**
Study Session request for a proposal to demolish an existing convalescent facility and to construct a new 23,190-square-foot non-medical office building and related site improvements, which would require a use permit, architectural control and environmental review, in the C-1-C (Administrative, Professional, and Research District, Restrictive) zoning district.

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

Questions of Staff: Commissioner Riggs asked why Menlo Park lost the convalescent hospital. Planner Fisher said perhaps the applicant could explain.

Public Comment: Mr. Ken Rodrigues, the project architect, introduced Mr. Jeff Morris, Jeffrey Morris Group. He said they had met a number of times with City planning, building, fire and public works staff. He said they also met with a neighborhood association. He presented a PowerPoint.

First slide: Mr. Rodrigues said this showed a series of pedestrian and bicycle connections on both the subject property and 2500 Sand Hill Road. He said the neighborhood association indicated there should be no driveway from Monte Rosa.

Second slide: Mr. Rodrigues said this was a site plan. He noted there would be 75 feet of landscaping along Sand Hill Road and Monte Rosa, which was significantly more than existing. He said the existing development was situated far back on the site and that impacted the neighbors. He said the current setbacks at the front were 200 feet; they were proposing 75-foot front setbacks. He said the rear setback was 39.5 feet and they were proposing 223 feet in the rear setback. He said they also were exploring preserving the majority of trees on the site. He said they were also proposing 40 feet of landscaping in the rear.

Third slide: Mr. Rodrigues said the neighbors encouraged them to propose a building of really high quality materials and they were proposing something of even higher quality than the building at 2500 Sand Hill. He said it would be an integral colored precast concrete building with a stone façade, sloped tiled roof, deeply recessed windows and an overhang.

Fourth slide: Mr. Rodrigues said this showed that the height if the proposed building would be the same as the building at 2500 Sand Hill Road.

Fifth slide: Mr. Rodrigues said the neighbors wanted to see an overhang with wood rafters and very natural materials.

Sixth slide: Mr. Rodrigues said this showed the rear elevation; he said they were doing 360 degree architecture.

Mr. Rodrigues said that a representative of the housing association had been present earlier but had to leave.

Commissioner Pagee asked about the overhang. Mr. Rodrigues said it was a four-foot overhang with rafter tails. Commissioner Pagee asked if there would be an attempt for this to be a LEED building. Mr. Rodrigues said they would create a certified building at some level. Commissioner Pagee noted the materials board and asked if it was similar to the building next door. Mr. Rodrigues said there were similarities in their warmth, color and palette. He said the neighboring building also has an overhang and a sloped roof.

Commissioner Pagee asked where the bicycle access was from Sand Hill Road. Mr. Rodrigues said the access would come from the bike lane along Sand Hill Road into the main entrance drive, which would provide full access for bikes and cars. He said there would be shower facilities on the first floor and in the center at the rear they would do a trash enclosure near the existing trash enclosure, the location of which the neighbors liked, and there would be parking for bikes there and inside near the showers. He said there would be ribbon racks also. Commissioner Pagee asked about use of public transportation and if this would be coordinated with public bus system. Mr. Rodrigues said he would have to look into that.

Commissioner Riggs said others were using this site to park, noting 12 cars from Trinity School, and around the lower parking lot, about 12 to 20 cars this afternoon. He asked if that need was accounted for when it was relocated. Mr. Rodrigues said it was.

Commissioner Riggs asked if they knew why the convalescent home left. Mr. Jeff Morris, the project developer, said that the home had been owned by a family who decided they did not want to continue operating it.

Chair Deziel said the staff report mentioned two separate ground leases. Mr. Rodrigues said the ground lease would continue with the new project developer. Mr. Morris said

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there were two separate tax parcels but one parcel. Chair Deziel confirmed this would be an improvement on top of a ground lease. He noted that the parking lot looked monolithic. Mr. Rodrigues said they would work with a landscape architect to include some bioswales in the center of the parking. Chair Deziel said that two rows of bioswales would mean the loss of a row of parking. He asked if there would be a front door. Mr. Rodrigues said he supposed there could be a direct access to the front of the building. Chair Deziel said the pedestrian access would have sidewalks to get people to the back of the building.

Planner Fisher said that Commissioner Keith had questions about the supply of medical office use in Menlo Park and whether it was difficult for people to find medical office space, and would it be detrimental or not detrimental for the City to lose medical office space. Mr. Morris said he was not an expert on medical office space but he could get the answers to the question. He said there was a high demand for office space. Planner Fisher said Commissioner Keith had asked how many neighborhood meetings were held and how many people in attendance at each meeting. Mr. Rodrigues said they met twice with the Sharon Heights Homeowners Association in December and February, and each time about 15 people attended. Mr. Morris said one woman kept the whole group notified by e-mail.

Chair Deziel asked about the CEQA threshold for the project. Planner Fisher said they would first do a traffic study and that would determine the level of environmental review needed. Chair Deziel asked if the parcel would get credit for existing use. Planner Fisher said the parcel had been vacant so long that there would be no credit for existing use.

Commissioner Bressler asked if there was a net office impact by changing the use of this site related to jobs/housing balance. Chair Deziel said there was some data from the Sand Hill Hotel. Commissioner Bressler said he would like to know, if it was determinable, as to what was the net impact of this project to the City to provide housing. Chair Deziel said office space paid BMR fees. Planner Fisher said she would have to research Commissioner Bressler's question. Mr. Rodrigues said they would pay BMR fees when they developed an application. Commissioner Bressler asked if BMR fees paid down the housing needed. He said if they needed to add housing every time jobs were added that required serious attention to development. He noted the comments made by the public about the overcrowded schools. .

Mr. Patrick Amor, Menlo Park, said his house was on the top left fence line that bordered the project site. He said he was not a member of the Sharon Heights Association so he had not been aware of any of the meetings. He said that he and his family had lived at the house several years. He said that it appeared his home would be next to a 250 parking space lot. He said he hoped there would be mitigation of the sound of that many cars. He said he was also concerned with drainage runoff from the impervious surface, noting that many houses were downhill from this area. He said he hoped the sight lines of a two-story building would not provide visibility into the houses over the fence line; he suggested that analysis of that be done. He said his

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neighborhood was secluded and he hoped that the trees would be preserved. He said as a cyclist he hoped with so many cars and the entry on and off Sand Hill Road that there would be serious attention paid to providing visibility for both bicyclists and the cars.

Mr. Jacques Benkoski, Menlo Park, said the enlargement of Sand Hill was done nicely previously. He said speed bumps were put onto Monte Rosa because of increased traffic. He said this project would possibly add more traffic to Monte Rosa. He said he had not been aware of the project although he was a member of the Sharon Heights Homeowners Association. He said most traffic would come from 280 and then make a u-turn at Saga Lane. He said this was already an impacted turn scenario. He said that perhaps there could be an entrance from Saga Lane. He said he was also a cyclist, and there was already much potential car/cycle conflict with all of the driveways and the u-turn at Saga Lane. He said he hoped to keep the entrance looking like the beginning of a family neighborhood and not the beginning of an industrial park.

Mr. Reynold Valencia, Menlo Park, said the building was beautiful but there were environmental issues. He said traffic backed up in the morning from the 280 exchange to Safeway. He said the convalescent home had minimal parking impact and this project would probably double that amount of parking. He said there would be a loss of trees and lawn and habitat for nature. He said there would be more hardscape and more cars creating air quality and traffic issues. He said there would definitely be traffic impacts to Monte Rosa. He encouraged the Commission to require more than a Negative Declaration. In response to a question from Commissioner Bressler, Mr. Valencia said he had not been notified of neighborhood meetings.

Chair Deziel closed the public comment period.

Commission Comment: Chair Deziel said he liked the pedestrian plan but he was concerned with the large asphalt area. He said to include green would mean a reduction in parking spaces or relocating parking closer to Monte Rosa. He asked if office space was parked 3.3 per 1,000 square feet. Planner Fisher said the applicant was proposing 4 spaces per 1,000 square feet. Chair Deziel asked if parking was allowed in the rear setback. Planner Fisher said there was no parking allowed in the needed 75-foot front and side setback and in the 37-foot rear setback. Chair Deziel asked if there could be a drive aisle in the rear 37 feet. Planner Fisher said she believed it could be located in the rear 37 feet. Chair Deziel said he thought Sand Hill Road should have more structure parking but there was not enough Floor Area Ratio to allow for structure parking. He said if the project parking requirement were 3.3 spaces per 1,000 square feet there would be 40 fewer stalls needed. He said he preferred green swales to asphalt.

Commissioner Riggs, in response to Chair Deziel, said the precast concrete would look very much like sandstone and this would be an upscale building. He said he would not worry about the pervious calculations as in place of the bioswales there might be a 40-foot strip of pervious surface. He said regarding the comment about not maintaining

trees at the entrance to Monte Rosa that there were large trees in the 75-foot setback and it would be quite wooded. He said there should be interruptions of trees and landscaping aisles in the parking lot. He said landscaping would be 48 percent and the setback to the Sunset homes would be 40 feet.

Chair Deziel said he did not think the bicycle use was completely thought out and that some bike stalls could be located near the building. He said he liked the architecture and that it did look like new Stanford buildings. He said he did not think it made sense to have a front door entrance to the building.

Mr. Morris said that the architect had integrated the existing entrance to the existing building to the landscaped area in the L-shaped area so that both front entrances would be tied into together. Mr. Rodrigues said they would bring back much more detailed plans to show that. He said there were massive trees and they intended to keep them.

Commissioner Pagee said she liked the way the two buildings were integrated together and that the building would be located closer to Sand Hill Road. She said she was glad they eliminated any entrance or exit from Monte Rosa. She said she agreed with the neighbor who described the traffic patterns entering the site and that would be a problem. She said there should be more permeable surfaces in the parking lot area and it was a benefit that this property sloped down toward Sand Hill Road. She said she would like as much accessibility and parking as possible for bicyclists. She said to make the site relate better to the residential side there might be a possibility to modify the two-story element at the corner of Sand Hill and Monte Rosa to replicate a residential structure with greater articulation and shading. She said she thought it was a good use of the site and maintaining trees as much as possible and adding trees to shade cars was desirable. She said she would like to see colors and materials in the future.

Commissioner Bressler said he liked the neighbor outreach done and that the persons who spoke tonight would be kept informed in the future. He said he liked Commissioner Pagee's suggestion about making the corner it look more residential. He said the fact that they would need to really look at traffic/jobs/housing impacts.

Chair Deziel said he was supportive of adding office space on Sand Hill Road, and with increased office space there should be more public transit. He said there had been a Marguerite Shuttle from the Palo Alto train station for just Menlo Park in 2007 but that was no longer on the map, so he thought it failed. He said the optimum would be a shuttle from the Menlo Park Caltrain station timed to train arrivals that would run to Sand Hill Road.

Planner Fisher said Commissioner Keith said the project architecture was visually compatible with other buildings on Sand Hill Road; she liked the entrance from Sand Hill Road and elimination of the driveway from Monte Rosa; she encouraged the applicant to continue neighbor outreach, and supported staff's suggestion to have 33 parking spaces in landscape reserve.

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Summary of Commission comments:

- Consider adding more greenscape to the parking lot and using pervious asphalt
- Rethink the location of the bicycle parking areas
- Include building design features that create a more residential feel including second story setbacks for articulation and overhangs
- Look into getting public transit service for the site
- Utilize landscape reserve parking
- Continue public outreach with the neighbors
- Work to preserve the existing heritage trees and have a comprehensive landscape plan
- Provide a color and materials board
- Environmental review should consider how this project would affect the jobs/housing balance
- Consider traffic patterns and site distance when planning the entrance(s) to the site

E. REGULAR BUSINESS

There were no regular business items.

F. COMMISSION BUSINESS

1. Review of planning items on City Council agendas.

- A. Planned Development Permit Extension, Vesting Tentative Map Extension, and Planned Development Permit Amendment - 1452 & 1460 El Camino Real and 1457 & 1473 San Antonio Street scheduled for April 22, 2008

Planner Chow said the Beltramo project was approved for a two-year extension. Staff had received a letter from County Environmental Health, which better explained the process to be done and the time needed.

- B. Appeal of Use Permit Approval for 1010 Doyle scheduled for May 6, 2008

Planner Fisher said this was related to the addition of 84 square feet for an elevator and the use permit approval had been appealed.

- C. 2122 Santa Cruz Avenue – Final Map tentatively scheduled for May 20, 2008

Planner Chow said this was a tentative subdivision map approved by the Planning Commission several years prior but the applicant had site improvements that had to occur before submission of the Final Map.

2. Discussion of written communication from Menlo Park Tomorrow.

Chair Deziel said there had been a communication between Commissioner O'Malley and Mr. Morris Brown with Chair Deziel copied on the e-mail.

Commissioner O'Malley said Mr. Brown sent an e-mail to the Commission and addressed his (Commissioner O'Malley) observations that there was no information on the validity and legality of Menlo Park Tomorrow. He said Mr. Brown's e-mail suggested that the Commission look at Menlo Park Tomorrow's website. Commissioner O'Malley said he had and found out that it was a recipient committee and listed with the Secretary of State. He said Commissioner Riggs asked Mr. Brown about founding members to which Mr. Brown responded. Commissioner O'Malley said he asked how the PAC could assert it represented the members of the group as there were no regular recorded meetings, no updated membership lists, and no knowing whether any of the individuals had a conflict of interest. He said Mr. Brown said that it was an unincorporated association and not a PAC. He read a description sent by Mr. Brown that the purpose of the group was to encourage sure and sustainable environmental goals of the City's General Plan and that environmental impacts were considered to protect the livability of Menlo Park and surrounding communities. Commissioner O'Malley said that Mr. Brown asked him how many times the Commission had heard LLCs, whose members were unknown. Commissioner O'Malley said he thought Mr. Brown was only representing himself, but he suggested dropping the matter at this point.

G. REPORTS AND ANNOUNCEMENTS

Planner Chow made announcements related to the El Camino Real Downtown Visioning Project.

ADJOURNMENT

The meeting adjourned at 10:58 p.m.

Staff Liaison: Planner Chow, Senior Planner

Prepared by: Brenda Bennett, Recording Secretary

Approved by Planning Commission June 16, 2008.