



PLANNING COMMISSION MINUTES

September 12, 2011

7:00 p.m.

City Council Chambers

701 Laurel Street, Menlo Park, CA 94025

CALL TO ORDER – 7:00 p.m.

ROLL CALL – Bressler (Chair), Eiref, Ferrick (Vice Chair)(Absent), Kadvany, O'Malley, Riggs, Yu

INTRODUCTION OF STAFF – Deanna Chow, Senior Planner; Kyle Perata, Assistant Planner; Thomas Rogers, Associate Planner

A. REPORTS AND ANNOUNCEMENTS

1. Update on Planning Items

- A. Appeal of Planning Commission's denial of Walgreens' use permit application for the off-sale of beer and wine at 643 Santa Cruz Avenue – August 23, 2011 City Council meeting

Planner Rogers said there were no speakers for or against the project. He said the Council denied the appeal and unanimously upheld the Planning Commission's denial of the project.

- B. Three-Party Agreement for Cooley Landing Project – August 23, 2011 City Council meeting

Planner Rogers said the agreement was on the consent calendar and approved; it will now move forward through the City of East Palo Alto's process.

B. PUBLIC COMMENTS

There was none.

C. CONSENT

Commissioner Riggs asked that Item 1 be pulled. Chair Bressler noted it was pulled. Planner Rogers suggested that they vote on remaining consent items and then consider the pulled item. Commissioner Kadvany asked that Item 2 be pulled.

1. **Architectural Control/Feve Building/711-715 Santa Cruz Avenue:** Request for approval of architectural control to remodel the front elevation of a commercial building in the C-3 (Central Commercial) zoning district.

Commissioner Riggs said what had been presented would be in his opinion a downgrade of the building. He said that although the building was a '60s design, which was not the most desirable architecture, he thought the building had great character and integrity due to features such as the attractive front glass windows and the crinkled awning. He said he was also concerned with the proposed screening of the mechanical equipment as the material proposed was not high quality and would be very dominant. He said the request to fill in the 30-inch corners of landscaping also concerned him. He said he could not support the application.

Chair Bressler asked the applicant to respond.

Mr. Ron Davis, Davco Associates, said he was the project architect. Mr. Al Felice said he was one of the property owners of the building.

Mr. Davis said he did not agree with Commissioner Riggs' comments. He said they considered what they were proposing to be a great improvement. He said the project came out of the discovery that the existing canopy was deteriorating because of water problems resulting from design flaws. He said the canopy needed to be removed and it made sense to treat the storefront. He said the existing façade was not consistent and the bulkhead panels on the windows were concrete in some areas and then with others they ran to the ground. He said their proposal was to keep that block consistent across the front of the building, replace the storefront, put tile over the block to make it more attractive, install some anodized windows, and remove the landscaping corners that were a trash and maintenance problem. He said also since the landscaping was only three-foot square it was hard to find someone to take such a small landscaping job. He said trash blows into the recesses and collects there. He said they would have awnings above the windows and they had worked with staff to match the upstairs façade, and on the screening, which would have a bronze color to match the storefronts. He said with the improvements the building would more closely match the buildings on either side of it which had driven their design.

Commissioner Riggs said the City cared about its downtown and how buildings contributed. He said placing tile on the concrete was potentially very attractive and the bronze mullion caps would help. He said the loss of the canopy and use of simple canvas awnings, which would not match the current crinkled effect of the awning, would mean the loss of one of the unique architectural features of that block. He said regarding trash blowing into the landscaping that could be resolved by constructing a one foot base around the landscaping areas. He said some landscaping only needed once a month attention and he could provide information on those types of plants. He said he appreciated the roof screen would be the same color as the mullions but that was not the dominant issue. He said putting up a horizontal element could be

consistent with a remodel of an R&D building, and noted the use with such a building of corrugated and aluminum siding and perforated metal, did create a new, modern image. He said in this instance just using a section of it on a 60s building was jarring. He said perhaps staff was requesting wide enough screening to hide mechanical equipment from all views. He said he would encourage staff to be more flexible about the screening.

Chair Bressler asked the applicant if they chose to do the screening or were required to. Mr. Davis said they worked with staff, who considered the mechanical equipment visible. He said the equipment was pretty high from the ground and neighboring buildings but two of the units could be seen from side streets. Chair Bressler asked if the screening was required. Planner Rogers said the zoning ordinance required that roof mounted equipment be screened to eye level horizontal to the top of the equipment. He said the Commission had previously discussed equipment screening for a project on Oak Grove Avenue. He said the difference between that project and this one was the former was only adding roof mounted equipment and this one was making architectural changes. He said with nonconformance in this instance the screening could be required to bring to conformance with discretionary approval. He said the Planning Commission had discretion to change how the equipment might be screened but as changes were being made to the front of the building the screening should be integrated.

Chair Bressler asked what fraction of the total cost of the proposed work was for the screening. Mr. Davis said he could not tell him as they had not yet done construction drawings or asked for bids. Chair Bressler asked Commissioner Riggs if the screening was worse than not having screening. Commissioner Riggs said he thought it was and he would like to be in a position to defend the building owners against that cost but that was not the driver as he thought the proposal was flawed.

Mr. Felice said the equipment was not seen from the main street but from the side street. Mr. Davis said he thought the horizontal was a good stop for all of the vertical elements on the front of the building if it was a required element.

Commissioner Kadvany asked about the deterioration of the canopy structure and if any staff had looked at it. Mr. Davis said that he was not aware that staff had looked at it but the canopy was obviously deteriorating and there were places underneath where the wood was crumbling. Commissioner Kadvany asked if it was irreparable. Mr. Davis said anything could be fixed but they did not particularly like the zigzag canopy, and in his mind, it crossed the storefronts and did not complement them.

Mr. Felice said when the canopy was designed there had been lights underneath it. He said because of water damage the equipment pulled away, and they have had to do makeshift repairs to keep the lighting secured. He said they thought the element was very dated and they wanted to modernize it as they had done on other buildings. He said regarding canopies they had looked at the canopies on the stores next to them and

across the street. He said the Goodwill canopy hides part of the zigzag canopy and noted it was also deteriorating.

Chair Bressler moved to approve the application as recommended with the modification to eliminate equipment screening and to have some type of follow up review to determine that the work was acceptable. Commissioner Riggs said he was going to make a motion but he would withhold it. Commissioner Yu said she was concerned if they were applying the equipment screening requirement consistently. Chair Bressler said his reasoning was that there was no work being done on the roof or near the roof, and if there was screening it should be better than what was proposed. Chair Bressler said perhaps staff would like to comment.

Planner Rogers said there were some larger issues about roof screening that staff was planning to bring to the Commission for consideration. He said with this particular application the Commission had the flexibility to say the screening was not required and could suggest some intermediate measures such as painting. He said staff had indicated their opinion but the Commission could go in a different direction.

Commissioner O'Malley said he thought the Commission was inconsistent in its application on roof screening and they had had a mixed vote on screening for a downtown project. He asked whether every time the Commission was presented with an application that had roof screening they would deal with it independently or were they going to look at regulations that made sense for all applications.

Commissioner Yu said the applicant had indicated the equipment was only visible from the side streets but the screening was only in the front. She said the screening was unsightly and she thought it was not needed but she wanted to be sure the Commission was consistent. She said it sounded like staff would be addressing the regulation.

Commissioner O'Malley said he would prefer not to lose landscaping since it appeared there was a simple solution to prevent trash buildup.

Commissioner Eiref said he was not enthusiastic about the design and he agreed with keeping the landscaping. He said he would support the motion with an amendment to not remove the landscaping.

Commissioner Riggs said he would suggest continuing the project and provide the applicants with guidance. He said he would recommend that the roof screening be compatible materials and limited to the immediate area of the air conditioning units. He said the landscape areas could be raised eight to 12 inches and suggested easily maintained plants such as geraniums. He said unless a more dynamic and interesting canopy could be proposed that he would recommend the existing canopy be repaired and that the Goodwill canopy be removed.

Commissioner Kadvany said screening for roof equipment was to keep visual clutter down, and he thought landscaping should be kept. He said he thought that the suggestion to replace the existing canopy was a good idea to consider.

Chair Bressler said he was willing to modify his motion to have minimal roof screening and to keep the landscaping. There was no second to the motion.

Chair Bressler said it sounded like the project application should be continued.

Mr. Davis asked the Chair if he could ask a question of staff. He asked if they replaced the existing canopy with the same design whether they would just go through building review and submit plans. Planner Rogers said architectural control review was limited to changes from existing approved architecture and when there was replacement in kind there was no architectural control review. Chair Bressler asked what if the Goodwill canopy was removed. Planner Rogers said they would have to do a sign application. He said they could replace the canopy and put the Goodwill canopy back if there was no Commission review.

Planner Rogers said there needed to be a vote.

Commissioner Riggs asked if a continuance would require the applicant to come back before the Commission. Planner Rogers said they could opt to go a different direction, to not do the project, or do rehab. Commissioner Riggs asked if they could raise the landscape edges without architectural control review. Planner Rogers said it would require discussion at staff level and could be approved at staff level or could be accomplished through an email blast to the Commissioners to allow them to say it was not in substantial conformance. He said likely it would not be a full Commission hearing but that was not definite. Commissioner Riggs asked if the applicant wanted to put bronze mullion caps on the existing aluminum mullions if that could be approved administratively. Planner Rogers said color changes were more sensitive and that would have more potential for either email notification to the Commission or Planning Commission review. He said replacing the first floor with different colors and materials would require Planning Commission review.

Commissioner Riggs moved to require the screening to be reduced to the immediate area of the air conditioning unit including the potential of attaching the screening to the unit. He said he thought there was only one unit visible in the front. Planner Rogers said there was also some visible ducting. Commissioner Riggs said the motion would encourage that the existing canopy be repaired rather than removed or that a dynamic alternative be offered for architectural review. He said to maintain the landscaping and perhaps raise the areas above the sidewalk level to avoid being trash pockets.

Mr. Felice said the planning process had taken a year and this was a partnership building. He said it was really hard to sell this type of change to the majority of the partners. He said if they did not move ahead in the way they had planned and the

Commission required the existing canopy be repaired, the partners' response would be to take the cheapest route and although it would cost as much to put it back the way it was as what they were planning, it was a hard sell for the partners to make that type of change. He said what he was hearing was they could repair the canopy, leave the landscape the way it was, and replace the Goodwill awning and that would be the way the partners would go even though this application had been worked on for over a year. Commissioner Riggs asked if they could just remove the Goodwill canopy. Mr. Felice said if they could just go to the building department to get a permit to do the repair then the partners would decide to leave the building as it was by making the repair and replacing the Goodwill canopy. He said it was a hard sell to the partners to update and modernize the building similar to other buildings around town that they have updated and modernized.

Mr. Robert Lico, Live Oak Properties, said they were about one-third of the partnership for this building and were in agreement with what was being proposed in this application. He said there was real concern about the safety of the building and a desire to accomplish what they saw as a really good, efficient, and economical proposal. He said regarding covers on the HVAC they were talking about angles that extended 150 to 200 yards for one air conditioning unit. He said he thought it was a good proposal to just wrap it as suggested. He said he agreed the corrugated screening was not a good idea and changed the entire look. He said they wanted to get in there, clean it up and make it good. He said regarding landscaping that having owned the property for 40 to 50 years that the issues with these little areas of landscaping were dogs urinating on the plants and killing them. He said they wanted to clean up the front, put in a new awning, fill up the landscaping by filling the area in and then they could put a big urn with flowers there. He said filling in the areas was important so they were not a water hazard and drainage hazard onto the sidewalk. He said the Commission was opposing everything that they thought made common sense. He said they were ready to move on the project, they had been saving money for a year and had \$100,000 to start the work, and the canopy was just about to fall.

Chair Bressler closed the public hearing.

Commissioner Riggs said it sounded as though there was willingness on the applicant's part to build up the landscape areas to about knee height and put potted plants in those, which he could support. He said the property owners would be happy to save \$20,000 or more on roof screening.

Chair Bressler said the question was whether the applicants would be allowed to put on a different awning as they had proposed. He said he supported letting the applicants put on the awnings they wanted rather than requiring them to repair the existing.

Chair Bressler suggested making a motion. Commissioner Riggs said the motion on the floor was to require the screening to be reduced to the immediate area of the air conditioning unit including attaching screening directly to the unit; for the existing

canopy to be repaired rather than removed or that a dynamic alternative be offered for architectural review; and to maintain the landscaping and raise the areas above the sidewalk level. Commissioner O'Malley seconded the motion.

Chair Bressler said the alternative to that motion was to approve it subject to conditions.

Commission Action: M/S Riggs/O'Malley to continue the project with the following direction to the applicants:

- Require the screening to be reduced to the immediate area of the air conditioning unit including attaching screening directly to the unit;
- For the existing canopy to be repaired rather than removed or that a dynamic alternative be offered for architectural review; and
- Maintain the landscaping and raise the areas around them above the sidewalk level.

Motion carried 3-2 with Commissioners Riggs, Kadvany, and O'Malley in favor, Commissioners Bressler and Yu opposed, Commissioner Eiref abstaining and Commissioner Ferrick absent.

2. **Architectural Control/Mehdi Dalvand/611 Santa Cruz Avenue:** Request for approval of architectural control to remodel the exterior of a commercial building in the C-3 (Central Commercial) zoning district.

Commissioner Kadvany said he appreciated the overall goal of the project but there was a lot of texture in the building now and wondered what the reasons were for the changes being made.

Mr. Steve Patrick, architect, said regarding texturing that they wanted to protect the texture with color and insert the aluminum reglets to create a more contemporary look. He said there was an office on the top floor and the bank on the bottom. He said they were hearing from prospective tenants that the office building was cold and unwelcoming and that the texture was too pointy and people did not like to walk or stand by the building. He said the shapes, texture, and colors were unfriendly. He said the office space was going to be vacant soon and the owners wanted to attract tenants.

Commissioner Kadvany asked if the future stucco walls would be washed. Mr. Patrick said it would be painted stucco and the materials were high quality and should be easily maintained. Commissioner Kadvany asked if the river stone would be removed. Mr. Patrick said it was integral and would have to be covered.

Commissioner Riggs said there was a shortcutting of textures with '60s architecture as noted by Commissioner Kadvany. He asked if they had considered using integral color over the exposed aggregate which he thought would show mottling and attractive cracking. Mr. Patrick said integral stucco was nice originally but its quality was reduced

with graffiti or scuff marks, and they had found a low level of success matching integral colors for touchup of stucco. He said their goal was to have something that could be easily maintained. He said adding a wainscoting would give the building a more human scale. Commissioner Riggs said integral color in an urban area was sealed.

Chair Bressler opened and closed the public hearing.

Commission Action: M/S Bressler/O'Malley to approve as recommended in the staff report.

1. Make a finding that the project is categorically exempt under Class 1 (Section 15301, "Existing Facilities") 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. Approve the architectural control request subject to the following **standard** conditions of approval:
 - a. Development of the project shall be substantially in conformance with the plans prepared by The Midglen Studio, dated received August 25, 2011, consisting of four plan sheets and approved by the Planning Commission on September 12, 2011, except as modified by the conditions contained herein, subject to review and approval of the Planning Division.
 - b. The applicant shall comply with all West Bay Sanitary District, Menlo Park Fire Protection District, and utility companies regulations that are directly applicable to the project.
 - c. Prior to building permit issuance, the applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.

Motion carried 6-0 with Commissioner Ferrick absent.

3. **Below Market Rate Housing In-Lieu Fee Agreement CA 1460 O'Brien, LLC/1460 O'Brien Drive:** Request to approve a Below Market Rate Housing In-Lieu Fee Agreement for the conversion of an existing 36,604-square-foot building consisting of office, warehousing and manufacturing uses (Group B) to a 33,600 square foot building for office uses (Group A) that would be conforming with regard to parking. No discretionary action is required for the change of use. ***Continued to the meeting of September 19, 2011.***
4. **Architectural Control/David Bouquillon/2400-2498 Sand Hill Road:** Request for architectural control review to modify the exterior paint colors of eight existing and one approved (but not yet constructed) office buildings at the Quadrus campus located in the C-1-C (Administrative, Professional and Research District, Restrictive). ***Continued to the meeting of September 19, 2011.***

D. PUBLIC HEARING

1. **Use Permit/Steve Peterson/430 Yale Road:** Request for a use permit for excavation (removal of more than 12 inches of dirt) within the rear setback for a four-foot by six-foot basement lightwell on a lot in the R-1-U (Single-Family Urban) zoning district. The new lightwell would be associated with interior modifications to the existing two-story residence.

Staff Comment: Planner Rogers said he had no additions to the written report.

Questions of Staff: Commissioner Kadvany asked for clarification on the 20-foot setback and why a variance was not needed. Planner Rogers said the 20-foot setback was due to the way the lot was configured. He said excavating in the setback was allowed by the zoning ordinance through a use permit.

Commissioner Riggs said it appeared that a bay window on the almost 55-foot long wall on the second floor was being removed. Planner Rogers said he did not think it applied to a bay window. He said the overall plans were reviewed and deemed to not need additional review.

Public Comment: Mr. Steve Peterson, Custom Homes of Woodside, said there was no exterior work being done. He said there was a complete interior remodel being proposed. He said a kitchen remodel wanted to relocate a stair which was now accessible from the garage to the basement. He said this changed would require a secondary egress. He said the current basement use was not being changed. He said excavation would be done by hand and monitored by an arborist. He said he did not think there was any impact on the neighbors.

Chair Bressler closed the public hearing.

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

1. Make a finding that the project is categorically exempt under Class 1 (Section 15301, "Existing Facilities") 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 Amy Petrin Designs, consisting of four plan sheets, dated received August 4, 2011, and approved by the Planning Commission on September 12, 2011, 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. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance.

Motion carried 6-0 with Commissioner Ferrick absent.

2. Minor Subdivision/Samuel Sinnott & Company, Inc./161-163 Willow Road:

Request for a minor subdivision to create two single-family residential parcels where one parcel currently exists in the R-1-U (Single-Family Urban) zoning district.

Staff Comment: Assistant Planner Perata said the Transportation Division requested a change to condition 4.b.: “This fee is only applicable if a complete building permit for a new dwelling unit is not ~~applied for~~ **approved** within one year of demolition of the existing dwelling unit on the panhandle lot (parcel 2).”

Responding to a question from Commissioner Riggs, Assistant Planner Perata said if the building was demolished they would have a credit for the existing building but if the permit was not approved within one year a new fee would be imposed.

Public Comment: Mr. Sam Sinnott, project architect, said regarding the modification to the project specific condition was acceptable. He said standard condition 3.g required curb, gutter and sidewalk improvements before the recordation of the parcel map but the project would require the installation of new utilities. He said they would work with the Engineering Division to amend that and changed the sequencing of the improvements.

Commissioner Kadvany asked what the plan line referred to. Mr. Sinnott said there was a Willow Expressway that was going to be built in 1960s but the project was abandoned. He said there was some property slated for eminent domain. He said they negotiated with the City to keep the 13 feet of property and their compromise was to create additional setback.

Commissioner Riggs confirmed with staff that the additional setback was not part of the Commission’s approval.

Chair Bressler closed the public hearing.

Commission Action: M/S Riggs/Bressler to approve as recommended in the staff report and with the one modification made by staff.

1. Make a finding that the project is categorically exempt under Class 15 (Section 15315, “Minor Land Divisions”) of the current California Environmental Quality Act (CEQA) Guidelines.
2. Make findings that the proposed minor subdivision is technically correct and in compliance with all applicable State regulations and City General Plan, Zoning and Subdivision Ordinances, and the State Subdivision Map Act.

3. Approve the minor subdivision subject to the following **standard** conditions:
- a. Development of the project shall be substantially in conformance with the plans prepared by Macleod and Associates, dated received September 1, 2011, consisting of one sheet and approved by the Planning Commission on September 12, 2011, except as modified by the conditions contained herein, subject to review and approval of the Planning Division.
 - b. Within two years from the date of approval of the tentative parcel map, the applicant shall submit a parcel map for review and approval of the City Engineer. The parcel map shall use a benchmark selected from the City of Menlo Park benchmark list as the project benchmark and the site benchmark.
 - c. Concurrent with the parcel map submittal, the applicant shall pay fees for the parcel map, improvement plan check, and storm drain connection.
 - d. Concurrent with the parcel map submittal, the applicant shall submit a Grading and Drainage Plan for review and approval of the City Engineer. The Grading and Drainage Plan shall demonstrate that storm water shall not drain on adjacent properties. The Grading and Drainage Plan shall also indicate all proposed modifications in the public right-of-way including frontage improvements and utility installations.
 - e. Prior to recordation of the parcel map, the applicant shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.
 - f. Prior to recordation of the parcel map, the applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
 - g. Prior to recordation of the parcel map, the applicant shall remove and replace all damaged, significantly worn, cracked, uplifted or depressed frontage improvements (e.g., curb, gutter, sidewalk) and install new improvements per City standards along the entire property frontage. The applicant shall obtain an encroachment permit prior to commencing any work with the City's right-of-way or public easements.
 - h. Prior to recordation of the parcel map, the applicant shall install new utilities to the point of service subject to review and approval of the City Engineer. All electric and communication lines servicing the project shall be placed underground. Each lot/unit shall have separate utility service connections.

- i. Prior to recordation of the parcel map, the applicant shall enter into and record a "Stormwater Treatment Measures Operations and Maintenance (O&M) Agreement" with the City subject to review and approval by the Engineering Division. With the executed agreement, the property owner is responsible for the operation and maintenance of stormwater treatment measures for the project. The agreement shall run with the land and shall be recorded by the applicant with the San Mateo County Recorder's Office.
 - j. Prior to recordation of the parcel map, the applicant shall pay applicable recreation in-lieu fees per the direction of the City Engineer in compliance with Section 15.16.020 of the Subdivision Ordinance.
 - k. Prior to building permit issuance for the construction of a new residence on the proposed rear lot, the approved parcel map shall be recorded at the County Recorder's Office.
 - l. Heritage trees in the vicinity of construction shall be protected pursuant to the Heritage Tree Ordinance. Prior to issuance of a demolition or building permit, the applicant shall implement the tree protection plan and recommendations in the Arborist Report for all applicable heritage trees for review and approval by the Building Division.
4. Approve minor subdivision subject to the following ***project-specific*** conditions.
- a. Prior to recordation of a final parcel map, the applicant shall demolish the two-story residence and accessory structure on the proposed rear lot, subject to review and approval by the Planning Division.
 - b. Prior to building permit issuance for a new dwelling unit on the panhandle lot (parcel 2), the applicant shall pay a Traffic Impact Fee (TIF) at the rate for single-family dwellings, subject to the Municipal Code Section 13.26. The fee rate is subject to change annually on July 1 and the final calculation will be based upon the rate at the time of fee payment. The TIF rate is adjusted each year based on the ENR Construction Cost Index percentage change for San Francisco. This fee is only applicable if a complete building permit for a new dwelling unit is not ~~applied for~~ ***approved*** within one year of demolition of the existing dwelling unit on the panhandle lot (parcel 2).

Motion carried 6-0 with Commissioner Ferrick absent.

3. Use Permit/Catherine Umana (Mathnasium)/605 Cambridge Avenue:

Request for a use permit to locate a tutoring facility consisting of individual and small group tutoring sessions, within an existing building in the C-4 ECR (General Commercial, Applicable to El Camino Real) zoning district, where the subject site is nonconforming with regard to parking.

Staff Comment: Assistant Planner Perata said staff had no additions to the staff report.

Questions of Staff: Commissioner Eiref asked if the Specific Plan would change the parking requirements for this project. Planner Rogers said there would be some changes to the parking requirements but because this was retail it would be considered to have more of a conforming nature.

Public Comment: Ms. Catherine Umana, business owner, said she was available to answer questions.

Commissioner Kadvany asked how busy the parking lot becomes. Ms. Umana said the salon had been there 20 years and its owner said he had never seen the lot full. She said her business hours were 3 to 7 p.m. Monday through Friday, and 10 a.m. to 2 p.m. on Saturdays. She said parents would not be present during the sessions.

Commissioner Eiref asked if they would prefer to give people flexibility to park. Ms. Umana said she wanted to cooperate with her neighbors and with 12 spaces she had to coordinate her schedule. She said other Mathnasium franchises have the same parking management.

Chair Bressler said there was nothing in the approval to require the parking management to occur. Assistant Planner Perata asked the Commission to look at the project description letter, Attachment C, which listed those hours. He said the project approval included conformance with the staff report and supporting documents.

Commissioner Riggs asked if neighbors found parents were parking on street whether they would have an option to make a complaint to the Planning Commissioner. Assistant Planner Perata said that was correct.

Ms. Umana said there was also a traffic flow program that they would want the parents to follow.

Mr. William Downey said he represented the Downey Trust, which has owned the building since 1979. He said there have been no complaints about parking over the years and listed the many different businesses that had been located there.

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

1. Make a finding that the project is categorically exempt under Class 1 (Section 15301, "Existing Facilities") 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 the applicant, consisting of five plan sheets, dated received August 29, 2011, and approved by the Planning Commission on September 12, 2011, except as modified by the conditions contained herein, subject to review and approval of the Planning Division.
 - b. The applicant shall comply with all West Bay Sanitary District, Menlo Park Fire Protection District, and utility companies regulations that are directly applicable to the project.
 - c. Prior to building permit issuance, the applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
 - d. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval of the Planning, Engineering and Building Divisions. Landscaping shall properly screen all utility equipment that is installed outside of a building and that cannot be placed underground. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.

Motion carried 6-0 with Commissioner Ferrick absent.

4. **Use Permit/Erin M. Dolinko/827 Hobart Street:** Request for a use permit for the construction of a new two-story, single-family residence with a basement located on a substandard lot with regard to lot width in the R-1-S (Single Family Suburban) zoning district. Continue to the meeting of September 19, 2011. ***Continued to the meeting of September 19, 2011.***

STUDY SESSION

1. **Study Session/Kenneth Rodrigues and Partners/4085 Campbell Avenue:** Request for a study session to demolish two existing buildings, totaling 55,637 square feet, located at 40 Scott Drive and 4085 Campbell Avenue. The existing private recreation facility and general office/manufacturing buildings would be replaced with a 55,630-square foot, two-story office building. Associated site improvements would include new site access, parking configuration and landscaping plan. The entire property would be readdressed to 4085 Campbell Avenue. ***Continued to the meeting of September 19, 2011.***
2. **Study Session/Pacific Peninsula Architecture/702 Oak Grove:** Request for a study session to demolish an existing four-unit residential building and construct a mixed-use development, consisting of ground floor parking, three residential units on the second floor, and 3,142 square feet of gross floor area of commercial uses on the third floor, located in the R-C (Mixed Use) zoning district. ***Continued to the meeting of September 19, 2011.***

E. COMMISSION BUSINESS

There was none.

ADJOURNMENT

The meeting adjourned at 8:31 p.m.

Commission Liaison: Planner Rogers for Senior Planner Deanna Chow

Recording Secretary: Brenda Bennett

Approved by Planning Commission on November 7, 2011