



MENLO PARK PLANNING COMMISSION MINUTES

**Regular Meeting
February 23, 2004
7:00 p.m.
City Council Chambers
801 Laurel Street, Menlo Park, CA 94025**

CALL TO ORDER – 7:00 p.m.

ROLL CALL – Bims (absent), Fergusson, Fry, Halleck (Chair), Pagee (Vice-chair), Sinnott, Soffer

INTRODUCTION OF STAFF – Cramer, O'Connell, Murphy, Smith, Thompson

A. PUBLIC COMMENTS

There were none.

B. REGULAR BUSINESS

1. Appeal of a staff determination of a compliance with a condition of approval related to landscaping at 940 Cotton Street.

Staff Comment: Planner O'Connell said that the Planning Commission had approved a use permit for a new house at 940 Cotton Street with the requirement for a landscaping plan to be approved by Planning Division staff with the input of the property owner to the rear of the project. He said that staff subsequently had approved a landscaping plan and the property owner to the rear wanted to appeal staff's decision on the landscaping plan to the Planning Commission.

Questions of Staff: Chair Halleck asked if the Commission was to make a determination on the issue and whether that was based on staff's recommendation. Planner O'Connell said that was correct and the determination was whether staff's recommendation met the intent of privacy screening that the Commission had desired for the neighbors to the rear of the project site.

Commissioner Fry noted that the neighbor to the rear was opposed to the proposed landscaping plan and the applicants were concerned with the cost of what that neighbor wanted for the landscaping plan. She said that the proposed tree in the landscaping plan was defined as being in a certain size box. She asked how tall that tree was and how long would it take the tree to reach the height desired by the neighbor. Planner O'Connell said that usually plants were selected by box or container size and not by height. He indicated that he did not know how long it would take a tree to reach the desired height. Commissioner Soffer asked how long it would take for a tree to grown from 25-feet to 30-feet. Planner O'Connell said that he did not know. Chair Halleck said that from his experience as a landscape architect that smaller trees tended to grow faster than larger trees when planted, as the larger trees tended to experience

shock from the transplanting that delayed its growth for a period of time. He said that in five years the tree would reach the effective screen desired. He noted that in this instance the neighbor wanted an immediate screen.

Commissioner Pagee asked how far from the fence the trees were being planted. Planner O'Connell estimated that the middle tree would be 16-feet to 17-feet from the rear property line and the other two large trees were about 10 feet from the property line.

Mr. Arturo Cazares, applicant, said that he and his wife had looked for the tallest tree that they could get in a 36-inch box and that ranged from a 13-foot to a 16-foot tree. He said that they took photos of the trees at the nursery to show their neighbors, the Kings. He said that he and his wife have lived in Menlo Park for eight years. He said that they chose the property to buy because of the neighborhood. He said that prior to hiring an architect they met their neighbors and asked for their input on their project. He said that the property was neglected and there was a lot of overgrowth in the yard. He said that the input they have received from most of their neighbors was that their project would make a vast improvement to the property. He said that some neighbors wanted things that conflicted with what other neighbors wanted. He said that he and his wife had worked with Planning Division staff who helped them find a balance between those differences. He said that they have followed every step of the City's permit process. He said that they hired the Main Tree Expert Co., who said that the trees in the back were not healthy and were not viable. He said that large limbs were falling off the trees. He said that they went through the City tree removal process and there were no objections before or during the two-week noticing period. He said that their neighbors to their side commented on how grateful they were for the yard improvements. He said that there was ivy all over the trees and rats had nested in them. He said that they kept all of the other heritage trees and were in the process of cleaning them up, removing the ivy and improving the situation. He said that they have worked with the City and with input from the Kings, the neighbors to the rear on the landscaping plan for which they received approval from Planning Division staff. He said that he thought that he and his wife had been more than reasonable in their project efforts and that they would like to be able to proceed with their project. He said that they had gotten larger trees even though their arborist advised them to plant smaller trees. He said that he thought the appeal by his neighbor was beyond reason.

Commissioner Fry asked about the status of the landscaping improvements and the construction of the house. Mr. Cazares said that they bought the property over a year ago. He said that the contractor had not yet laid the foundation because of rain, but expected to in the near future, and that they expected to accomplish the construction within the year. He said that they have cleaned up the yard and existing trees, but have not done any extensive planting yet because of the heavy construction equipment. Commissioner Fry asked if he would be willing to plant the trees right away. Mr. Cazares said that they were and that they would fence the trees to keep them undamaged during construction.

Mr. Bob King, the appellant, Menlo Park, said that he and his wife have lived at their property for 40 years. He said that they want to be good neighbors. He said that the point was the size of the trees. He said that they have had a fantastic canopy backdrop of 60-foot to 70-foot high heritage trees which was now gone. He said that they have spent \$20,000 on landscaping on their side to lessen the starkness. He said that a realtor familiar with his property before the trees were removed said the removal of the trees was a \$100,000 to \$200,000 devaluation of the property. He said that they want a reasonable size of trees to be planted there. He said

that he talked to Mr. Jim McClenahan, an arborist, who indicated that an oak tree might grow six inches a year and a bay laurel tree might grow one foot in a year. Mr. King said that definitely a larger tree because of transplanting shock would not grow for a year. He said that he was more than willing to come up with a compromise.

Commissioner Fergusson asked Mr. King if he had responded to the notification of the heritage tree removal. Mr. King said that he had made it clear that he was opposed to removal of the trees. He said that the 60-foot elm was unhealthy, but salvageable. Commissioner Fergusson asked Mr. King if he wrote a letter and wondered why the Commission was not aware of his objection to the tree removal. Planner Murphy said that heritage tree removal permits may be acted upon administratively by staff and may be appealed to the Environmental Quality Commission. He said that he signed off on the removal of the trees, but the tree removal was delayed until the Commission acted upon the use permit application. Commissioner Fergusson asked Mr. King whether he appealed the removal of the trees at that time and whether he had been noticed. Mr. King said he was advised that the removal of a coastal live oak was not being approved by staff. He said that there was a second appeal while he was in the East and he did not get the notice until the tree was taken down, which he said was very distressing. He said that with the removal of these large trees there had been a significant change in noise and wind on his property. He said bigger trees cost more money. He said that he thought it was reasonable for him to request a reasonable size of tree, noting the devaluation of his property due to the removal of the larger trees.

Planner O'Connell said that staff was aware of the Kings' wish that the trees not be removed. He said that originally an application for the removal of four trees was made and that subsequently one of the oaks was removed from the application. He said that the applicant's arborist report and the City arborist's review of that report indicated that the trees should be removed. He said that at the Planning Commission meeting when the use permit was heard that another neighbor presented testimony and explained why the fourth tree, the oak tree, should also be removed. He said that the Commission in its approval directed that the fourth tree be added back to the removal permit application. He said that unfortunately the Kings were out of state when that occurred and had not received their notification. In response to Commissioner Fergusson, Planner O'Connell said that the City arborist had also inspected the trees at the site.

Commissioner Sinnott asked about the difference in price between what the applicant had proposed and what the neighbors wanted. Commissioner Soffer noted that circle page H2 of the staff report indicated that a 30-foot tree would cost \$15,000 or more. Commissioner Sinnott said that she was wondering what the difference would be in cost and suggested that perhaps the Kings would want to pay the difference between the two sizes.

Commissioner Pagee displayed a drawing that she had taken from the architectural plans. She said that she did a section between the two lots. She said that the distance between the house and the fence was about 122 feet and the distance between the pool and the fence was about 50 feet. She said she was assuming that the fence was about six-feet tall. She did a line of sight between the second story windows and the pool and between the second story windows and the house. She said that the sight line appeared to be 16 feet at 10 feet from the property line. She said that she thought a 16-foot tree would provide privacy for the Kings. Commissioner Fry confirmed that Commissioner Pagee meant the 16-foot tree would be 10 feet in from the fence.

Mrs. King said that they felt badly that the beautiful screening had been removed and it was not fair that the screening would not be replaced. She said that the company that removed the applicant's trees damaged one of the trees on her property. She said they had to replace that tree and the applicants had indicated that they would pay for it. She said however that payment had not been made.

Mrs. Josie Cazares, the applicant, said that she and her husband would pay for the tree. She said that three weeks ago she offered a compromise to the Kings to replace the middle of the three proposed deciduous trees with an evergreen tree. She got estimates on the cost and how large of a tree she could get and she was told that a 13-foot tree was the largest she could get. Chair Halleck asked if she had thought about a live oak or redwood tree. Mrs. Cazares said they had three redwoods and five live oaks on the property and that they were trying to get more variety. Chair Halleck said that the redwoods could be bought smaller and would grow faster. Mrs. Cazares said the trees that were removed were deciduous, and while they provided screening for the neighbors, the trees were a liability for them. Mrs. Cazares said that they had not identified the species of evergreen they would use yet.

Chair Halleck asked if Mr. King wanted more trees or larger trees. Mr. King said that he wanted taller trees. He said that he was willing to compromise.

Commission Action: M/S Fergusson/Pagee to close the public comment period.

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

Commission Comments: Chair Halleck said that he would recommend to increase the box size to 48-inch or suggest more evergreens that would screen faster. He said that redwoods and live oak trees grow faster than other species.

Commissioner Fergusson said that the Kings had suffered a loss, but that the Cazares had gone through the process and there had been no objections to the tree removal. She said that she thought that the Commission should focus on the screening and privacy issue.

Commissioner Sinnott asked Mrs. Cazares why she could not get a tree taller than 13-feet. Mrs. Cazares said that was the tallest evergreen tree in a 36-inch box. Commissioner Sinnott asked if they were willing to go to a 48-inch box. Mrs. Cazares said that they had spent time and money on their landscaping plan and were incurring additional costs. Mr. Cazares said that the changes had been incremental and he was concerned that the changes would continue. He said that if he had known these conditions would have been applied he would not have had the trees removed. He said that they would consider it punitive to incur additional costs.

Commissioner Sinnott said that the Cazares had gone to a lot of effort to communicate and had more than met the City's requirements. She said that they were making good faith efforts. She suggested that if the Kings wanted a 48-inch box perhaps they could split the difference in the extra cost.

Commissioner Fry asked whether it was possible to have something like a shrub that might grow faster and might at least temporarily provide screening while the trees grew.

Commissioner Soffer said that he thought the Commission was not answering the question that

it was being asked. He said that the Commission was being asked to say whether the landscaping was consistent with condition "g" or not. Chair Halleck asked if that was correct. Planner Murphy said that the Commission could find that the plan was not consistent with condition "g" and refer it back to staff or find that the plan was consistent with condition "g." He said that either finding might be appealed to the City Council.

Chair Halleck asked the Commission to make a motion as to whether they supported staff's recommendation to "Make a finding that the landscape plan, included as Attachment B to this report, is consistent with Condition 'g' of the staff report dated July 21, 2003." He said that the Commission would decide whether the plan was consistent or not consistent with condition "g." Chair Halleck moved that the Commission find that the landscaping plan was not consistent with condition "g" and to reject the plan.

Motion died for lack of a second.

Commissioner Soffer said that the recommendation was asking the Commission to agree or not agree with the staff recommendation, and that if the Commission wanted to tinker with the plan they could give direction to staff.

Chair Halleck asked for a raise of hands as to whether the Commission's finding was that the plan was consistent with condition "g." He clarified that it was the plan to plant deciduous trees. There were three hands raised. There was confusion expressed about the question Chair Halleck asked. Chair Halleck asked, "Is this plan as it is with deciduous trees consistent with condition "g" of the staff report dated July 21, 2003?" There were no hands raised for "yes," and all six Commissioners present (Bims absent) raised their hands for "no." Chair Halleck asked whether their recommendation needed to be a formal motion.

Planner Murphy said that it would be better if the Commission made a formal motion that the landscape plan was not consistent with condition "g," and then if the Commission wanted to make other recommendations they might.

Commissioner Fergusson suggested that an evergreen like a bay laurel tree might be planted in the line of sight between the two houses. Regarding the definition of height, she said that she thought a 36-inch box was reasonable and if the Kings wanted, they could pay the difference between a 36-inch box and a 48-inch box.

Chair Halleck said that he would keep the recommendation more general to require an evergreen in height that provides privacy screening for the Kings and leave it up to staff and the homeowners to determine what that would be.

Commissioner Fergusson indicated that while leaving room for the property owners to negotiate, she wanted to be specific with the recommendation. Chair Halleck suggested that the recommendation be for an evergreen tree in the line of sight at a height that effectively would provide screening.

Commissioner Fergusson said that she thought a 36-inch box was reasonable as there had been no appeal made during the tree removal permitting process. Commissioner Fergusson moved to direct staff that the center tree be an evergreen in a 36-inch box at a height as tall as it was possible to get. Commissioner Sinnott seconded the motion.

Mrs. King said that during the two-week appeal process for the tree removal, she and her husband were in the East and her husband had suffered a heart attack. She said that they felt that the trees had been removed behind their backs.

Commissioner Pagee said that she felt for the Kings; however, she said that people really only have control over their own piece of property. She said that she thought the Kings were lucky in that the applicants have a nice house plan with a second-story that has low impact. She said that the applicant had the right to remove trees on their property and that they had gone through the process. She said that effort was being made to mitigate items to provide landscaping that would eventually provide nice screening.

Mr. King started to speak and Chair Halleck noted that the public comment period was closed. Chair Halleck said that the motion was to change out the center tree to an evergreen tree in a 36-inch box. Commissioner Fergusson said that she would like to hear Mr. King's comments to understand the full scope of what was going on.

Mr. King said that he just wanted to point out that a 36-inch box and the height of a tree were two different things. He said he did not understand why the emphasis was on box size as he understood condition "g" was about line of sight. He said the height was the screen. He said that if Commissioner Fergusson would say at a certain minimum height, he thought that would be reasonable.

Commissioner Fergusson said that the reason she recommended by box size and a tree as tall as possible was because of the cost. She said that the applicant family had gone above and beyond what was required. She suggested that if the tree the applicants bought was not tall enough that the Kings should pay for what they want.

Commissioner Fry offered a friendly amendment that the trees be planted now so they are the maximum height when the house was completed and that the trees planted were such that they would attain 16-feet in height within the year. She said that might mean shopping at more than one place to get the best quality. She said that it would be acceptable for a 48-inch box tree to be used to provide the screening, if the two neighbors could split the difference between a 36-inch and 48-inch box. She said that the objective had been privacy screening and that she would like to see a tree there grown to 16-feet by the time the new home was constructed.

Commissioner Fergusson said that it sounded like a reasonable compromise if the two neighbors were willing to split the cost difference between a 36-inch and 48-inch box. Chair Halleck said that he did not think it was the Commission's role to specify the size of the tree. He said if the landscaping plan did not meet condition "g," that it would be up to staff and professional landscape architects and the owners and neighbors to work out the solution.

Chair Halleck said that there was a motion and a second and asked if the makers accepted the friendly amendment. Chair Fry said that the friendly amendment was to plant now. Commissioner Fergusson accepted that. Chair Fry said that the recommendation would be worded such that the tree would be 16-feet within a year. Commissioner Fergusson said that she thought that the wording should include "with a reasonable expectation that the tree would be 16-feet." Chair Fry said that the wording would say "with a reasonable expectation that the height of the tree would reach 16-feet within a year." Commissioner Fergusson said that she

preferred a period of two years be used, because she thought that there would be a year where the plant would be in shock from the transplanting. She said that the motion might also say that the Kings could pay to get a larger tree if they desired. Chair Halleck said that Commissioner Fergusson was saying that the wording should be "with a reasonable expectation that the height would reach 16-feet within two years and that the difference for a larger tree would be paid for by the Kings." Commissioner Sinnott, maker of the second, said that she was willing for the requirement for the trees to be planted now, but did not want the rest of the friendly amendment and asked that the Commission vote on the motion.

Commissioner Fergusson said that the motion was to plant a 36-inch box evergreen tree now and that the Kings have the option to pay for a 48-inch tree and there should be a reasonable expectation that the tree should reach 16-feet within two years. Commissioner Sinnott said that she did not like the part about the reasonable expectation of growth. Commissioner Fergusson said that she would remove the part about reasonable expectation.

Commission Action: M/S Fergusson/Sinnott to approve the landscape plan with the following modification.

- The applicant shall plant a 36-inch box evergreen tree in lieu of the 36-inch box deciduous tree proposed at the rear of the property. The evergreen tree shall be planted within 30 days of the effective date of the Planning Commission action. The owners of the property to the rear shall have the option of paying for the difference in cost to increase the size of the tree.

Motion carried 5-1, with Commissioner Fry voting against and Commissioner Bims not in attendance.

Chair Halleck in the interest of the public's waiting time moved consideration of the minutes to the end of the agenda.

2. Consideration of the minutes of the April 28, 2003 Planning Commission meeting.

Item moved to the end of the agenda.

3. Consideration of the minutes of the May 5, 2003 Planning Commission meeting.

Item moved to the end of the agenda.

C. PUBLIC HEARING

1. **Use Permit/Karen Smith/940 College Avenue:** Request for a use permit for first and second floor additions to an existing single story residence that is non-conforming in regard to the right side yard setback.

Staff Comment: Planner Thompson said that the project site located at 940 College Avenue was currently developed with a single story, single-family residence. She said that the existing residence was non-conforming in regard to the right side yard setback with a four-foot, eight and one half-inch setback where a five-foot setback was required. She said that the applicant was proposing to remodel and construct an addition to the first floor and add a second story to the

residence. She said that the Zoning Ordinance allowed for additions and remodels to existing legal and non-conforming structures for up to 50-percent of the replacement value of the structure without the need for a use permit. She said that the value of the proposed project was greater than 50-percent of the replacement value; thus the applicant was requesting approval of a use permit.

Questions of Staff: Commissioner Fry said that there seemed to be an inaccuracy on the drawings marked A.3.1 and A.3.2 in that both were marked as the northeast elevation at the top and the southwest elevation at the bottom although the two drawings were of different elevations. She suggested that the drawings be corrected throughout the report and drawings. Chair Halleck confirmed that there was no confusion on the part of the Commissioners regarding the elevation drawings and what was being shown.

Public Comment: Ms. Karen Smith, the architect for the project, introduced herself. Ms. Nancy Boaman and Mr. Danny Savard, the property owners, introduced themselves.

In response to a question from Commissioner Fergusson, Ms. Boaman said that the home was built and designed by an engineer from Hewlett Packard around 1950. She said that the home was a two-bedroom and two-bath. She noted that it was not well insulated. She said that they wanted to update the residence and make better use of the space and the lot. She said that with the proposed design there would be more backyard space. She noted that she was expecting twins in May.

Commissioner Fergusson asked the architect to talk about the window treatment. Ms. Smith said that they were looking for a Craftsman style look and were still in final negotiation as to what windows would be used. She said that they are hoping to do clad windows and were getting prices on true divided light windows. She said that the clad window was an Anderson window and was not wood, but was a colored metal which would be white.

Commission Action: M/S Soffer/Sinnott to close the public hearing.

Motion carried 6-0 with Commission Bims absent.

Commission Action: M/S Sinnott/Soffer to approve as recommended in the staff report.

1. Make a finding that the project is categorically exempt under Class 1 of the current State CEQA Guidelines.
2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
3. Approve the use permit subject to the following conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by Studio S. Squared, consisting of 11 plan sheets, and

approved by the Planning Commission on February 23, 2004, except as modified by the conditions contained herein.

- b. Prior to building permit issuance, the applicants shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.
- c. Prior to building permit issuance, the applicants shall comply with all requirements of the Building Division, Transportation Division, and Engineering Division that are directly applicable to the project.
- d. Prior to issuance of a demolition permit or building permit, the applicants shall submit a plan for construction safety fences around the periphery of the construction area for review and approval of the Building Division. The Building Official may waive this requirement on a case-by-case basis. The fences shall be installed according to the plan prior to commencing construction.
- e. Prior to building permit issuance, the applicants shall submit a plan for any new utility installations or upgrades for review and approval of the Planning, Engineering and Building Divisions. All utilities shall be placed underground. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
- f. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance. Prior to building permit issuance, the applicant shall implement the tree protection plan for all applicable heritage trees for review and approval by the Building Division.
- g. Prior to building permit issuance, the applicant shall submit a revised floor plan indicating that the garage door leading into the house swings inward, the furnace is relocated the attic, and the water heater is moved closer to the step and door leading into the house.

Motion carried 6-0 with Commissioner Bims absent.

2. **Use Permit/Daren Wagoner/503 Gilbert Avenue:** Request for a use permit for additions and remodeling to an existing two-story residence that is legal but non-conforming in regard to the right side setback.

Staff Comment: Planner Thompson said that the project site located at 503 Gilbert Avenue was currently developed with a two-story single-family residence. She said that the existing residence was non-conforming in regard to the right side yard setback with a setback of four-foot 11-inches where a five-foot setback was required. She said that the applicant was proposing an addition to the first floor and remodeling to the first and second floors. She noted that the proposal also included new siding and windows. She said that the Zoning Ordinance

allowed for additions and remodels to existing legal, but non-conforming structures up to 50 percent of the replacement value of the existing structure without the need for use permit approval. She said that as the proposed work would exceed 50 percent of the replacement value of the existing structure, the proposal required use permit approval.

Questions of Staff: Commissioner Fry asked about staff's recommendation for the driveway. Planner Cramer said that the plans show a driveway 23-feet wide that would accommodate two parked cars in front of a one-car garage. She said that the applicant was intending to expand the driveway or paved space in front of the house to accommodate off-street parking. She said that they were trying to achieve a narrower curb cut at the street that would widen into a space that would accommodate an additional parked car. In response to a question from Commissioner Fry as to the location and boundary definition of the proposed driveway, Planner Cramer said that staff had not specified the exact location of the curb cut and were leaving that to the final design. She said that the curb cut could be centrally located or offset to one side of the other of the driveway and that staff was trying to increase landscaping on both sides of the driveway and address the applicant's desire for an additional parking space.

Commissioner Sinnott asked whether staff's recommendation would still allow for two cars to be parked in the driveway. Planner Cramer said that a 20-foot width was required for carport parking. Commissioner Sinnott said that it looked like the width was being reduced to 17-feet. Planner Cramer said that how the tapering was accomplished was something that needed to be determined through design. She said that the applicant was proposing a 23-foot wide area for parking and staff was recommending that the area be 20-foot wide. Commissioner Sinnott said that was fine as long as it was specified that two parked cars could be accommodated.

Public Comment: Mr. Daren Wagoner, the applicant, said that the property owner, due to some complication with travel plans, was not able to attend. He said that he was the designer for the project. He said that the property owner had lived in this home for 25 years and then had moved to a large home in Atherton. He said that the property owner's husband had died a few years ago and she wanted to move back into the home where she had lived so long. He said that the design was to incorporate some of the features from the property owner's home in Atherton that she really liked but to maintain the character of the home and the fabric of the neighborhood. He said that the property owner wanted a cottage-feel in the home and to use a little more area of the lot.

In response to a question from Commissioner Fry, Mr. Wagoner said that staff's recommendation about the driveway was acceptable and it was reasonable to try to maintain more landscaping in the front yard.

Commissioner Fergusson asked about the window treatment. Mr. Wagoner said that the simulated divided light window proposed used a snap-on grid that was on the inside and outside of the window and gave the appearance of true divided light windows. Commissioner Fergusson said that she had seen snap-on grid windows that did not look good. Mr. Wagoner said that the product they proposed to use had enough depth and looked good. Commissioner Fergusson asked whether the choice was a matter of cost. Mr. Wagoner said that the windows were a cost consideration and true divided light windows were not available for the Marvin series proposed to be used. He said that all of the existing aluminum windows would be replaced, the cost of which as proposed was about \$70,000.

Commission Action: M/S Soffer/Fry to close the public hearing.

Motion carried 6-0 with Commissioner Bims absent.

Commission Action: M/S Soffer/Sinnott to approve as recommended in the staff report.

1. Make a finding that the project is categorically exempt under Class 1 of the current State CEQA Guidelines.
2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
3. Approve the use permit subject to the following conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by Object, consisting of three plan sheets, and approved by the Planning Commission on February 23, 2004, except as modified by the conditions contained herein.
 - b. Prior to building permit issuance, the applicants shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.
 - c. Prior to building permit issuance, the applicants shall comply with all requirements of the Building Division, Transportation Division, and Engineering Division that are directly applicable to the project.
 - d. Prior to issuance of a demolition permit or building permit, the applicants shall submit a plan for construction safety fences around the periphery of the construction area for review and approval of the Building Division. The Building Official may waive this requirement on a case-by-case basis. The fences shall be installed according to the plan prior to commencing construction.
 - e. Prior to building permit issuance, the applicants shall submit a plan for any new utility installations or upgrades for review and approval of the Planning, Engineering and Building Divisions. All utilities shall be placed underground. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
 - f. Heritage trees shall be protected pursuant to the Heritage Tree Ordinance. Prior to building permit issuance the applicants shall submit a tree protection plan for all applicable heritage trees for review and approval to the Building Division.

- g. Prior to building permit issuance, the site plan shall be modified to show a maximum driveway width of 20 feet and a maximum apron width of 16 feet. The revised plan shall be subject to Planning Division review and approval.

Motion carried 6-0 with Commissioner Bims absent.

3. **Tentative Parcel Map/Chuck Kinney/838-840 Partridge Avenue**: Request for a tentative parcel map to convert two residential units into two condominium units with a shared common area on a property that is zoned R-2 (Low Density Apartment).

Staff Comment: Planner Smith said that the applicant was proposing to convert two single-story residential apartment units into two condominium units on a property located at 838 and 840 Partridge Avenue. He said that the proposed condominium conversion required the approval of a tentative parcel map for the creation of two condominium units and a common area. He said that the proposal also included the upgrading of the building to bring it to current building code standards. He said that staff received one letter earlier in the day from Jan and Tony Willis, neighbors to the project site. He said that they object to the construction of a new two-story condominium complex on the neighbor's property. He said that the existing two single-family residences would remain on the site and no new structures would be constructed as part of this condominium subdivision. He said that the condominium subdivision would only change the ownership structure of the two units, allowing each unit to be sold separately.

Questions of Staff: Commissioner Fergusson asked what the implications for future development at the site was if the Commission were to approve the request. She said there was a remaining 400 square feet that was undeveloped and asked how that would be distributed. Planner Smith said there was one property owner currently, who could decide how that area would be distributed. He said that once the units were subdivided into ownership units, and if owned by separate entities, those property owners would have to agree through their homeowners' association on how that square footage would be used in the future.

Public Comment: Mr. Chuck Kinney, the applicant, Menlo Park, said that he was representing the property owners. He said that he had been a contract architect for the property owners for a number of projects over the years and they had asked him to coordinate what needed to be done on the engineering and drawings for the project.

Commissioner Fry asked if the CC&R's would address future development on each of the properties. Mr. Kinney said it was a good idea to make sure that was covered by the CC&R's.

Commissioner Pagee said it appeared that the property owners were getting ready to develop the property and put in separate dwelling units. Mr. Kinney said that to his knowledge the property owners were planning to market the property with the two units that were there. He said that there were a number of upgrades to be done. He said that they planned to market the units as separate units. Commissioner Pagee asked that the property owners be advised of the letter received objecting to two-story residences. Mr. Kinney said that he would.

Commission Action: M/S Pagee/Soffer to close the public hearing.

Motion carried 6-0 with Commissioner Bims absent.

Commission Action: M/S Sinnott/Soffer to approve as recommended in the staff report.

1. Make a finding that the project is categorically exempt under Class 4 of the current State CEQA Guidelines.
2. Adopt findings that the tentative parcel map has been reviewed by the Engineering Division and has been found to be technically correct and in compliance with the State Subdivision Map Act and the City's Subdivision Ordinance.
3. Approve the tentative parcel map subject to the following conditions:
 - a. Development of the project shall be substantially in conformance with the tentative parcel map prepared by A.C. & H. Civil Engineers, dated received December 5, 2003, consisting of one plan sheet and approved by the Planning Commission on February 23, 2004, except as modified by the conditions contained herein.
 - b. Prior to building permit issuance, the applicant shall comply with all West Bay Sanitary District, Menlo Park Fire Protection District, California Water Service Company, and utility company's regulations that are directly applicable to the project.
 - c. Prior to building permit issuance, the applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division.
 - d. A utility plan, showing the exact location of all meters that are being installed outside the building and provisions being made to screen such equipment from view, shall be submitted to and approved by the Planning and Building Division staff prior to issuance of a building permit.

Motion carried 6-0 with Commissioner Bims absent.

4. **Use Permit/Conor Medsystems/1003 Hamilton Court:** Request for a use permit for the use and storage of hazardous materials in connection with a research facility use.

Staff Comment: Planner Thompson said that the applicant, Conor Medsystems, Inc., was requesting approval of a use permit for the use and storage of hazardous materials at 1003 Hamilton Court. She said that the Commission had approved a use permit for the use and storage of hazardous materials at 1360 Willow Road for Conor Medsystems in December 2002. She said that the applicant had indicated that there would be no change in the quantity of hazardous materials at the new location. She said that the company was moving to a larger site at 1003 Hamilton Court.

Public Comment: Mr. Jeff Tillack, Vice President of Operations for Conor Medsystems, Inc., said that they were trying to move to 1003 Hamilton Court. He said that the current site for the business was a smaller space with a smaller clean room and was located on the second floor of the building. He said that the site at 1003 Hamilton Court was a larger space with a larger clean

room and was a single-story building. He said that it would provide for a much smoother flow of products.

In response to a question from Commissioner Fry, Mr. Tillack said that the company hoped for both growth in research and development and growth operationally with their product development. Commissioner Fry said the staff report indicated that the business growth did not mean an increase in the storage of hazardous materials and asked Mr. Tillack to explain. Mr. Tillack said that they tried to anticipate the amount of materials needed and that they tried to order exactly what was needed so as not to keep large quantities on the site.

Commissioner Fergusson asked which of the gases used by the company was the most hazardous in terms of respiratory effects should there be an accident. Mr. Tillack said that he did not think that any of the gases in themselves created a respiratory problem. Mr. Steve Diaz, Palo Alto, the Vice President of Research and Development, said that the main gas used was pressurized nitrogen and was used primarily for cleaning. He said that the only hazard would be in a confined space as it would asphyxiate, but they did not use the gas in that way. In response to another question from Commissioner Fergusson, Mr. Diaz said that the biggest concern would be fire if there was a disaster. He said that the company manufactures medical stents that were very small. He said that thousands of these could be made in teacups. He said that the most hazardous material the company worked with was concentrated sulfuric acid in two-liter quantities, which was dangerous to the operator and required the use of protective gear as well as the provision of showers and other cleanup materials. Commissioner Fergusson confirmed with the company's representatives that the materials they had on site did not pose a major hazard if there was to be an earthquake.

Commission Action: M/S Halleck/Pagee to close the public hearing.

Motion carried 6-0 with Commissioner Bims absent.

Commission Action: M/S Fry/Fergusson to approve as recommended in the staff report.

1. Make a finding that the project is categorically exempt under Class 1 of the current State CEQA Guidelines.
2. Make a finding, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permit, that the proposed use will be compatible with the surrounding land uses and will not be detrimental to the health, safety, morals, comfort and general welfare of the persons 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 conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by the applicant, consisting of two plan sheets dated received January 22, 2004, and approved by the Planning Commission on February 23, 2004, except as modified by the conditions contained herein.

- b. If there is a substantial change in the quantity of chemicals or hazardous materials, or a change in the use and/or storage of the hazardous materials after this use permit is granted, the applicant shall apply for a revision to the use permit.
- c. Any citation or notification of violation by the Menlo Park Fire Protection District, San Mateo County Environmental Health Department, West Bay Sanitary District, Menlo Park Building Division or other agency having responsibility to assure public health and safety for the use of hazardous materials will be grounds for considering revocation of the use permit.
- d. In the event that the use is discontinued for 90 consecutive days, the use permit will automatically expire.

Motion carried 6-0 with Commissioner Bims absent.

5. **Use Permit Revision and Architectural Control Revision/RHL Design Group, Inc., 500 Willow Road:** Request for a use permit revision and architectural control revision to expand the size of the previously approved convenience store from 1,337 square feet to 1,676 square feet. The proposal involves the demolition of structures associated with an existing gas station and car wash facility and the construction of new structures associated with a gas station that would operate 24 hours a day and an approximately 1,675-square-foot convenience store that would operate from 5:00 AM to 11:00 PM seven days a week. The original use permit and architectural control approvals for the construction of a new gas station and convenience store were granted on November 3, 2003.

Staff Comment: Planner Smith said that the applicant was proposing to revise an approved redevelopment project for the existing Willow Road Gas service station located at 500 Willow Road. He said that as with the previous approval, the revised proposal would include the demolition of the existing structures on the site, including the canopy, pump islands and vacant hand car wash facility, the reconstruction of the canopy and pump islands, and the addition of a new convenience store. He said that the revised proposal involved a larger convenience store and the request was to increase the size of the convenience store by approximately 339 square feet. He said that the revised proposal required Planning Commission review and approval of a use permit revision and architectural control revision. He noted a correction to the staff report on page 5 that indicated that the pedestrian gate would remain open during operation of the convenience store. He said that the sentence should read that the gate would remain open during the operation hours of Willows Park. He said that Mr. Steve Taffee had sent a letter of opposition to the proposed revision which was received that day.

Public Comment: Mr. Ron Mallia, the property owner, said that the main reason for the request for the expanded size of the convenience store was to provide more space for merchandise. He said upon laying out the design and plans for the store he had found that the space required for ADA regulations, storage and utilities did not allow adequate space for the merchandise and the variety of food stuffs that he had planned to stock.. He said that the increase would be 12-feet to the side and six-feet to the front.

In response to a question from Commissioner Fry, Mr. Mallia said that there would be a counter for food items in the space between the fast food area and the cashier. Commissioner Fry confirmed with Mr. Mallia that there was no seating. Mr. Mallia said that the requested additional space would allow him to install three more refrigerator doors and a gondola.

In response to a question from Commissioner Fergusson, Planner Smith said that the expansion of the convenience store to the right side decreased the length of the pedestrian ramp. He said that the grade between the ramp and the property would have made the slope too steep for ADA requirements. He said therefore that the applicant had decided to re-grade the rear of the property and drop the grade approximately one-foot at the rear which made the ramp ADA compliant.

Commissioner Fergusson noted that the applicant had decided to replace the remaining single-wall tanks. Mr. Mallia said that the single-wall tanks in the ground did not have to be removed, but they were 20-years old and he was willing to spend the \$400,000 now to replace them. He said that it was critical that he could make the convenience store work to pay for the improvements.

Mr. Andrew Miner, Menlo Park, said that he was opposed to the project and the revision would increase the size of an already very constrained lot by 20 percent. He said that the addition on the right side would cut off the driveway which would potentially increase congestion on the site, and constricted flow to the site would impact street traffic. He said that he did not know if the Transportation Division had reviewed the new circulation plan or not, but that it was important. He said in the November 2003 staff report, staff had indicated that the underground tanks would be replaced. He questioned Mr. Mallia using this benefit twice for yet another approval. He said that Mr. Mallia had also indicated previously that the piping and dispensers had to be changed per State law by December 31, 2003 or the gas station would have to close. Mr. Miner said that the gas station was still open and those changes had not been made.

Chair Halleck said that the turning radius on the edge of the building was tighter in this proposal than previously and asked if the Transportation Division had reviewed the change. Planner Smith said that the Transportation Division had reviewed the revised plans and looked specifically at the new layout and found the plans acceptable.

Chair Halleck said Mr. Miner had questioned Mr. Mallia's statement in 2003 that he needed approval to make the upgrades required by the State or the gas station would have to be closed. Planner Smith said that the County of San Mateo had granted the applicant an extension for those upgrades as the applicant was in the process of doing the upgrades.

Chair Halleck asked Mr. Mallia to describe what the 20-percent increase in size would provide. Mr. Mallia said that the extension would push the side of the building out 12-feet which would enable him to put in a coffee bar, an oval condiment stand, and an extra gondola at the end of the 12-foot expansion. He said that this would allow him to merchandise more of the foods the community had indicated was wanted.

Commissioner Fergusson asked if replacement of the storage tanks was part of the original proposal. Planner Smith said that Mr. Miner had been correct. Planner Smith said that he had made a mistake on this staff report and should not have indicated that the underground tank replacement was a new feature of the revised proposal.

In response to a question from Commissioner Pagee, Planner Smith said that the parking was based on the square footage of a building. Commissioner Pagee said that gas stations have a parking space at each island and wondered if there was parking for the convenience store. Planner Smith said that staff had first presented the concept of using the islands as parking spaces toward the parking requirement for a site with Mr. John Conway's proposal on El Camino Real. He said that ultimately in that instance the Planning Commission and City Council had agreed with the concept. He said that the same concept was being applied with this proposal.

Planner Murphy said that the 17 parking spaces for the project included five clearly striped parking spaces and the remaining 12 parking spaces were at the pump islands. He said that only 50-percent of the spaces at the pump islands counted toward the parking requirements. Commissioner Pagee asked whether employee parking was included in the calculation. Planner Smith said that employee parking was considered part of the six parking spaces per 1,000 square feet requirements.

Ms. Kelly Martin, Menlo Park, said that she had no opposition the proposed square footage, but she urged the Commission to retain the conditions that were agreed upon at the last Commission meeting, particularly the double-lettered conditions related to the neighborhood.

Commission Action: M/S Soffer/Fry to close the public hearing.

Motion carried 6-0 with Commissioner Bims absent.

Chair Halleck acknowledged Mr. Miner's request to speak. Mr. Miner asked where the vendor trucks would park. Mr. Mallia said that vendor trucks would normally come in between 10 a.m. and 1 p.m. and the trucks could park in three areas adjacent to the Willows Park and also in the area near the fueling location. He said that cars would not be hampered during fueling times. He said that also he was installing a double drop fill which would reduce fuel-filling time from 40 minutes to 20 minutes. In response to a question from Commissioner Soffer, Mr. Mallia said that he tries to get the gas delivered at night, but with the current smaller gas tanks on occasion he has had to get delivery during the day.

Commissioner Fergusson asked about the elevations. Mr. Chris Guterres, project architect, said that the elevations were the same, but photographed differently. Commissioner Fergusson asked what a pedestrian walking up the path would see. Mr. Guterres said that the pedestrian would see the utility boxes. Commissioner Fergusson said that the trellis on these plans looked much thinner than what had been proposed previously. Mr. Guterres said that these plans showed a change in angle for the trellis. Commissioner Fergusson said that she preferred the trellis as it was before and that it was an important architectural feature. She said that she would like that to be part of the recommendation.

Commissioner Fergusson said that she moved approval per the staff recommendation. She said that she liked the lower grade and thought it would make the project even less obtrusive to the neighborhood. She said she wanted clarification regarding the trellis width and depth to be part of the motion. Commissioner Soffer said that he seconded the motion and suggested that the signage over the store indicate the name of the store rather than rather than "Food Mart" as shown on the plans. Mr. Mallia indicated that was his intention. .

Commission Action: M/S Fergusson/Soffer to approve as recommended in the staff report with the following modification.

1. Make a finding that the project is categorically exempt under Class 3 of the current State CEQA Guidelines.
2. Make the following findings, as per Section 16.68.020 of the Zoning Ordinance, regarding architectural control approval:
 - a. The general appearance of the proposal is in keeping with the character of the neighborhood.
 - b. The development will not be detrimental to the harmonious and orderly growth of the City.
 - c. The development will not impair the desirability of investment or occupation in the neighborhood.
 - d. The development provides adequate parking as required in all applicable City ordinances and has made adequate provisions for access to such parking.
3. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposal 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 injurious or detrimental to property and improvements in the neighborhood or the general welfare of the City.
4. Approve the use permit and architectural control revisions subject to the following conditions:
 - a. Development of the project shall be substantially in conformance with the plan prepared by RHL Design Group, Inc., received by the Planning Division on January 26, 2004, consisting of nine plan sheets, and approved by the Planning Commission on February 23, 2004, except as modified by the conditions contained herein.
 - b. Prior to building permit issuance, the applicant shall comply with all County, State, and Federal regulations that are directly applicable to the project.
 - c. Prior to building permit issuance, the applicant shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.
 - d. Prior to building permit issuance, the applicant shall comply with all requirements of the Building Division, Transportation Division, and Engineering Division that are directly applicable to the new construction.

- e. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a Grading and Drainage Plan for review and approval of the Engineering Division. The Grading and Drainage Plan shall be approved prior to issuance of a grading, demolition or building permit.
- f. Prior to issuance of a demolition permit or building permit, the applicant shall submit a plan for construction safety fences around the periphery of the construction area for review and approval of the Building Division. The fences shall be installed according to the plan prior to commencing construction.
- g. The applicant shall comply with the Best Management Practices (BMP) requirements in order to ensure project compliance with the National Pollutant Discharge Elimination System (NPDES) permit.
- h. Prior to demolition permit issuance, the applicant shall submit a plan for the control of dust for the duration of the project. The plan shall list specific measures, including but not limited to routine watering of the site. The plan shall also specifically address how dust would be controlled during weekends and other off-work periods. Finally, the plan shall include a contact name and phone number to receive and address any complaints. This plan shall be submitted for the review and approval of the Planning and Engineering Divisions.
- i. 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 utilities shall be placed underground. 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.
- j. Prior to building permit issuance, the applicant shall record the abandonment of the plan line and a portion of the City's right-of-way with the County Recorder's Office.
- k. Prior to building permit issuance, the applicant shall submit revised plans correctly indicating the location of the front property line and the public utility easement.
- l. Prior to building permit issuance, the applicant shall obtain an encroachment permit from the City in order to locate the canopy partially within the public utility easement, and shall revise the project plans to show the entire pump island canopy within the subject property. These plans shall be submitted for the review and approval of the Planning and Engineering Divisions.
- m. Prior to issuance of a demolition permit, the applicant shall comply with the requirements of Chapter 12.48 (Salvaging and Recycling of Construction and Demolition Debris) of the City of Menlo Park Municipal Code.

- n. Prior to issuance of a building permit, the applicant shall comply with the requirements of Chapter 12.48 (Salvaging and Recycling of Construction and Demolition Debris) of the City of Menlo Park Municipal Code.
- o. Prior to building permit issuance, plans for on-site recycling and garbage facilities shall be submitted for review and approval by the City Environmental Program Coordinator
- p. Prior to building permit issuance, the applicant shall revise the project plans to include additional trash receptacles at the entrance to the convenience store and at the junction of the pedestrian sidewalk at the rear of the property and the Willow Oaks Park sidewalk to the right of the property. The plans shall show that these trash receptacles shall not be within the pedestrian path or otherwise block travel on the path. These revised plans shall be submitted for the review and approval of Planning Division staff and the Environmental Program Coordinator.
- q. Prior to building permit issuance, the applicant shall submit a plan showing site improvement details, including but not limited to perimeter fencing and retaining walls, for review and approval by the Planning and Engineering Divisions.
- r. Prior to building permit issuance, the applicant shall submit a heritage tree removal permit request for the heritage American sweet gum tree and the diseased heritage Monterey pine tree on the site.
- s. Prior to building permit issuance, the applicant shall submit a revised arborist report for the review and approval of the Planning Division and the City Arborist. The revised arborist report shall describe the impacts of the project on the surrounding trees, and shall provide protection measures to maintain the health of these trees. The arborist report shall also include requirements to trim the non-heritage American sweet gum tree located at the front left corner of the property in order to provide a safe sight corridor for motorists exiting the subject property.

- t. Prior to building permit issuance, a detailed landscape and irrigation plan shall be submitted and approved by the Engineering, Transportation, and Planning Divisions, including landscaping in the public right-of-way and between the reconstructed retaining wall and asphalt pathway on the right side of the property. The landscape plan shall comply with the Water Efficient Landscaping Ordinance. All landscaping shall be in place prior to final inspection. Landscape controls shall be incorporated into the plans to ensure efficient irrigation, appropriate landscape design, and proper maintenance. The landscape plan shall include the planting of six trees, including two street trees. A minimum of two of the six new trees shall have a minimum size of 24-inch box, and the remaining four tree shall have a minimum size of 15 gallons. In addition, the landscaping plan shall indicate trimming of the vegetation at the front left corner of the property, including trimming the American sweet gum tree upward and reducing the height of the hedge at the corner, as well as the replacement of a portion of the fence along the left side property line, in order to create a clear view corridor in both directions along Willow Road for vehicles exiting the left-most driveway.
- u. Prior to building permit issuance, the applicant shall revise the project plans to eliminate the jog in the sidewalk located approximately 20 feet east of the front left corner of the subject property. The new sidewalk in front of the subject property and for the first 20 feet beyond the property to the east shall be five feet wide, and the width of the landscape strip in front this section of sidewalk shall be expanded to 7.5 feet, measured to face of curb. These revised plans shall be submitted for the review and approval of Planning and Engineering Division staff.
- v. Prior to building permit issuance, the applicant shall submit a plan showing lighting details and specifications for the review and approval by the Planning and Engineering Divisions. These plans shall include photometric lighting plans of the existing and proposed outdoor lighting in order to indicate that the proposed on-site lighting does not create offensive glare and light.
- w. Prior to installation of any signage, the applicant shall submit plans of the signs for review and approval by the Planning Division. All signage must be located entirely within the subject property, and shall not extend into the City's right-of-way nor into any public utility easements. The applicant shall have the option to request a monument sign at the front right corner of the property at a height of up to 16 feet. Such a monument sign shall be subject to Planning Division staff review and approval.
- x. The applicant shall not be permitted to place any vending machines on the site outside of the convenience store facility.
- y. The applicant shall not sell any form of alcoholic beverages from the site.
- z. The hours of operation for the convenience store shall be limited to the hours between 5:00 AM and 11:00 PM seven days a week.

- aa. The project shall comply with the provisions of the Public Artwork Ordinance, Chapter 16.69 of the Zoning Ordinance, as applicable.
- bb. Prior to building permit issuance, the applicant shall submit a plan for signage on the site to discourage loud noise, such as from loud engines or car radios, and to inform customers of how such noise limits shall be enforced by management staff. This plan shall be submitted for the review and approval of Planning Division staff.
- cc. Prior to building permit issuance, the applicant shall submit a plan for how the site will be kept free of litter. This plan shall be submitted for the review and approval of Planning Division staff. The applicant shall be required to adhere to the approved litter plan.
- dd. Prior to building permit issuance, the applicant shall submit a revised plan showing a pedestrian gate at the end of the pedestrian sidewalk at the right rear corner of the property. This gate shall only remain open during the operating hours of Willow Oaks Park. This revised plan shall be submitted for the review and approval of the Planning Division.
- ee. Prior to building permit issuance, the applicant shall submit revised plans to include some form of pedestrian striping in the sidewalk area along Willow Road in the location of the two driveways into the site. The intent of the pedestrian striping will be to make motorists aware of the pedestrian crossing at the entrance and exit to this site. The plan shall specify the color and texture of the proposed pedestrian striping. This revised plan shall be submitted for the review and approval of the Planning, Transportation, and Engineering Divisions.
- ff. The applicant shall work with City staff to perform a baseline traffic study of the existing use, as well as a subsequent traffic study once the new facility is operational. Both traffic studies shall analyze the amount of neighborhood cut-through traffic generated by the existing and proposed facilities. Prior to conducting the traffic studies, the applicant shall first submit a plan for how the two studies will be conducted for Transportation and Planning Division staff review and approval. The applicant shall be responsible for paying for the studies, including any associated staff time.
- gg. One year from the date of occupancy of the convenience store, the applicant shall return to the Planning Commission for a review of the hours of operation of the convenience store based on crime statistics in the area and the results of the two traffic studies required in condition ff. Based on the results of this review, the Planning Commission may reduce the hours of operation of the convenience store if there is evidence that reducing the hours would improve either the crime or traffic situations. At the time of the one-year review, the Planning Commission may also opt to require the applicant to return in another year's time if the Commission feels that an additional review of the convenience store hours of operation is appropriate.

- hh. Prior to building permit issuance, the applicant shall submit revised plans showing the trellis of the face of the building with a depth and pitch similar to that of the trellis structure in the plans approved by the Planning Commission on November 3, 2003. These revised plans shall be submitted for the review and approval of Planning Division staff.

Motion carried 5-1-0-1 with Commissioner Pagee dissenting and Commissioner Bims absent.

D. CONSENT

There were no consent agenda items.

E. STUDY SESSION

1. **Rezoning, Tentative Parcel Map, Planned Development Permit, Environmental Review/Beltramo's Investment Company Inc./1460 El Camino Real**: Request for rezoning from C-4 (General Commercial District, Applicable to El Camino Real) to P-D (Planned Development District), and approval of a Tentative Parcel Map, Planned Development Permit, and environmental review for the merging of four existing parcels, the demolition of the existing structures on the combined site, and the construction of a new approximately 26,800-square-foot, two-story office building with submerged parking and 16 two-story rental townhouse units with partially submerged parking on a property located at 1460 El Camino Real. The proposed office building would front onto El Camino Real, while the proposed townhouses would front onto San Antonio Street.

Commissioners provided individual comments to the applicant on the proposed project. Comments covered the following topics:

- Ensuring the proposed parking for each use is adequate in light of the request to provide less than the required parking and share parking between uses;
- Exploring the potential for retail use of the ground floor of the commercial building and designing the building to accommodate retail uses that could be adequately served by the proposed parking;
- Providing more detail on the quality of materials, such as the stucco, and more details on the architectural elements, such as the eave overhangs;
- Increasing the architectural differentiation between the commercial building and the residential units.

Commissioners also commented on the benefits of the improved pedestrian experience with the new sidewalks on San Antonio Street and El Camino Real and the pedestrian connection between the two streets.

The Commission considered Regular Business agenda items 2 and 3 related to Commission meeting minutes at this time.

1. **Consideration of the minutes of the April 28, 2003 Planning Commission meeting.**

Commission Action: Approve as presented with the following modification.

- Page 11, 1st paragraph, delete paragraph and insert the following: Chair Fry noted that she was a former Midwesterner and had lived in Chicago, but was happy to be in California. She is a graduate of Stanford University where she received her BS and MBA degrees. She said that she had worked for IBM in sales and consulting management roles for over 20 years during which time she worked with many companies including a number of dot-coms as they went up and down the boom-bust roller coaster. However, her clients mostly were in the financial services, health and life sciences industries.

Motion carried 5-0-1-1 with Commissioner Fergusson abstaining and Commissioner Bims absent.

2. Consideration of the minutes of the May 5, 2003 Planning Commission meeting.

Commission Action: Approve as presented.

Motion carried 5-0-1-1 with Commissioner Fergusson abstaining and Commissioner Bims absent.

F. COMMISSION BUSINESS, REPORTS, AND ANNOUNCEMENTS

1. Appointment of a Commission representative to work on updating the City's Mission Statement and discussion of the Mission Statement.

The Planning Commission appointed Commissioners Pagee and Soffer to serve as the Commission representatives to work on updating the City's Mission Statement and discussion of the Mission Statement.

ADJOURNMENT

The meeting adjourned at 10:37 p.m.

Staff Liaison: Justin Murphy, Principal Planner

Prepared by: Brenda Bennett, Recording Secretary

Approved by Planning Commission on July 26, 2004.