



REGULAR MEETING MINUTES

Date: 12/10/2018
Time: 7:00 p.m.
City Council Chambers
701 Laurel St., Menlo Park, CA 94025

A. Call To Order

Chair Susan Goodhue called the meeting to order at 7:03 p.m.

B. Roll Call

Present: Andrew Barnes (Vice Chair), Drew Combs, Susan Goodhue (Chair), Camille Kennedy John Onken, Henry Riggs, and Katherine Strehl

Staff: Kaitie Meador, Senior Planner; Ori Paz, Assistant Planner; Kyle Perata, Acting Principal Planner; Matt Pruter, Associate Planner

C. Reports and Announcements

Acting Principal Planner Kyle Perata said the City Council at its December 11, 2018 meeting would seat its new members and select a Mayor and Mayor Pro Tem for 2019 noting that Commissioner Drew Combs would join the City Council as a new member. He said at the dais the Commissioners had been given a Notice of Preparation and Initial Study for the 1350 Adams Court project, which notice was released today for a comment period ending January 24, 2019. He said a scoping session for this Environmental Impact Report would be on the Commission's January 14, 2019 agenda.

D. Public Comment

None

E. Consent Calendar

None

F. Public Hearing

- F1. Use Permit Revision/Donna and Carter Busse/1360 Delfino Way:
Request for a use permit revision to modify the approved exterior siding on a residence, from shingles to board and batten. In May of 2016 the Planning Commission approved a use permit to remodel and add a second story to an existing nonconforming single-story, single-family residence located in the R-1-U (Single Family Urban Residential) zoning district, where the proposed work exceeded 50 percent of the existing replacement value in a 12-month period. Construction is under way on the approved project. ([Staff Report #18-99-PC](#))

Staff Comment: Acting Principal Planner Perata said there were no updates to the written report.

Applicant Presentation: Carter Busse said he and his wife Donna were requesting a revision to their use permit to use board and batten rather than shingles on the house.

Chair Goodhue opened the public hearing and closed it as there were no speakers.

Commission Comment: Commissioner Andrew Barnes moved to approve noting it was a straightforward change request. Commissioner John Onken seconded the motion commenting that the chimney was floating a foot off grade was due to building code that building materials not touch the ground. He suggested at some point the applicant could put some material such as plantings under the chimney, so it would not seem to be floating as long as it did not conflict with building code.

Commissioner Katherine Strehl suggested that in a similar instance of a revision request in the future that the substantial conformance review process might be used rather than bringing the item to a Planning Commission hearing.

ACTION: Motion and second (Barnes/John Onken) to approve the item as recommended in the staff report; passes 7-0.

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 Hubbard Godfrey Architects Inc., consisting of 20 plan sheets, stamped received on November 6, 2018, and approved by the Planning Commission on December 10, 2018, except as modified by the conditions contained herein, subject to review and approval by 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 by 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 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 the issuance of grading, demolition or building permits.
- g. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance.

F2. Use Permit and Variance/Mark Milani/1346 Hoover Street:
Request for a use permit to demolish an existing detached garage, and construct an addition to an existing nonconforming single-family residence, consisting of an attached two-car garage and a second story with a second dwelling unit. The proposal includes a variance request on the first floor to reduce the left side setback to five feet (where 10 feet is required) for the new addition of the garage. The proposed second floor addition would meet the minimum required setbacks. The subject parcel is a substandard lot with respect to lot area and width in the R-3 (Apartment) zoning district. *(Staff Report #18-100-PC) Continued by the Planning Commission from the 9/17/18 Planning Commission meeting.*

Staff Comment: Assistant Planner Ori Paz said staff had no additions to the written report.

Applicant Presentation: Ross Stilleson said he was representing the Milani family, the property owners. He said since the continuance of the project at the September 17, 2019 Planning Commission meeting, they had revised the plan based on recommendations to a 10-foot setback on the second floor. He said the lot was narrow and substandard in width and area and they had to configure parking.

Chair Goodhue opened the public hearing and closed it as there were no speakers.

Commission Comment: Commissioner Barnes said architecturally he liked the cantilever over the entry to the covered spaces below and the second floor 10-foot setback with the first-floor five-foot setback. He said the project still conformed in terms of size and scale for the area. He said he supported approving the use permit and variance request.

Commissioner Strehl moved to approve and Commissioner Barnes seconded the motion.

ACTION: Motion and second (Strehl/Barnes) to approve the item as recommended in the staff report; passes 7-0.

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 the following findings as per Section 16.82.340 of the Zoning Ordinance pertaining to the granting of a variance to permit a five-foot left side setback for the first level garage addition:
 - a. The parcel has a few unique attributes, including the substandard width of the lot and the large heritage tree in the rear, which would constitute a hardship for the proposed side-loading garage. The applicant states that a detached garage cannot be provided in the rear due to the desire to preserve the heritage tree and adhere to the building coverage limitations for the site. Further, the applicant states that the City’s back-up requirements for garage entrances and the substandard width of the lot necessitate the variance.
 - b. The requested variance for the encroachment of the garage at the first floor would allow for the provision of required parking associated with the development of a second unit. The development of two units is permitted on lots of this size and each unit is required to have two parking spaces, one of which must be covered. Due to the site constraints created by the substandard lot, the existing site development, limited available building coverage, the heritage tree, and the off street parking requirement, a variance for the reduced side yard setback is necessary to provide the required number of covered parking spaces and meet the City’s back-up requirements.
 - c. The side setback encroachment at the first floor would not be detrimental to the public health, safety, and welfare, or impair an adequate supply of light and air to the adjacent properties since the proposed location would maintain five feet of separation from the property line and the variance is limited to the ground floor of the garage addition.
 - d. The requested variance for the ground floor garage setback would not be applicable, generally, to other property in the same zoning district due to the confluence of the location of the existing residence, the substandard width of the lot, minimum back-up requirement for covered parking, and the location of the existing heritage tree.
 - e. The property is not within any Specific Plan area. Hence, a finding regarding an unusual factor does not apply.
3. Approve the variance to permit a five foot setback for the proposed garage addition.
4. 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.
5. 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 Collaborative Design Studio consisting of 14 plan sheets, attached to this report and approved by the Planning Commission on December 10, 2018, 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 by 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 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 the issuance of grading, demolition or building permits.
- g. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance and the arborist report prepared by Monarch Consulting Arborists, LLC. Revised June 6, 2018.

6. Approve the use permit subject to the following **project-specific** conditions:

- a. Simultaneous with the submittal of a complete building permit application, the applicant shall submit plans identifying the proposed species of the new street tree at the front of the property, subject to review and approval by the City Arborist.

F3 Architectural Control and Use Permit/Mark Cyril Johnson/600 Sharon Park Drive:
Request for architectural control review of exterior modifications to an existing pool house and site amenities in the R-3-A-X (Garden Apartment, Conditional Development) zoning district. The proposed exterior modifications would include new siding, windows, doors, and modifying the exterior color scheme. Improvements to the site amenities include new landscaping, outdoor kitchens, seating areas, tot lot, and dog park area. The proposal also includes a request for a use permit for excavation within a required setback, per the existing Conditional Development Permit, for a new retaining wall. In conjunction with the proposed improvements, 13 heritage trees located throughout the site are proposed for removal. ([Staff Report #18-101-PC](#))

Staff Comment: Senior Planner Kaitie Meador said it came to staff's attention after the publication of the staff report that the property lines in the architectural drawings were inconsistent with the survey. She said the partial site plan had been updated by the architect and that they would present the correct site plan this evening. She said they would see that the setback was smaller but the existing and proposed were what was currently on site. She said there was no change to the location of the structure in terms of setbacks and property line. She said there was a materials board for the Commission to review.

Applicant Presentation: Roger Griffin, Paragon Design Group, said he and Paul Lettieri were representing their client Mark Cyril Johnson. He said the proposal was for exterior modifications to a mid-century apartment site. He said the existing apartments were constructed on two concrete podiums with large concrete areas. He said they proposed to enhance the areas with intimate outdoor living areas with the additions of plantings, barbecues and furniture intended to support more outside activities on the site. He said the existing pool would be renovated and replaced with an addition of a spa pool. He said the pool house would be reconstructed on the existing footprint with no increase to building coverage. He said it would be equipped with a fitness center with a window wall that would open to the pool area. He said as the building faced due south they were adding a six-foot overhang. He said the ground apartments facing the pool area would have their deck railings modified for added safety and acoustical protection.

Paul Lettieri, Guzzardo Partnership, said they looked at the podiums and what could be done. He said they would make the project accessible. He said the courtyards would be renovated to include outdoor barbecues, cooking areas, and seating areas to make it a more active space. He said the pool did not have handicap access currently. He said they would use pavers on the podiums and decks and rebuild a lot of the sidewalks. He said they would have an accessible route to the dog park and would grade the play area, so it was more level. He said they would be replanting trees in excess of those removed and some mature trees would be relocated.

Commissioner Onken confirmed with Mr. Lettieri that the new pool house and exercise room would be accessible once within the safe zone of the pool and would not have any back entrances or other ways to get into it.

Chair Goodhue opened the public hearing and closed it as there were no speakers.

Commission Comment: Commissioner Henry Riggs referred to the materials samples noting it was a vinyl window and wide faced. Mr. Griffin said they planned to use a thin vinyl trim window.

Commissioner Riggs asked about the labeling of the replacement trees on the plans. Mr. Lettieri said they were labeled and they were planting about 30 trees overall.

Commissioner Riggs moved to approve the use permit and architectural control.

Commissioner Onken said the pool house was different looking than the apartment buildings. Mr. Griffin said they wanted to do something more contemporary and confirmed for Commissioner Onken that he was satisfied with the proposal.

Commissioner Onken seconded the motion to approve.

ACTION: Motion and second (Riggs/Onken) to approve the item as recommended in the staff report; passes 7-0.

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 permit, that the proposed excavation into the required yard 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. 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.
 - e. The property is not within any Specific Plan area, and as such no finding regarding consistency is required to be made.
4. Approve the architectural control and use permit subject to the following **standard** conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by Paragon Design Group INC., consisting of 15 plan sheets, dated received November 28, 2018, and approved by the Planning Commission on December 10, 2018, except as modified by the conditions contained herein, subject to review and approval by 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 by 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 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 the issuance of grading, demolition or building permits.
- g. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance and the arborist report prepared by David L. Babby and dated August 30, 2018

F4 Use Permit Revision/Scott Erickson/2245 Avy Avenue:

Request for a use permit revision to update the use of the existing Phillips Brooks School located in the P-F (Public Facilities) zoning district. The request includes adding an annual summer enrichment program to the regular operation of the school and increasing the employee cap from 58 to 68 employees year-round. ([Staff Report #18-102-PC](#))

Staff Comment: Associate Planner Matt Pruter said there was one change made in Attachment A to condition 4.i and that had been provided to the Commission and to the public on the table in the rear. He said it was about the right turn sign and details associated with it.

Applicant Presentation: Scott Erickson, Head of School, Phillips Brooks School (PBS), said PBS has had an excellent partnership with the City and was committed to doing anything they could to contribute in positive ways to the community. He said their summer school program was a school-related activity that extended and enhanced their current program. He said they intentionally planned their summer program to cost below what was in the market and would welcome non-PBS children as a community outreach and support initiative. He said their research showed there were not enough summer programs for kindergarten to fifth grade, so they were offering an important solution. He said the summer program would comply with current use permit requirements. He said their modest staff increase would insure that programs at PBS provided the best education for every one of their students. He said their summer program was designed to have low impact to neighbors noting that play structures were available to the community during summer program hours and their program for pickups and drop-offs was shown to have had a reduction in traffic. He talked about measures they had taken to educate parents and vendors regarding traffic and parking and support for carpooling. He said they have a security officer to insure safety and good traffic flow when they expected more people than usual. He said they would submit a revised sign right-turn only during carpool hours plan for City approval within 90 days. He said he offered to meet with the four neighbors whose letters were in the agenda packet and last week two of those neighbors met with him at the school. He said email exchanges since then indicated they were

supportive of PBS and its programs. He restated his commitment as a positive contributor to the community.

Chair Goodhue opened the public hearing.

Public Comment:

- Jessica Sieck said she supported the PBS summer program as it was much needed in the community. She said as a neighbor of PBS she could attest to their respectful relationship with neighbors.
- Patrick Galligan said he supported PBS' request for a use permit revision for its summer program. He said he was a neighbor, parent, and on PBS' Board of Trustees. He said as a neighbor he had never experienced traffic difficulties with PBS' operations. He said as a parent it was wonderful to have an educational summer program in the area. He said as a Trustee he was proud of the relationship PBS had with the Las Lomas School District.
- Deborah Chait said she lived directly across from PBS 34 of the 44 years she had lived in her home. She said until last year all she knew about the school was how well the grounds were maintained and how well traffic was managed including not having visitors park in the surrounding neighborhood and blocking driveways. She said last year her granddaughter started kindergarten at PBS. She said that PBS was a school she wished all schools were like with a kind, loving environment that fostered good community values, confidence, kindness and a love of learning. She requested the Commission support the request.
- Dr. Thomas Warden said he was the neighbor most impacted by PBS. He said as he stated in his letter that the use permit revision should have a waiting period to insure the project was meeting code and City regulations. He said he had police reports, citations, videos and photographs of what was actually transpiring at the site. He said for the record that he wanted the violations noted that have and were occurring. He said the wording for the right turn sign was proposed to be modified. He said he understood that such a change could only be approved by the City Council. He said the existing sign was there as the result of two Caltrans' studies. He said he had asked for several years that the parking lot lights not be on all night. He said they were not needed at 2 a.m. as there were lights on inside the school. He said custodial work occurred during all hours and most of the time every night at least until 11 p.m. and often on the weekends. He said he had videos of workers with power tools at 8 p.m. on Sunday nights and at 6:30 a.m. on Saturdays. He said he believed PBS was often in violation as evidenced by the police reports. He said the City's code enforcement officer had written PBS repeatedly that these violations needed to stop. He said Thanksgiving morning a year prior the school had construction workers onsite with jack hammers of the sidewalk in the parking lot. He said for the record he wanted the issues he raised this evening in the record. He said from his letter they could see he had not asked that their summer program be disallowed but due to their egregious activity that there should be a probationary period for them to show that they intended to be good neighbors, which he contended they were not.

Chair Goodhue closed the public hearing.

Commission Comment: Commissioner Barnes asked about the parking lot lights. Mr. Erickson said several years prior they had installed lights, so the lights would face downwards and not horizontally. He said they believed it was important to have lights on when dark for safety and security in the neighborhood. He said he spoke with facilities staff about the issue raised. He said the lights were on a timer and should come on at 6 a.m. and go off at 10 p.m. He said when they get a neighbor's report that lights were on when they should not be that they reset the timer and check its veracity. Commissioner Barnes asked about the ambient light. Mr. Erickson said that replacing the lights so they shone vertically and not horizontally was their solution. Commissioner Barnes asked about other neighbor complaints about ambient light. Mr. Erickson said they had not received other complaints about ambient light but did when the timer failed to control the lights properly.

Commissioner Barnes asked about the custodial work. Mr. Erickson said that they had a very good relationship with the City's Code Enforcement Officer and they were unaware of emails and letters as referenced by the one speaker. He said they were allowed in speaking with the officer to have weekend and week night work as long as the noise stayed inside. He said they had talked through in great detail the things that were and were not allowed at certain hours. He said Facilities had a one-page document listing when a power tool might be used. He said they were working to have their trash removed earlier in the evening. He said their custodial and facilities crew were very much focused on not producing any ambient noise from the housekeeping work.

Commissioner Barnes asked about the jack hammering on Thanksgiving two years prior. Mr. Erickson said that Mr. Warden had texted him that morning and he had discussed with him that work was a mistake and they owned it. He said a number of their vendors worked in different municipalities than Menlo Park where there were different rules and ordinances. He said this vendor had been scheduled to come on Friday the day after Thanksgiving, which was allowed by the City. He said the vendor chose to come on Thanksgiving day to begin work. He said that was not directed or authorized by PBS. He said when he found out about the mistake that he had the Facilities Director clarify with the vendor what was and was not allowed. He said the vendor apologized to him, which he conveyed to Mr. Warden. He said since that incident they created a document regarding City requirements and noise control that their vendors must sign as part of their engagement agreements with PBS.

Commissioner Riggs confirmed with Mr. Erickson that a canopy that was previously approved would not be modified in any way for the summer program. Commissioner Riggs asked about third party vendors and if those were teacher packages in lieu of hiring teachers. Mr. Erickson said most of the classes were taught by their faculty and they had some contractors they used for their afterschool program during the academic year. He said they would also be contracted to teach a class or two during the summer program. Commissioner Riggs confirmed with Mr. Erickson that PBS would administer the summer program. He said there was a reference to amplification associated with carpentry. Mr. Erickson said he had been in the carpentry classes and he thought that was to cover the sound made by woodworking tools, and that they wanted to limit that noise as much as possible. He said much of this occurred indoors and on occasion they would go outdoors. He said that this was part of the afterschool program and they had not received any neighbor complaints about it. Commissioner Riggs asked about removing the reference to amplified sound related to carpentry as that typically related to the use of an

electronic amplifier such as a loudspeaker or for music. Mr. Erickson said that could be clarified.

Commissioner Riggs confirmed with Associate Planner Pruter that it would be compatible with the overall staff report to remove the reference to exterior amplified sound. He said it appeared that the trip cap and drop off hours did not align. Acting Principal Planner Perata said regarding the 7:45 to 8:45 a.m. hours those did not capture the staff's arrival to the site and he thought related to times most concerning neighbors and potential impacts. Commissioner Riggs confirmed with staff that Community Development found the trip cap hours to be in the correct place.

Commissioner Riggs said he understood the challenge with lighting control. He said it sounded like light shielding could be looked into. He said he thought that a handout for custodial services and what could and could not be done was unlikely to be followed 100%. He said it might take more personal involvement from the Facilities Manager spot checking to insure compliance on weeknight and weekend hours, and he would encourage that.

Commissioner Riggs moved to approve the use permit revision adding the summer school program and increasing the employee cap contingent upon the parking lot light being reviewed and a review of community code violations. He suggested prior to the summer that they hold the violations to zero tolerance as a demonstration to the neighborhood both in terms of off hour noise and parking outside of permitted areas.

Commissioner Camille Kennedy asked if the summer school program would be fully subscribed to this summer or whether it would have room to grow. Mr. Erickson said it was hard to predict as families sometimes tended to sign up with familiar programs and theirs was new to the market. He said they had not been maxed out for their pilot program the previous summer. He said he thought it was good to start small and then grow to allow for adjusting as needed.

Commissioner Kennedy seconded Commissioner Riggs' motion to approve with additional conditions.

Commissioner Barnes said he was on the Board of GeoKids, which was a childcare development center leasing from a government agency. He noted the difficulties with that when for whatever reason parents were not compliant with their driving or meeting pickup hours. He asked Commissioner Riggs about zero tolerance of noise and parking or traffic violations as those were sometimes so far out of the control of school administrators. He said he could not support that as a condition, but he supported emphasis on the school striving to prevent any violations.

Commissioner Combs asked for the record the distinction between the summer pilot program last year that did not have to come for a use permit revision and continuation of the summer program that staff determined required a use permit. Associate Planner Pruter said the substantial conformance review memo prepared in March 2018 was for a smaller version of the summer program and focused only on the program. He said at that time the school was still subject to the trip cap requirements related to the 2013 use permit, which was their last use permit revision. He said since then their trip cap requirement of five years for trips running out of the site has been completed and they satisfied that requirement. He said additionally the

school was requesting a staff increase for the year-round schedule. He said together those things required a use permit revision. Commissioner Combs confirmed with staff that the use permit revision would be in effect with no sunset termination.

Commissioner Combs said he supported asking the school to explore lighting control more to know that the school had done everything to address neighbor complaints. He asked if there was any suggested penalty if lights impacted neighbors. He said he wanted assurance that the issues raised by Dr. Warden would be addressed.

Commissioner Onken said that there was already a framework for controlling the behavior of the applicant. He said as to violations of those conditions that those were outside of the Commission's purview unless they were so egregious that revocation of the use permit was necessary. He said the request for the use permit revision increased staff during the academic year and other than the summer program did not change school operations at all, which he could support. He said he could support the idea to control the lighting better and restrict it from 10 p.m. to 6 a.m.

Commissioner Riggs said he chose zero tolerance as it was a well-known goal that to his knowledge was never met. He said it allowed the school to go to its custodial and facilities staff and tell them that zero tolerance was required. He said as stated by Commissioner Onken there were already codes and statutes that responded to misbehavior. He said if the applicant was not able to manage its lighting there might not be a penalty under code enforcement, but he had seen schools successfully address such issues, noting the German American School.

Commissioner Combs said rather than trying to condition more and without any real way of enforcing that he would like a review of the program in a year and have an additional forum for the community.

Commissioner Barnes suggested taking a vote as he would not support the motion as made now with conditions. He said if it failed that he would make a motion to approve and he would be willing to listen to a condition for a one-year check in.

Commissioner Strehl said she agreed with Commissioner Barnes and could not support the motion with additional conditions. She said she had been on the Commission five or six years and had never heard a complaint about the Phillips Brooks School. She said it had been in operation since 1978 so it was hard for her to gauge how strong the neighbor complaints were. She said she would be open to having a review check in at some point six months to a year after the summer program.

Commissioner Riggs said parking where parking was not allowed had a penalty written in the code. He said enforcement for non-compliance was that the summer program would not get approved. He said he was fine with substituting with a check in as it would defer determining compliance until after the summer program had a second year.

Chair Goodhue asked if Commissioner Riggs wanted to restate his motion. Commissioner Riggs moved to approve with the trust and understanding that PBS would apply zero tolerance policy to parent parking, to noise from custodial services and contractors, and specifically to

address the lights directly through planning staff. He said conformance to that would be subject to review in one-year of the close of the summer program.

Chair Goodhue said she had a problem with how to apply zero tolerance. Commissioner Riggs said he could rephrase. Chair Goodhue said she would like to have the vote. Commissioner Kennedy said she had made a second. Chair Goodhue noted the motion was now restated. Commissioner Kennedy asked for clarification of the restated motion. Commissioner Riggs said his motion was to defer rather than making the 2019 summer program subject to its performance across the next six months and to review their conformance in approximately one year. He said he moved the zero tolerance as what was understood as the school's goal and their position with their vendors. Commissioner Kennedy asked if it was a goal by the end of the summer or moving forward. Commissioner Riggs said moving forward. Commissioner Kennedy said that seemed nebulous and retracted her second.

Commissioner Riggs offered to restate that the approval would include the Commission's faith in looking toward the future review in one year that PBS would ask people to always obey the parking rules and vendors to always obey the noise rules. Commissioner Kennedy asked about parking rules for the summer program and if there were parking rules for the use permit.

A woman with the PBS team said there were no parking rules and there was public parking in the neighborhood around the school. She said PBS has committed to the neighbors that people for their school would not park in the public realm. She said PBS did all kinds of things to make sure that people did not do that. She said there were instances where someone such as a grandparent might drop off a child and not know that they were not to park in a public space. She said zero tolerance policy was infeasible.

Commissioner Kennedy said her children went to Oak Knoll School, which has had very onerous parking restrictions for years. She said it had gotten so bad that usually the City had a traffic officer there every morning. She thought the City had put parking restrictions in the area of PBS but that was not the case.

Commissioner Riggs said now that he knew it was PBS' commitment to the neighbors that he could not make parking issues a contingency for the summer program.

Commissioner Strehl said PBS could have a great goal and push as hard as they could but there was always the possibility that a vendor, a contractor, or a parent or grandparent would violate the rules PBS was trying to implement.

Commissioner Barnes said it appeared Commissioner Riggs needed a second to a motion as Commissioner Kennedy had withdrawn her second. He confirmed that if there was not a second to Commissioner Riggs' restated motion, the Commission could proceed to a new motion.

Acting Principal Planner Perata said an ongoing condition was condition 4.h restricting parking on parts of Avy Street and Bellair Way, which PBS handled through communication with parents.

Commissioner Riggs moved approval for the use permit revision and to require that a physical solution for the parking lot lights issue be presented through staff for review and approval, and that the reference to exterior amplified sound be removed. Chair Goodhue seconded the motion.

Replying to Commissioner Barnes, Commissioner Riggs said a proposal would be given to staff on how light would be restricted from getting off the parking lot and property. He said there were various devices available that restrict light in certain ways. Commissioner Barnes asked if there needed to be a baseline to determine whether or not it was a problem. He asked if a study was needed to see if there was a problem and then a solution. Commissioner Riggs said staff could resolve and knew how goals were met with industry standards.

Commissioner Barnes asked if staff thought this was something they could resolve. Acting Principal Planner Perata said regarding physical solutions for lighting that there was the current lighting time inside to restrict from 10 p.m. to 6 a.m. and to reduce the parking lot glare. He said he thought it was glare offsite. He said there were building requirements for lighting for egress that staff would need to look at as part of this. He said ultimately there might be other ways to do that than altering the light design.

Commissioner Riggs said he was seeking to address the ambient parking lot light affecting Dr. Warden.

Commissioner Barnes asked whether it made more sense to ask staff to look at solutions from the applicant to prevent glare offsite from the parking lot lights and the monitoring of that. Acting Principal Planner Perata agreed. Commissioner Barnes confirmed that was acceptable to Commissioner Riggs.

Commissioner Combs said there was no empirical proof that the parking lot lights had a glare problem. He said they only had Dr. Warden's complaints about the lights. He thought a better solution would be for the school to work with Dr. Warden on a solution that worked for them. He said he would support the motion on the table.

Acting Principal Planner Perata asked to confirm that staff would request the applicant submit a lighting plan and identify whether there was ambient light or glare leaving the site. He said regarding amplified sound that there were some lines in the staff report that discussed amplified sound from the carpentry class, which was a mischaracterization by staff. He said there was also a discussion of potentially using a portable speaker outside and that was discussed in the staff report. He said the condition might be better modified to say that any outdoor sound would need to comply with the noise ordinance standards for the City. Commissioner Riggs said the noise ordinance allowed from 50 to 60 db which was 10 times the volume of human speech, so he did not like that solution. He said he understood the possibility of a tool being used outside the classroom during the day. He said his concern was with the possibility of use of amplified mic and speaker outside.

ACTION: Motion and second (Riggs/Goodhue) to approve the item with the following modifications; passes 6-1 with Commissioner Onken opposed.

1. Make a finding that the project is categorically exempt under Class 14 (Section 15314, “Minor Additions to Schools”) 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 Phillips Brooks School, consisting of two plan sheets, dated received November 13, 2018, and the project description letter dated November 30, 2018, and approved by the Planning Commission on December 10, 2018, except as modified by the conditions contained herein, subject to review and approval of the Planning Division.
4. Approve the use permit subject to the following **ongoing, project-specific** conditions:
 - a. The applicant shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies’ regulations that are directly applicable to the project.
 - b. The applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the new construction.
 - c. Subleasing of the site, or allowing use of the site for non-school related activities, by Phillips Brooks School shall require approval of a use permit revision by the Planning Commission.
 - d. The maximum allowable student population on the site shall be 320 students. This increase shall be valid until either the earlier of the school leaving the site or the expiration of the school’s lease on July 31, 2032.
 - e. The maximum allowable number of staff on the site shall be 68 staff. This increase shall be valid until either the earlier of the school leaving the site or the expiration of the school’s lease on July 31, 2032.
 - f. All student instruction and regular school activities shall continue to be limited to the hours of 8:00 a.m. to 3:30 p.m. The school’s hours of operation shall be extended with the goal of ending at 10:00 p.m., except for the monthly board meetings, which would be allowed to occur until 11:00 p.m., for the following ancillary School activities:
 - Daily student drop off from 7:30 to 8:00 a.m.;
 - Daily after school care;
 - After school sports practices (three times per week);
 - “Back-to-School” night (once per year);

- Middle School Admissions Night (once per year);
 - Board Meetings (once per month);
 - Board Committee Meetings (two to three times per month);
 - Parent Coffees (six times per year);
 - Parent's Association Meeting (two to three times per year);
 - Student Presentations (once per year for each class);
 - New Family Picnic (once per year);
 - Book Fair (once per year); and
 - Neighborhood meetings on school operations.
- g. The applicant shall not allow more than 140 outbound vehicle trips to be generated by the school during the morning traffic peak hour period (7:45 a.m. – 8:45 a.m.). Annual traffic counts were performed that documented compliance through the five year period set by the 2013 Use Permit approval and therefore, are no longer required as that condition has been met. Monitoring may be resumed at any time if the City receives complaints regarding the traffic volume on Avy Avenue related to Phillips Brooks School during the morning peak hour. After a complaint has been received, the City will evaluate whether a potential violation has occurred, and the Community Development Director shall have the discretion to resume the monitoring. If monitoring is deemed warranted, the City will notify the applicant of the determination at least one week before initiating the monitoring program. The applicant will be responsible for reimbursing the City for the cost of the traffic count, \$975.00 (adjusted annually starting in 2014 per the Consumer Price Index for All Urban Consumers in the San Francisco-Oakland-San Jose area). In this instance, at least one year of monitoring will be completed.
- If the supplemental traffic count shows that actual outbound trips exceed the trip limitation, the applicant shall pay a penalty of an annual \$500 per excess AM peak hour outbound trip (adjusted annually starting in 2014 per the Consumer Price Index for All Urban Consumers in the San Francisco-Oakland-San Jose area). Revenues from the payment of penalties shall be due to the City within 30 days of City's issuance of the invoice and the City shall use the money for programs designed to reduce trips or traffic congestion within the City of Menlo Park. Annual monetary penalties shall apply for each subsequent year the trip limit is exceeded; the penalty amount shall increase by \$500 per trip for each subsequent year that a violation occurs.
- h. The applicant shall continue to communicate in writing to all parents of students enrolled in the school that no parking is allowed on the north side of Avy Avenue and the first block of Bellair Way. Documentation of the communication shall be submitted to the Planning Division on an annual basis, and the effectiveness of the street parking restriction shall be analyzed by the Transportation Division.
- i. ~~The existing "right turn only" sign located at the exit of the school's parking lot~~ *The applicant shall submit a revised "right turn only" during carpool hours sign, subject to Planning Division and Transportation Division review and approval. The sign may also contain a*

statement containing the specific carpool hours. The sign shall be reviewed, approved, and installed within 90 days, and shall be maintained until the City Council directs otherwise.
~~The right turn only sign may be modified to display actual carpool times.~~

- j. The applicant shall submit a copy of the student enrollment roster and the staff roster to the Planning Division for purposes of verifying the student enrollment and staff numbers. The rosters shall be submitted annually three months from the first day of the school year. The Planning Division shall return the rosters to the school within one week of receipt. The City shall not make copies of the rosters or disseminate any information from the rosters to the public to the extent allowed by law.
- k. The applicant shall maintain the committee of school representatives and neighbors to identify issues related to the school's operation and develop resolutions to those issues. The committee shall meet a minimum of once every three months starting from October 2, 2001. The results of the committee's work shall be reported annually by the applicant in writing to the Planning Division.
- l. The applicant shall comply with all aspects of the traffic safety control program approved by the City Council on February 12, 2002. Compliance with these items shall be to the satisfaction of the Transportation Division:
 - Maintain the landscaping in front of the site in order to provide adequate visibility for vehicles exiting the driveway, yet also maintain the screening of the school facilities.
 - Encourage the Las Lomas Elementary School District to monitor the intersection of Avy Avenue and Altschul Avenue during the times when the District's students use the intersection.
 - Maintain the curb red for a distance of 20 feet on the south side of Avy Avenue to the east of the driveway exit to allow improved visibility and to allow improved turning movements from the driveway exit onto Avy Avenue.
 - Maintain the curb red for a distance of 165 feet on the south side of Avy Avenue to the west of the driveway exit to allow improved visibility and to allow improved turning movements from the driveway exit onto Avy Avenue.
 - Maintain "school zone" signage on the eastbound and westbound approaches of Avy Avenue near the site.
 - The Police Department shall augment its enforcement efforts to enforce the parking prohibitions at the red curb locations on Avy Avenue, as budget resources allow.
 - The Police Department shall augment its enforcement efforts near La Entrada School and the intersection of Avy Avenue and Altschul Avenue during the morning drop-off and afternoon pick-up periods, as budget resources allow.
- m. The Community Development Director shall review any complaints received by the City regarding the expanded student enrollments and staff numbers at Phillips Brooks School.

The Community Development Director and his/her designee shall work with the School and the neighbors to try to resolve such complaints, when possible. The Community Development Director shall have the discretion to bring complaints to the Planning Commission for review.

- n. The applicant shall maintain the site in compliance with the following approved plans:
- The approved plans prepared by BFGC Architecture, consisting of seven plan sheets, dated received September 15, 2009, and approved by the Planning Commission on September 21, 2009, except as modified by the conditions.
 - The approved plans prepared by Berger Detmer Ennis, consisting of 28 plan sheets, dated received January 5, 2006 and approved by the Planning Commission on January 9, 2006, and subsequent revisions dated May 1, 2007 consisting of 18 plan sheets except as modified by the conditions.
- o. The landscaping and irrigation plan shall comply with the Water Efficient Landscape Ordinance. The applicant shall maintain landscaping and irrigation along Avy Avenue and within the campus per the approved plans. Plantings should include native species, a variety of trees, plants, shrubs, and groundcover.
- p. The applicant shall require that drop-off and pick-up of passengers occur only in designated loading and unloading zones, as specified on plans dated received January 5, 2006. Compliance with this item shall be to the satisfaction of the Transportation Division. The applicant shall also require that no drop-off or pick-up of passengers occur on Zachary Court.
- q. The sports court canopy can be used for play during recesses, physical education classes, after school sports practices, and school assemblies. Modifications to the appearance or use of the structure may warrant a use permit revision and architectural control review by the Planning Commission as determined by the Planning Division.
- r. Should the informal arrangement between Phillips Brooks School and St. Denis Church (2250 Avy Avenue) for the use of St. Denis Church's parking lot be cancelled, the applicant shall submit a plan to provide for overflow parking, for review and approval by the Planning and Transportation Divisions.
- s. The summer program shall be subject to the following requirements:
- The maximum allowable student population on the site during the summer program shall be 120 students, aged 5 to 11 years.
 - The maximum allowable number of staff on the site shall be 50 staff, of which no more than 25 staff shall be administrators working in the office buildings and no more than 25 staff shall be working for the summer program, as school staff or as third-party vendors.

- All summer program classes shall be limited to the hours between 10:00 a.m. and 3:00 p.m., with morning care provided between 8:00 a.m. and 10:00 a.m. and aftercare from 3:00 p.m. to 5:00 p.m.
 - The summer program shall run for an eight-week period, generally between June and August.
 - *The summer program shall use no amplified sound outdoors.*
- t. *Within 90 days, the applicant shall submit a lighting plan or survey that documents the existing conditions for the exterior lighting at the project site and includes any corrective measures to reduce light spillover and glare offsite to neighboring properties. The lighting plan shall be subject to Planning Division review and approval and any improvements from the plan shall be implemented prior to commencement of the 2019 summer enrichment program.*

G. Informational Items

G1. Future Planning Commission Meeting Schedule

- Regular Meeting: January 14, 2019

Acting Principal Planner Perata said the 1350 Adams Court EIR scoping and comment would be on the January 14 agenda. Chair Goodhue said she would need to be recused for that item.

Commissioner Strehl asked about the Willow Road boardinghouse project. Acting Principal Planner Perata said it was not scheduled for either January meeting.

Commissioner Strehl said a number of neighbors in the Willows did not receive notices about the 40 Middlefield Road project, which might have had to do with the 300-foot radius requirement. She said that the timing right before Thanksgiving to notice and to consider such a project over the holidays was not preferable.

- Regular Meeting: January 28, 2019
- Regular Meeting: February 11, 2019

H. Adjournment

Chair Goodhue adjourned the meeting at 9:03 p.m.

Staff Liaison: Kyle Perata, Acting Principal Planner

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on April 14, 2019