



PLANNING COMMISSION MINUTES

November 2, 2009

7:00 p.m.

City Council Chambers

701 Laurel Street, Menlo Park, CA 94025

CALL TO ORDER – 7:01 p.m.

ROLL CALL – Bressler, Ferrick (absent), Kadvany, Keith, O'Malley (Vice chair), Pagee, Riggs (Chair)

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

A. PUBLIC COMMENTS

There were none.

B. CONSENT

Commissioner Bressler said he would like a change on page 13 of the October 19 excerpt minutes related to Mr. Bohannon's comments to read that Mr. Bohannon had said he was not comfortable with five years.

Chair Riggs said he had emailed a comment previously for the same page to replace "agreed with" with "understood."

Planner Chow said there were also clarifications related to Commissioner Pagee's comments on page 10.

1. Approval of excerpt minutes for Menlo Gateway from the October 5, 2009, Planning Commission meeting.

Commissioner O'Malley noted that on page 17 in the 3rd paragraph that it should say he had "no additional comments" rather than "no comments."

Commission Action: Consensus to approve the excerpt minutes with the following modifications.

- Page 17, 2nd paragraph, 4th line: Replace the word "shuttle" with "transit corridor"

- Page 17, 3rd paragraph: Replace “Commissioner O’Malley said had no comments” with “Commissioner O’Malley said he had no additional comments.”

Action carried 5-0 with Commissioner Kadvany abstaining and Commissioner Ferrick absent.

2. Approval of excerpt minutes for Menlo Gateway from the October 19, 2009, Planning Commission meeting.

Commission Action: Consensus to approve the excerpt minutes with the following modifications.

- Page 10, last paragraph, line 6: Replace “Planner Rogers said there was a 7-foot 20-inch clearance between the floor and solar panels.” with “Planner Rogers said there was 7 feet, 2 inches of clearance between the surface of the parking deck and the underside of the solar panels.”
- Page 10, last paragraph, line 9: Replace “She said natural grade was 135 feet and asked if the measurement for height took that into consideration.” with “She said that the structure was 135 feet above natural grade and asked if the measurement for height took into consideration the flood plain.”
- Page 13, last paragraph, 4th line: Insert “Mr. Bohannon also said he is not comfortable with five (5) years.” after “He said five years was not a long time and this was a significant endeavor.”
- Page 13, last paragraph, 4th line: Replace “agreed with” with “understood.”

Action carried 6-0 with Commissioner Ferrick absent:

C. PUBLIC HEARING

1. **Use Permit/Steve Borlik/1235 San Mateo Drive:** Request for a use permit for interior modifications and a second-story addition to an existing nonconforming, single-story residence that would exceed 50 percent of the replacement value of the existing structure in a 12-month period in the R-E (Residential Estate) zoning district. The proposed remodeling and expansion are considered to be equivalent to a new structure.

Staff Comment: Planner Fisher said that she had distributed materials and colors sheets to the Commissioners.

Public Comment: Mr. Steve Borlik, Young and Borlik Architects, Inc., Palo Alto, said that they had met with neighbors about the proposed addition and they had been supportive. He said the project proposal was to add a second floor discretely over an existing single-floor residence.

Commissioner Pagee asked what was in the basement. Mr. Borlik said service equipment. She asked if that was where they would place the third furnace. Mr. Borlik

said that was correct. Commissioner Pagee asked if they would use a third condenser unit and where that would be located. Mr. Borlik said that would be placed in the side yard next to the other two condenser units.

Commissioner Kadvany noted there were two dormers shown on the front elevation, and asked if they had thought of putting another dormer as there was a long line of roof. Mr. Borlik said they had thought about doing that but a dormer window there would be useless to the space inside as it would be above the garage.

Chair Riggs asked why the top of the chimney was not finished. Mr. Borlik said there were different enclosures available, noting they had had problems with enclosing spark arrestors above chimneys. Chair Riggs said the design was very dignified and called out the copper roof ends as an example, but indicated the top of the chimney would be an aesthetic issue for the neighborhood. Mr. Borlik said they would be happy to come back to staff with a shroud and more decorative enclosure for the spark arrestor.

Commissioner Pagee asked if they would have true divided or true simulated divided lights and asked whether the vents were copper. Mr. Borlik said that the vents would be copper. Commissioner Pagee asked about the gutters. Mr. Borlik said the gutters would be painted copper. Mr. Borlik said that the windows would be simulated true divided lights with grids on both sides.

Chair Riggs closed the public hearing.

Commission Comment: Commissioner O'Malley moved to approve the item as recommended in the staff report; Commissioner Bressler seconded the motion. Commissioner Keith said she liked the project but she would like the applicant to go back to staff with a more decorative cover for the spark arrestor. Chair Riggs asked about the dormer shown that did not have a window. Mr. Borlik said he met with the neighbor across from that dormer related to their previous design which would have been directly across from the neighbor's master bedroom. He said they worked up a design with skylights rather than windows to protect the view. In response to Chair Riggs, Mr. Borlik said the face of the dormer was stucco. Chair Riggs asked if the face could be paneled. Mr. Borlik said he could do that with possibly some faux window features. Chair Riggs made a friendly amendment to the motion to have a shroud for the top of the chimney and a traditional face to the dormer subject to staff approval. Commissioner O'Malley as the maker of the motion and Commissioner Bressler as the maker of the second accepted the friendly amendment.

Commissioner Pagee asked about the "Build It Green" checklist that Mr. Borlik had completed. Mr. Borlik said the organization Build It Green had targeted residential development in southern California. He said this list was now being adopted locally to require an easy threshold in green building. He said maybe 50 percent of the local agencies had adopted this checklist. He said San Mateo required 50 points and Palo Alto required 60 points, noting that the list could go to 320 points. Commissioner Pagee

asked why it was included in the packet. Mr. Borlik said they were including it in their applications even when it was not required.

Commission Action: M/S O'Malley/Bressler to approve the item with the following modification.

1. Make a finding that the project is categorically exempt under Class 3 (Section 15303, "New Construction or Conversion of Small Structures") of the current California Environmental Quality Act (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 Young and Borlik Architects, Inc., consisting of 18 plan sheets, dated received October 27, 2009, and approved by the Planning Commission on November 2, 2009, 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, demolition or building permit.

- g. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance. Prior to the building permit issuance, the applicant shall implement the tree protection and preservation measures identified in the arborist report.

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

- a. Prior to building permit issuance, the applicant shall submit revised plans that show a cover over the spark arrestor at the top of the chimney and provide a traditional reference on the left side second-story dormer face, subject to review and approval by the Planning Division.**

Motion carried 6-0, with Commissioner Ferrick absent.

Commissioner Pagee recused herself from consideration of the next agenda item, 261 Marmona Court, noting that she owned property within 300 feet of the subject property.

- 2. **Use Permit/Douglas Dietz/261 Marmona Court:** Request for a use permit to construct first- and second-story additions to an existing single-story, single-family, nonconforming residence that would exceed 50 percent of the replacement value of the existing structure in a 12-month period on a substandard lot in the R-1-U (Single-Family Urban) zoning district. The proposed remodeling and expansion are considered to be equivalent to a new structure.

Staff Comment: Planner Rogers said a colors and materials sheet had been distributed for the Commission's review. He said there was also copies distributed of correspondence, which had been received today from Mr. Ed Duti, a neighbor of the proposed project. Planner Rogers said that Mr. Duti had indicated that the proposed work would be an asset to the neighborhood but would like more landscaping particularly on the northwestern property line on the front of the house.

Public Comment: Mr. Doug Dietz, applicant, said the project was a remodel of an existing home and addition of a two-car garage and a suite above that. He said they had tried to tuck the addition back so as to minimize impact on the neighbors.

Commissioner Kadvany asked for the applicant's response to Mr. Duti's letter. Mr. Dietz said he would be pleased to put a hedge into that area as requested. He noted from that point to the proposed addition screening was provided by an existing 27-inch trunk street tree. In response to a question from Chair Riggs, Mr. Dietz said it was a London plane.

Commissioner Keith asked if there would be a new foundation for the cantilevered window in the front. Mr. Dietz said there would be a new foundation for a section of it.

He said the garage conversion would be in line with the existing foundation and the garage door with the window being cantilevered. Commissioner Keith asked why a variance was not needed for work. Planner Rogers directed the Commissioners to Plan Sheet A-6 that showed the front of the house and that the front setback line was a curved line that cut through parts of the window. He said the bay window would encroach six inches into the setback but architectural features could encroach up to three feet into the setback. .

Mr. Jeff Quinta, Menlo Park, Innovative Concepts, said he was the architect for the project. There being no questions of the architect or further public comment, Chair Riggs closed the public hearing.

Commission Comment: Chair Riggs asked Mr. Quinta if they would replace all of the roofing so that it matched. Mr. Quinta said they would. Chair Riggs said it was economical and convenient to build a wing that would have the two-story element. He said the Commission however looked at the proportion of proposed second-story additions for the sake of the existing and future neighborhood. He said this was a relatively compact second-story element being added to a one-story. He said there were two separate types of massing however. He said he was glad they had spoken with the right-side neighbor as they would be most impacted by the project. He said the materials included El Dorado stone and Hardy Plank, which siding he noted worked with the neighborhood. He said the stone chosen was somewhat dated noting that there were some nice traditional shapes to work with and asked if they had looked at anything else besides the El Dorado stone. Mr. Quinta said they were looking at alternative stone that was thin-set and elongated to create the verticality of the siding. Chair Riggs asked if they could continue the stone around the rear of the building to unify the original with the addition. Mr. Quinta said they felt that the rear view of the home would not be seen because of the fencing and gates. Recognized by the Chair, Mr. Dietz, the property owner, said he had not had an opportunity to look at alternative stones but he was willing to.

Chair Riggs moved to approve the item as recommended in the staff report with a request for the applicant to work with staff to provide a more traditional material for the base to unify the new and old structures. Commissioner O'Malley seconded the motion.

Commissioner Bressler said neighbor comment had referred to screening and asked if that had been addressed. Planner Rogers said he had not been able to visit the site after today's receipt of the neighbor's comments. He said he recalled that the existing tree and the distance from the driveway to the addition was sufficient screening but the Commission might require a hedge or fencing to the maximum height allowed. Chair Riggs said the property seemed thickly grown in the back, noting that the Black walnut and London plane trees were tall. He said he did not know if a tall hedge was necessary but he would like verification that there was existing evergreen growth to screen the second story from the concerned neighbor. He suggested they add a condition for the applicant to work with staff to provide adequate landscape screening. . Planner Rogers said staff could review the site in detail and work with the applicant. He

said the fence and hedge in the front setback would have to be limited to four feet. Chair Riggs suggested a medium sized tree might be more appropriate which would not be bound by the fence and hedge rules. Chair Riggs suggested that the applicant work with staff on some evergreen screening, either a small or large tree in that location by the driveway and right side property line. Commissioner Keith said there appeared there was only a small pocket in which to plant a tree. Chair Riggs said he expected that something might have to be planted under the existing London plane tree. Commissioner Keith asked if the driveway width would meet Fire District requirements if the width was reduced by the curb cut to provide space for planting. Chair Riggs said it could be added to a list of options for screening such that the driveway might be narrowed as it went past the house. Commissioner O'Malley said he supported the additional condition. Mr. Dietz said he had conferred with the Fire District and they preferred a 16-foot width driveway at the curb cut.

Commission Action: M/S Riggs/O'Malley to approve the item with the following modifications.

1. Make a finding that the project is categorically exempt under Class 3 (Section 15303, "New Construction or Conversion of Small Structures") of the current California Environmental Quality Act (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 Innovative Concepts, consisting of 13 plan sheets, dated received October 19, 2009, and approved by the Planning Commission on November 2, 2009, 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, demolition 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 specific conditions.

- a. Concurrent with submittal of a complete building permit application, the applicant shall submit revised plans that specify a more traditional material for the base wall trim, to better unify the existing structure and proposed addition, subject to review and approval of the Planning Division.**
- b. Concurrent with submittal of a complete building permit application, the applicant shall submit a revised landscape plan with the addition of a medium-sized evergreen tree and/or vegetation, with the objective of screening views of the addition from the residence located at 273 Marmona Court, subject to review and approval of the Planning Division.**

Motion carried 5-0 with Commissioner Ferrick absent and Commissioner Pagee not participating due to a potential conflict of interest.

3. Use Permit/Gurdial Dosanjh (High 5 Star Pizza)/877 Hamilton Avenue:
Request for a use permit to add on-sale beer and wine sales to an existing restaurant in the C-2-S (Neighborhood Commercial, Special) zoning district.

Staff Comment: Planner Rogers said staff had no additions or corrections to the staff report.

Questions of Staff: Commissioner O'Malley asked if staff in their normal review of this project had verified whether or not there had been any violations at the Mountain Mike's facility. Planner Rogers said that staff would not typically do that and had not for this project. Commissioner Pagee asked whether there were other businesses with liquor licenses in the near vicinity. Planner Rogers said there was a Japanese restaurant in the same center with a beer and wine license. Commissioner Pagee asked about other businesses along Willow Road. Planner Rogers said that there were some markets along Willow Road that have alcohol licenses such as Mi Tierra Linda and Mi Rancho and that the fish and chips restaurant and a pizza restaurant on the other side of 101 might have an alcohol license. Commissioner Pagee asked whether the sale of alcohol at those businesses had caused problems. Planner Rogers said that there was a distinction between on sale license and off sale license and noted that the former had more recurring problems and more substantive objections related to the police.

Commissioner Kadvany asked whether restaurant service staff were given standardized training related to alcohol sales. Planner Rogers said that was a good question but not one staff had researched.

Commissioner Keith asked how long the Japanese restaurant had been serving alcohol. Planner Rogers said for over five years but less than ten years. Commissioner Keith asked if there had been problems associated with those sales. Planner Rogers said there had not been reoccurring problems. Commissioner Keith asked about the hours of operation and how late the Japanese restaurant served alcohol noting the condition to prohibit sales after midnight for this application. Planner Rogers indicated that he did not know. Commissioner Keith asked if the ABC checked liquor licenses that applicants may have had prior and if there were any violations. Planner Rogers said it was his understanding that the ABC conducts significant investigation on applicants. Commissioner Keith asked who had requested condition 3.d. Planner Rogers said that conditions 3.c and 3.d were added at the request of the police. .

Mr. Gurdial Dosanjh, owner, said he had been operating the pizza business over the past eight months, and customers would enjoy beer and wine with their meal. He said he has owned a similar business in San Jose since 1993. He said the ABC had approved his applicant subject to the Commissioner's approval. He said in response to Commissioner Keith that his San Jose business operated from 10 a.m. to 11 p.m. Commissioner Pagee asked about limiting sales to 10 p.m. Mr. Dosanjh said he would prefer to have until 11 p.m. Commissioner Keith asked about the fee for a liquor license. Mr. Dosanjh said he had paid \$600. Commissioner Keith asked if there would be outside seating. Mr. Dosanjh said that all seating was inside.

Commissioner Kadvany asked about training in alcohol sales for servers. Mr. Dosanjh said that servers are trained to ask for identification when a person looks 30 years or younger, and to refuse to serve obviously inebriated individuals.

Ms. Fay Khan, Menlo Park, said she was a nearby business owner, and was requesting that the Commission not approve this liquor license request as the neighborhood was very poor and it was not morally right to sell alcohol to the poor.

Queried by Commissioner Keith, Ms. Kahn indicated that she owned the Togo's business and that the pizza restaurant would have a different clientele than her restaurant or the Japanese restaurant. Commissioner Bressler asked about the Mexican restaurant in the same center. Ms. Kahn said that restaurant did not serve alcohol.

Ms. Amita Vasudeva, Menlo Park, said that the owner of the pizza restaurant was very likable and she supported approval of the liquor license request, noting that the alcohol sold was not carried out but would be consumed with the meal in the restaurant.

Mr. James Cebrian said he was a member of the City's Parks and Recreation Commission and resides in Belle Haven. He said that this pizza restaurant would be a nice place to eat pizza, drink beer and watch sports, noting he does not have cable at his residence. He said he strongly supported approval of the request for alcohol sales of beer and wine for the pizza restaurant.

Mr. Willie Beasley, Menlo Park, said he has been a Belle Haven resident for 42 years and he has seen the Belle Haven area mature. He said Mr. Dosanjh should get approval for the sale of wine and beer, noting that Mr. Dosanjh was a charming and responsible business owner.

Chair Riggs closed the public hearing.

Commission Comment: Commissioner Keith moved to approve with a modification to limit alcohol sales to 11 p.m. and that beer and wine sales were entirely appropriate for a pizza restaurant. She said she did not buy into the idea that this restaurant would have a different clientele that was somehow less responsible. Commissioner Pagee seconded the motion, noting the City should encourage businesses in this area to grow particularly with the growth in the industrial area.

Commissioner O'Malley asked how late the Japanese restaurant was open and what restrictions they had on alcohol sales. Planner Rogers said he had looked at the Internet and the Japanese restaurant was open Monday through Thursday, 10 a.m. to 9 p.m., and on Friday, Saturday and Sunday from 10 a.m. to 10 p.m.

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

1. Make a finding that the project is categorically exempt under Class 1 (Section 15301, "Existing Facilities") of the current California Environmental Quality Act (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 the applicant, consisting of seven plan sheets and photographs, dated received July 20, 2009, and approved by the Planning Commission on November 2, 2009, except as modified by the conditions contained herein, subject to review and approval of the Planning Division.
 - b. Any citation or notification of violation by the California Department of Alcoholic Beverage Control or other agency having responsibility to assure public health and safety for the sale of alcoholic beverages will be grounds for considering revocation of the use permit.
 - c. Alcohol sales are prohibited after midnight (~~12:00 A.M.~~ **11:00 p.m.**).
 - d. Alcohol service/consumption is limited to the interior of the restaurant.
outdoor alcohol service/consumption is prohibited.

Motion carried 6-0 with Commissioner Ferrick absent.

D. COMMISSION BUSINESS

1. Review of planning items on City Council agendas.

A. El Camino Real/Downtown Specific Plan (Phase II) Process

Planner Rogers said the Council had directed staff to develop a draft Specific Plan and draft environmental impact report to be released in spring of 2010. He said after the release of those documents there would be another period of review and an anticipated great amount of debate. He said the Council also directed the Council's Specific Plan subcommittee to examine opportunities for additional public involvement.

Chair Riggs asked whether the direction from Council was to speak to the major business owners downtown or respond to those with the loudest voices. Planner Rogers said the goal of the subcommittee was to bring the more critical voices into larger structure of the Chamber's group, noting that a downtown meeting the previous week had been productive and collegial.

Commissioner Bressler said his question was what the Specific Plan would allow to be built by right and what would be reviewed by Commission. Planner Rogers said the draft Specific Plan would allow for debate on what the community would want the Plan to be. Commissioner Bressler said his concern was that decisions were being made in the Specific Plan that would prove very hard for the Commission to change. He said the concept of designing by right took power away from the community. Planner Rogers, noting discussion at the City Council, said there was shared concern regarding upzoning, tradeoffs for it, and guarantees given by it. Commissioner Bressler said that was not what he was asking. He said he would submit his question in writing and would like the matter for further discussion at the next meeting. He said basically he wanted to know how much discretion the Commission would have under the Specific Plan.

Chair Riggs said he expected the Specific Plan to include tiers of permissible project envelopes some of which would need Commission review. Planner Rogers said that they had not arrived at that point yet but it was part of the discussion. Chair Riggs shared Commissioner Bressler's concerns about what might be allowable to be built without review.

Commissioner Kadvany said the question was about the structure and parameters of the Specific Plan and it was not clear what the matrix of the Specific Plan would be, which was why he questioned the consultants moving ahead without clarity of the structure. He said he was interested in creating code that set up the design of buildings not just the parameters. He said these questions should be answered ahead of time.

Commissioner Keith said that she understood Commissioner Bressler's question which was what would be reviewed and what could be built to right. She said she would like drafts provided about ideas such as tiered building code. She would like to see drafts before any final analysis was done.

Commissioner Pagee said she would like the Commission to have the ability to meet with Council to understand the direction they want the Commission to take as well as get the Commission's input. Commissioner Keith said she thought if the Commission might come up with a short memo or report to the Council regarding roles or questions as to Commission direction. Chair Riggs said the existing process was to speak to the Commission's Council liaison. Commissioner Keith said she would prefer a more public forum. Chair Riggs said he thought putting thoughts into writing was good but suggested starting at the subcommittee level. Commissioner Keith disagreed saying that the Council members would receive the report in a written form prior to the meeting at which a report would be made.

Chair Riggs asked who would write the report. Commissioner Bressler said he had indicated he would put those thoughts into writing which were to allow for input so that the Specific Plan was not completely by right. Chair Riggs said that it would help the public discussion. Commissioner O'Malley said he thought it would be a good idea for this to be put into writing.

B. 1300 El Camino Real

Planner Chow said the second reading of the ordinance for this project was passed on October 20 and the effective date would be November 18.

C. 1706 El Camino Real

Planner Chow said the Council approved the project on October 20 including all of the Commission's additional recommendations.

D. 101-155 Constitution Drive and 100-190 Independence Drive (Menlo Gateway Project)

Planner Rogers said that there would be a study session before the Council the next evening on this project. He said the Council would be asked whether it could approve a project of this size and if so, with what caveats, and if no, what specifically would need to be different. He said the Council would also be asked if they wanted the Commission to hold a special meeting on this project on November 9.

E. REPORTS AND ANNOUNCEMENTS

Commissioner Pagee questioned allowing a bay window and foundation into a setback without the need of a variance and requested a list of projects in which such encroachment was allowed.

Planner Chow said they could review the rule and how it was applied but that it would be quite difficult to gather a list of projects as requested.

Chair Riggs said that the project at 1211 Sevier had a foundation and bay window encroachment.

ADJOURNMENT

The meeting adjourned at 9:16 p.m.

Staff Liaison: Deanna Chow, Senior Planner

Recording Secretary: Brenda Bennett

Approved by Planning Commission on January 11, 2010