

**TOWN OF WOODSIDE
Planning Commission Meeting**

November 2, 2016
Minutes

The meeting of the Woodside Planning Commission was called to order on November 2, 2016, at 6:00 P.M. in Independence Hall. The Pledge of Allegiance was recited.

ROLL CALL

Present: Chair Huberty; Vice Chair Hobson; Commissioners Rosekrans, and Voelke

Absent: Commissioners Calia, Fender, Kutay

Staff: Jackie Young, Planning Director
Jean Savaree, Town Attorney
Sean Mullin, Associate Planner
Jennifer Li, Deputy Town Clerk

CALLS FOR CHANGES TO THE AGENDA

Director Young noted two desk items:

- Regarding Agenda Item No. 4, 3052 Woodside Road, there is one neighbor letter.
- The Director’s Report for October 2016.

PUBLIC COMMUNICATION

None.

CONSENT CALENDAR

All of the items on the Consent Calendar are considered to be routine and will be approved, including the Findings and Conditions stated in the Staff Report for each respective item, by one roll call motion without discussion unless a request is made by the Planning Commission, staff or public, at the beginning of the meeting, to have an item withdrawn or transferred to the regular agenda.

1. Minutes of September 7, 2016

2. Minutes of September 21, 2016

3. Minutes of October 5, 2016

Vice Chair Hobson noted a correction on the Minutes of October 5, 2016, Page 6, top of the page, “outliners” should be “outliers”. There are two additional instances on the second and the fifth paragraphs.

Chair Huberty noted the attendance is incorrect.

ACTION

The Planning Commission approved the Minutes of September 7, 2016, and October 5, 2016, with the minor changes. Due to a lack of quorum, the Planning Commission moved the Minutes of September 21, 2016, to the next meeting.

Motion: Commissioner Rosekrans/ Second: Vice Chair Hobson
 Ayes: Chair Huberty; Vice Chair Hobson; Commissioners Rosekrans, and Voelke
 Noes: None
 Absent: Commissioners Calia, Fender, and Kutay
 Abstain: None

The motion carried.

PUBLIC HEARING

4.	George Roberts	CUSE2016-0008
	3052 Woodside Road	Planner: Sean Mullin, Associate Planner

Review and approval/denial of a request to update an existing Conditional Use Permit for the Cañada Corners Center in the Community Commercial Zone, which includes an amendment to an existing Conditional Use Permit for the Village Bakery and Café (formerly the Woodside Bakery and Café). The proposal includes a remodel of an existing commercial building and modification of an existing sign. The proposal does not include a change to seating previously approved for the Woodside Bakery and Café.

DISCUSSION

Sean Mullin, Associate Planner, presented the staff report. He noted that on Page 6 of the Resolution, the number at the top should be 4,245 square feet.

Chair Huberty asked if this Conditional Use Permit is a replacement or an amendment. In the staff report, at the bottom of Page 12, it states, “*this proposed update to the existing Conditional Use Permits will replace all existing Conditional Use Permits.*” If that is the case, everywhere it says “amendment” should be changed.

Planner Mullin said it’s both. It is an amendment to the existing Conditions of Approval which will be carried forward to a new Conditional Use Permit. From a processing standpoint, it’s clearer when doing background research to see Conditional Use Permit identification numbers change over time. Attachment 11 is the Conditional Use Permit history. The original Conditional Use Permit for this center was CUP 80-81. That was carried forward and amended seven times through 2010. Replacing the number is a cleaner way to move forward.

Chair Huberty said legally, it is an amendment to existing Conditional Use Permits.

Director Young said right. Every time the Conditional Use Permit was amended, another document was created, and they didn’t combine all of those conditions into one document in the Conditional Use Permit for the Center. This updated Conditional Use Permit consolidates all conditions that apply to the Center that have applied over time, and amends it to recognize the Village Bakery, which includes the remodel

and the new sign. There are very minor changes. There will also be a parking plan, which never existed in the file before.

Chair Huberty asked about characteristics of the area that are not in compliance with this Conditional Use Permit (i.e., Emily Joubert signs that are 50+ square feet).

Director Young said the Conditional Use Permit (CUP) would allow the Planning Commission to consider a sign program. The WMC does not currently have an allowance for a sign program. Another thing this CUP is doing is recognizing and documenting the existing signage. Any future changes will need to be reviewed.

Chair Huberty asked if we're grandfathering anything that is there.

Director Young said all signage that is currently there is in the sign program. Any changes going forward would require review.

Commissioner Rosekrans asked what the intent was to note the business hours of operation. It says "shall be," which sounds like, "you better be open or not." Was the intent to operate within those hours within the seven-day week? He recently visited the Parkside Grill, and it was closed. Does the Bakery have similar options?

Planner Mullin said yes. The limitations are the earliest and latest hours of operation. The actual hours of operation are at the discretion of the property owner.

Commissioner Rosekrans advised clarifying that on Items 6 and 7 on Page 5.

Commissioner Voelke asked if the Village Bakery needs to submit a plan or a present a mechanism for how they're going to limit their seats during the day and expand during the evening, or is it left to the discretion of the business?

Director Young said at the ASRB meeting, there was a suggestion to close off one of the dining areas because there were exactly 25 seats that could remain empty during the day. The applicant preferred that not be the mechanism for limiting the number of seats. He suggested using an automated reservation system instead.

Commissioner Voelke asked how staff would enforce that.

Planner Mullin said the Town operates on a complaint-driven basis for Code Enforcement. Should a problem arise and a resident complains, the Town's Community Preservation Officer would visit the site and investigate.

Chair Huberty invited the applicant to make a presentation.

Tim Stannard, project applicant, said there are a number of places in the Resolution and staff report where the "applicant" should be replaced by "property owner." There are a number of Conditions that are not relevant to the operation of the Bakery and Café. He is not the property owner. On Page 5, there were two conditions buried in the old Conditional Use Permit he was not aware of and wanted to get clarification on. Regarding business hours on Items 7, he doesn't understand the limitation for serving wine or beer to 10:00 PM. Regarding Item 8, he believes he understands the intent, which is a typical requirement to avoid standalone bars that do not serve food in a non-restaurant environment; however,

the way it reads is: unless people are actually eating, people are not allowed to have a glass of wine. He doesn't know the actual intent, and how the Town would like him to enforce that.

Planner Mullin said regarding Item 7, the "sale of alcoholic beverages is limited to the hours of 10:00 AM – 10:00 PM, Sunday through Thursday, and 10:00 AM – 11:00 PM Friday and Saturday" first appeared in February 1991, under an amendment to the Conditional Use Permit to allow the Bakery to start serving beer and wine. That Condition carried through the latest amendment in 2010 to allow the Bakery to start serving liquor and changed their liquor license. Staff carried forward that Condition in order to keep operational characteristics the same. The second item regarding no bar stools at the bar service area also comes from the February 1991 amendment to the Conditional Use Permit. After reading through the Minutes, he understands that there may have been a concern regarding having a standalone bar. He has anecdotally heard that at the time, there were several other establishments that were standalone bars. There was a concern to limit that at that time. Those are items that can be discussed this evening.

Director Young pointed out that this project hasn't been publicly noticed as a change to the California Alcohol and Beverage Control (ABC) license. We would have to go back through ABC to change that. She's not saying it could not be changed.

Commissioner Rosekrans asked what the ABC license says about this.

Director Young said the original ABC license for the Bakery was for beer and wine. The 2010 amendment had nothing to do with seats, it was a change of their alcohol license from beer and wine to a full bar. Any changes to the hours of operation and the type of alcohol license would need to go through ABC.

Commissioner Rosekrans said it's common to go into a restaurant and order a glass of wine while waiting for a table. Is that considered "serving wine with food"?

Mr. Stannard said no, not under the way it currently reads.

Jean Savaree, Town Attorney, said this is trying to say that the applicant may not apply for a restaurant and suddenly become a bar that doesn't serve food.

Mr. Stannard asked if that can be clarified in the Conditional Use Permit.

Town Attorney Savaree said it doesn't need any clarification; however, it is up to the Planning Commission. It won't change anything. She believes that's the way it reads now.

Commissioner Voelke agreed with Town Attorney Savaree.

Mr. Stannard said he's fine. He has just never seen language like that in California. Regarding Page 10, he understands the parking restrictions during the 6:00 AM to 6:00 PM period because of the limited number of parking spaces available. After 6:00 PM, when there is a surplus of parking spaces, how are the parking spaces allocated? If there is a surplus, why is there a limitation on the number of seats?

Planner Mullin said there was a Conditional Use Permit amendment to increase seating to 95 subject to approval of the Woodside Fire Protection District. The Woodside Fire Protection District did an inspection, and found that the capacity of the interior at the time was 74. They came back to the Planning Commission and rescinded the previous amendment. That's when the Condition first appeared to say 70

seats during the day, and 95 seats in the evening. The 95 seats may have been a function of the seats available in the old space with the patio. This is a now new space that has expanded into the old gallery.

Director Young said if the applicant wanted to pursue increasing the number of seats, we would have to re-notice the project. It has been noticed that there will not be an increase to the number of seats. We would also need to check maximum occupancy load with fire.

Mr. Stannard said he understood.

Chair Huberty asked if there are ADA designated parking stalls required for this application.

Commissioner Rosekrans said there would be for the entire Town Center.

Planner Mullin noted that the Parking Plan marked two parking spaces. The Building Department will determine whether this proposal satisfies ADA requirements.

Chair Huberty asked how it might impact the real number of parking stalls available.

Vice Chair Hobson asked if there was a study done of the parking areas.

Mr. Stannard deferred the question to the property owner.

Vice Chair Hobson said she was reflecting back on when the library was remodeled prior to the most recent remodel. The parking lot was analyzed for making the best use of the space they had for parking. Given that there is a deficit, she wondered if that opportunity to identify an inefficient use of the space to create more spaces had been taken here.

Planner Mullin said he didn't come across anything. He did find some "studies". He doesn't know if they were done by traffic or parking engineers in the past for different amendments to the Conditional Use Permit.

Director Young said there was a Parking Study done along with the Town Center Area Plan.

Vice Chair Hobson asked what the results were.

Director Young said those were presented to the Town Council. If Mr. Stannard wanted to propose additional seats, staff would bring that Parking Study to the Planning Commission.

Chair Huberty asked for a clarification about bar seating. There are currently seven seats proposed. At Buck's Restaurant, there are stools for people waiting to be seated for dinner.

Mr. Stannard said it's the same as the Village Pub. Some people prefer to eat dinner at the bar.

Commissioner Voelke said Condition 8 on Page 6 states that there shall be no bar stools at the bar service area. She suggested that be deleted because there are bar stools in the bar service area on the Floor Plan.

Mr. Stannard said that's correct, as there were in the old Woodside Bakery as well.

Chair Huberty said it's the same thing at Buck's Restaurant, Item number 5.

Commissioner Voelke asked how Mr. Stannard will limit seating without closing a room.

Mr. Stannard said there are essentially three options to limit seating: 1) remove furniture from the dining room and leave them outside; 2) darken a room and put up caution tape; or, 3) control the number at the front door. The intent was to limit the number of people in the restaurant. That's why those regulations have always been written that way; however, regulations do not keep up with current technology. One of the opportunities available is to simply use seat counters available at the front door. It's used in almost all restaurants to determine how many people are actually seated in the restaurant. It's easy to put a limit in the computer to seat no more than 70 people before 6:00 PM. That would be the cleanest, simplest, least offensive solution to his guests. It's the easiest way for staff to confirm that they are abiding by the 70 seat regulation because they can walk in and ask to see the computer as opposed to walking around and physically counting seats in an active restaurant. They will follow the Conditional Use Permit. He is open to other suggestions.

Commissioner Voelke asked Mr. Stannard if he can prevent people from sitting on the patio.

Mr. Stannard said guests are seated by the host. They would have to check in through the computer at the front door. There is a seat counter. If the number reaches 70, the host has to wait for tables to leave before the host can seat new guests. It's probably the most effective and efficient method of governing the 70 seats than anything else. The seven seats at the bar also count. What they cannot control is if people want to wait and stand in the bar area. He can control how many people are seated at any given time.

Vice Chair Hobson asked about the alcohol sale hours.

Director Young said alcohol sale hours are not licensed through the Town. Mr. Stannard may wish to pursue changing that. We would have to route the request through ABC for any change to the liquor license. ABC may approve it. It just wasn't requested or noticed for this evening.

Mr. Stannard said the liquor license has not transferred since this is not an active facility. When they apply for the license, they can apply to serve alcohol until 11:00 PM, and the Planning Commission can change the Conditional Use Permit to state: "the hours of the liquor will coincide with the ABC license which will not exceed 11:00 PM." That could help avoid having to come back to the Planning Commission.

Director Young said we cannot do that without a public notice.

Commissioner Voelke said we can give an indication that the Planning Commission would not be opposed to the liquor license matching the stated hours of operation as they do at Buck's Restaurant.

Director Young said it sounds like there are a couple of things Mr. Stannard may wish to explore, and can return to the Planning Commission for a small amendment later.

Commissioner Voelke said: if there is more parking available in the evening, and if Mr. Stannard can qualify for it, she doesn't think that as a body, the Planning Commission will be opposed to it for any particular reason other than the need for parking.

Chair Huberty requested a motion to open the public hearing. Vice Chair Hobson moved to open the public hearing.

Leann Gilbert, Olive Hill Lane, said she was one of 30 members who sat on the Town Center Area Plan Task Force. An issue that came up frequently was residents needing more services in Town. Everybody had their own ideas of what that might be. She has nothing against this particular project. George Roberts and Tim Stannard do fantastic jobs in their own realms. When she was on the Task Force, she would often mention how the Town predominately has office space. That's a generous gift to the current parking situation because we don't demand the kind of parking that retail does. What has happened is parking has been a nightmare. People have said on Next Door Woodside that if it's too crowded at the Bakery, just go to the other lots. There are no other lots other than the Gilbert lot. They support their neighbors. These are our fellow citizens. She doesn't want to tow people. She has kicked people out from time to time when they are sitting there with their lunch and throwing garbage out all over the parking lot. It has been a nightmare. We never finished the parking district, which they paid \$900,000 to participate in. It has been getting ridiculous. When talking about services, happiness, and how Woodside is so great; well, it isn't for us. She's tired of the parking issue. They can put more signs that aren't pretty. She can get a police officer to enforce parking in the lot. The Commission has to think about expanding parking. It's not working here. The public parking district is a failure in Town. There are trucks and cars parking here, and people take their bicycles around our neighborhoods. That's not what she thought Woodside was. She is not against the proposed project. We need to take measures to say 'no Roberts Market and restaurant parking'. That makes her sad. We need to have enough tenant and employee parking. She doesn't know if the employee parking has been factored into the number of seats. There are many employees in a restaurant. She doesn't know what happened with the parking study. She's currently on the Circulation Committee. All we talk about is the flow in Town is not good.

Don Pugh, Glenwood Avenue, said he misses the Bakery. He used to visit a couple of times a week. He is not looking forward to the parking disaster. It has been a problem for years. When seats were expanded from 50 to 75 seats, that was the breaking point. It's unrealistic to believe there will be 2.5 people per car. Maybe the problem stems from that. Maybe the Roberts' employees parking there is a problem. 70 and 95 seats are too many. This is a Conditional Use Permit. The Commission can set a condition. We ought to restrict parking during the day to 50 and 80 at night. That would reduce demand to fit existing parking supply. The solution is not to increase supply (i.e., add parking spaces); it is to reduce demand. The only way to reduce demand is have fewer seats and fewer customers to fit into the existing parking supply. The Town Center Plan highlighted this parking issue back then. One of the suggestions was a two-story parking structure behind Roberts Market. A parking structure does not belong in Woodside, and is a ridiculous solution for expanding the parking supply. Other suggestions were biking, walking, a valet service, or limiting hours of parking. Those are impractical suggestions. People are going to go to eat dinner wherever they want because that's the way they travel. A parking ratio of 2.5 seats per parking spot does not work. Customers and employees need a place to park. Regarding ADA parking, the Town Center may be in violation. Putting those spaces all the way in the back or off the side is unreasonable. It needs to be close enough to businesses. The general attitude in Woodside is to limit commercial development. Measure J limits commercial development, and placed a lid on how much expansion Woodside has. 'Save rural Woodside' was the rally cry years ago. 79% of citizens voted for Measure J. We don't want things to get bigger. We want to keep it the same size, or make it smaller. There was a question about what to do about blocking off the extra dining hall. The solution is similar to a movie theatre with a rope with a couple of stands. That's a pretty easy thing to do. Nobody needs to turn off lights and haul out furniture. If you allow it to be opened, people will flood in, and there will be too much demand and not enough parking. Now is the opportunity to clean up this problem, and reduce the demand. Let's not create a situation that is out of control. Reduce the amount of demand for parking by cutting back the number of seats.

Steve Zalenzik, resident of Woodside, asked why Mr. Pugh arose to this situation now. There have been parking issues 15 years ago. The Town has managed to get around them. Suddenly, when this project

came up, Mr. Pugh stepped forward. This is an interesting time to bring it up. It's almost an obstruction. He wonders why Mr. Pugh chose not bring it up when the previous operator of the Bakery was expanding more and more, sometimes outside the allowed limits with tents that originally was open space.

Bill Gilbert, Olive Hill Lane, expressed support for the project. It's great to have that service here. Some parking was eliminated on Woodside Road. He hopes the Town can explore opening those spaces up again. He supports not overturning Measure J, but some kind of amendment where Roberts Market employees can use some of that parking. We need to look at some other alternatives. They are brainstorming on the parking issues. People are throwing garbage in the parking lot, which increases their maintenance costs. Another thing we need is a time limit on the bicyclists. He suggested creating a parking pass for employees who work or residents who live in Woodside (e.g., like the residential bumper stickers in San Francisco). If these guys are leaving their cars and riding their bicycles, tow them or cite them. This area is bad news.

Jamis MacNiven, owner of Buck's Restaurant, expressed support for the proposal. Nobody knows the parking situation better than George Roberts. If he submitted this plan, we should listen to him because he's the Town Center Parking expert. Mr. Roberts would not propose a project that would hurt his business or the Town Center area.

Ms. Gilbert said Mr. MacNiven may have misspoke. It is impossible to try to get one's hair done, go to the cleaners, or go to the hardware store around lunch time. Mr. Roberts said it could only take what it can take. That's a problem. She feels for the business owners in the Town Center. It's a mess down there. Why can't we explore that idea about putting some blue rock back there, planting some trees around it, and having every employee park back there? There is no problem regarding dinner time because all of those spaces are available. Shopping time is all day long at Roberts Market. He should not be penalized at night because all the other businesses are closed. There needs to be some balance of restaurant and businesses.

Vice Chair Hobson asked what area Ms. Gilbert is suggesting to install blue rock.

Ms. Gilbert said the open space behind Cañada Corners' current parking lot, behind the Hardware Store.

Director Young pointed to the area on the Site Plan. George Roberts owns the land, and Measure J prohibited development there.

Ms. Gilbert said there is an open space easement there though, which means you can't do anything on it.

Mr. Zalenzik said he has often seen bicyclists unload their bicycles, and park their cars there all day long. The parking lot behind the Village Pub is frequently used by out-of-town bicyclists and hikers. We can probably do a lot to alleviate some of this problem by ensuring there aren't people who are taking advantage of this beautiful Town. It's a nice place to walk or ride your bike. There have been some suggestions. George Roberts has a rent-a-cop. Out-of-town visitor give the rent-a-cop a bad time. The effort to restrict people from parking all day long is not effective. The bicyclists tend to be more aggressive than he is. He suggested going after the people who take up the parking spots all day long, and get them out of Town.

Mr. Stannard said he appreciated Mr. Pugh's concerns. A 50 seat restaurant in a 4,500 square foot space is not a viable business. It won't happen. If the challenge is parking, the solution is not to take away businesses or services that support the community and make them non-viable. It's to find alternative parking solutions, which may or may not include overturning Measure J, but certainly some of the

suggestions today such as finding better allocation, better utilization of the existing lots, or better enforcement of the rules that exist. There are more opportunities to deal with the challenges much like other centers in the area (e.g., Town and Country in Palo Alto and Santana Row in San Jose). There are easy lessons they can apply here rather than overturn Measure J.

Mr. Pugh said the mission of Town is not to maximize revenue, but to address the needs of the citizens of this Town. We really have to look at parking impacts. Someone had asked why he's bringing the issue up now because it has been an issue for years. Previously, the Town was not in a position to do anything about it. The Town already allowed an increase from 70 seats to 95 seats. It couldn't be changed. We're stuck with it. Finally, there is a chance to do something about it. The two solutions are to reduce demand or increase supply. He suggested reducing parking demand. He agreed with the suggestion to get rid of the bicyclists. The other demand is the number of seats in the restaurant. In terms of increasing supply, that open space is open space. The citizens are against developing parking on that open space. That's a dead issue. There is no way to increase supply. We need to reduce demand to solve the parking problem.

Ms. Gilbert asked staff about employee parking.

Planner Mullin said the requirement of 2.5 seats per parking space for restaurants compensates for employees as well.

Director Young said it is specified in the WMC. Some uses are based on the number of square footage plus a certain number of spaces for employees. Other uses, such as a restaurant, are based solely on seat count.

Mr. Gilbert asked if the WMC specifically says they can't use open space for parking. Couldn't a car simply drive on there?

Planner Mullin said he would have to review the language of the open space easement that was recorded as a mitigation measure for the Environmental Impact Review to build the center. Generally no, the open space is for preservation of land.

Mr. Gilbert asked if parking could be designed to parallel the open space.

Planner Mullin said currently, the parking is built up to the open space easement.

Chair Huberty asked for a motion to close the public hearing. Commissioner Voelke moved to close the public hearing.

COMMISSIONER DISCUSSION

Commissioner Voelke said she feels uncomfortable discussing a seating reduction because that is what exists, and this project was designed with those parking and seating assumptions. She remembers that parking was a big issue when the previous business owner came in with an application. Expansion of the patio was another issue. She remembers asking where do the employees park? Businesses all want their customers to park there. She remembers being told they can park in the public lot near Independence Hall. The Town's parking issues have not been meaningfully addressed in any real way. We keep trying, and then sort of spin off topic. She suggested finding some mechanism (e.g., a Planning Commission study group), to try to address all of these issues. It's clear we need to do something about parking. Regarding tonight, the decision to allow this much use in this space was made awhile back. She would not be an advocate of allowing more seats than what has been approved, unless and until there was an

application for evening use when there is parking available, and all the various departments have signed off. She commended Planner Mullin on consolidating various Conditional Use Permits into this comprehensive form. She can make all the findings in order to approve this Resolution for this business.

Commissioner Rosekrans appreciated everyone's concerns about parking. He doesn't think Cañada Corners is a disaster. It's a pain sometimes. He has lived in communities much worse than Woodside. He patronizes the businesses there. He doubts the spillover of traffic ever reaches Independence Hall. They may go across the street to Roberts Market. The intersection is not a pedestrian-friendly intersection. Overall, it's a nice project which he can support and make the findings.

Vice Chair Hobson said she can make the findings. She understands and sympathizes with the parking issue. The avenue for that would be the Town Council to create some rules and regulations. Why can't we have some kind of parking enforcement here? There are solutions. We just need to get a little more creative, and have more will to make it happen. Is the Town's reputation for friendliness going to suffer? She doubts it. We have had some creative ideas for parking. She would like to steer bike parking outside of Town on a Town lot some place. That was a really good idea. She goes to church, and generally gets there at 8:15 AM. Sometimes the bicyclists are parking in the shared school parking lot on Sundays such that she cannot park for church. Many times the bicyclists are having a picnic in the parking lot. The majority of people she has talked to are in support and really excited about this restaurant reopening. She knows money has been spent studying the parking issues. We just need to carry it through.

Chair Huberty said he can make the findings necessary for the Conditional Use Permit. The parking problems cited tonight pertain to out-of-town visitors using this beautiful location to launch their weekend or late afternoon recreational activities. He has seen it himself at the Wells Fargo Bank parking lot. The General Plan mentions how all businesses in this Town are meant for the residents, and they're not an attraction for out-of-town visitors because it causes parking problems. He suggested revisiting the parking issues and making enforcement a bit more aggressively (e.g., towing cars that shouldn't be there). He would admonish property owners to enforce those signs. Maybe there could be a two-hour limit. Maybe the Town Center signage needs to be updated to reflect some of the realities. Regarding monitoring seating, he doesn't like the idea of diners being squeezed together because a third of the restaurant is closed. He likes it when a large restaurant is not filled to capacity. He remembers when restaurants used to have a smoking section and non-smoking section. The honor system is the way to go. He thanked staff for preparing the material given the long history of this parcel.

Director Young thanked Planner Mullin for the research and compilation work. In the Resolution, under Cañada Corners, she suggested that "applicant" be replaced with "property owner" for Conditions 1, 3, 9, and 11. On Page 5, under Buck's Restaurant, the Planning Commission wishes to strike Condition 5. Under Village Bakery, Condition 3, the property owner will be responsible for re-striping. At the top of Page 6, there is a calculation error that should read 4,245 square feet. Condition 6 can be revised to: "Business hours of operation shall be ~~from~~ limited to 6:00 a.m. to 11:00 p.m." The hours of operation are up to the property owner. Condition 8 can read: "All alcohol sales shall be served with food, ~~there shall be no bar stools at the bar service area.~~"

Chair Huberty noted the following changes to the first Whereas: "...remodeled ~~and~~ existing commercial building" and "...include a change to the number of seats ~~seating~~ previously approved..." Another concern is if there is a way to limit a certain square footage of signage (e.g., Emily Joubert setting precedence for large signs).

Director Young said on Page 5, Other Signage says, “All new or modified signs not permitted under Section 153.076 of the Municipal Code or signage Conditions 1 and 2 require review of the ASRB and Planning Commission approval of amendment to the Master Conditional Use Permit for the Center.” Condition 1 recognizes eave signs with the letters at a maximum of nine inches that they will match in design and so forth. There’s recognition of the driveway entrance sign. There is an exhibit that goes with this project. Sheet A2, sign data, recognizes the square footage of the current signs. If someone wanted to take the larger Emily Joubert sign, and change the name, that would be allowable. Does Chair Huberty want a new applicant to reduce the size of a replacement sign?

Vice Chair Hobson said she doesn’t understand why it could be brought into compliance.

Chair Huberty said if the business is to change hands or become a new name, or type of business from what it is now, he doesn’t want someone to come in thinking they can just paint over the sign and make it whatever they feel it should be.

Director Young said there is a requirement for Design Review. The WMC does not have an adequate signage allowance for a multi-tenant center. It anticipates a single building with a single use. A Conditional Use Permit allows more flexibility to examine things not specifically addressed in the WMC. We’ve documented all the signage that exists. If someone wants to change it, they would need to come in and modify the sign program.

Chair Huberty said the Emily Joubert sign is tasteful. He doesn’t have a problem with it.

Director Young said with this approval, everything that is there is recognized.

Chair Huberty said on Page 5, under Village Bakery and Café, it talks about the portion of the business that contains the bakery, and the portion that contains the restaurant. There is no reference to what portion is what regarding square footage or percentage.

Director Young said staff can add the square footages.

ACTION

The Planning Commission adopted Resolution No. 2016-023, and approved CUSE2016-0008, which amends and replaces Conditional Use Permit No. 80-70, Conditional Use Permit No. 80-81, Conditional Use Permit No. 96-004, and Conditional Use Permit No. CUSE2015-0007, subject to the following Conditions of Approval:

I. Conditional Use Permit for the Cañada Corners Commercial Center:

Cañada Corners Commercial Center

1. The property owner must return for an amendment to the Conditional Use Permit if any paved area is to exceed 15,000 square feet in the RR zone.
2. The area west of the proposed hardware-building shall be designated as a fire lane and "No Parking" signs shall be posted in this area.
3. Property owner shall provide specific areas for bicycle racks and equestrian hitching. Specific designs and locations shall be subject to the approval of the Planning Director.
4. All new mechanical equipment shall be insulated in accordance with Town noise requirements. All vent outlets shall be oriented vertically away from adjacent residences.

5. Install non-ponding oil traps in on-site catch basins to capture oil and grease from parking lot areas. Oil traps shall be inspected and cleaned at least annually.
6. Maintain an asphalt curb along the edge of all paved areas to contain runoff and prevent sheet flow from paved areas over dirt areas.
7. ~~Remove dead wood and miscellaneous debris from Dry Creek where the creek abuts the site in order to improve the visual appearance, to insure maximum capacity and to prevent debris from being washed downstream. That portion of Dry Creek which is within the applicant's property shall be continually maintained and kept free of debris.~~

**** Note:** This Condition of Approval included in the original Conditional Use Permit was included as a Mitigation Measure in the Environmental Impact Report. It is not consistent with current California Department of Fish and Wildlife practices.

8. No portion of any new or existing parking or paved areas shall be located within twenty feet of the top of the creek bank.
9. The property owner shall maintain landscaping along the southwesterly portion of the property in order to provide an effective visual screen from the adjacent residence.
10. The mechanical equipment on the roof shall not be visible from Woodside or Canada Roads.
11. The property owner shall maintain screening of the transformer from view with an enclosure and native landscaping to the satisfaction of the Planning Director.

Signage

1. **Eave signs** – Signs located on the eaves of the buildings for the identification of businesses shall be limited to a maximum letter height of 9 inches. The letters shall be painted to match the eave signs throughout the Canada Corners center. Changes to the eave signs are subject to review by staff and require the approval of the Planning Director, who shall retain the authority to require review by the Architectural and Site Review Board.
2. **Driveway Entrance Sign** – The freestanding driveway entrance sign, located on the east side of the easternmost driveway entrance from Woodside Road, shall be limited to four individual business identification placards, with a maximum letter height of 4 inches. The letters shall be painted to match the letters on the eave signs. The posts and horizontal base placards shall be made of wood, finished to match the finishes on the Center's buildings. Any change to the freestanding driveway sign is subject to review by staff and requires the approval of the Planning Director, who shall retain the authority to require review by the Architectural and Site Review Board. Additional freestanding signs shall require review by the Architectural and Site Review Administrator and Planning Commission approval of an Amendment to the master Conditional Use Permit for the Center.
3. **Other Signage** – All new or modified signs not permitted under Section 153.076 of the Municipal Code or Signage Conditions 1 and 2, require review by the Architectural and Site Review Administrator and Planning Commission approval of an Amendment to the master Conditional Use Permit for the Center. This includes, but is not limited to, window signs; banners; signs secured to fencing, freestanding signs, walls, posts, poles, etc.

Woody the Fish

1. The sculpture is not to be used as a commercial sign, nor be the attachment for a commercial sign.

Buck's Restaurant

1. Sale of alcoholic beverages shall be for consumption within the restaurant building only, and be served primarily as a complement to the lunch and dinner menu.
2. Any violation of the State law related to the sale of alcoholic beverage shall be considered a violation of this Conditional Use Permit and said permit shall be subject to immediate cancellation after public hearing by the Planning Commission and upon notice of any such violation.
3. Hours of operation shall be limited to the hours of 6:00 A.M to 10:00 P.M., Monday through Thursday; and 6:00 A.M. to 10:30 P.M., Friday, Saturday, and Sunday. A breakfast, lunch, and dinner menu for adults and children shall be provided 7 days a week. The sale of alcoholic beverages is limited to the hours of 10:00 A.M. to 10:00 P.M., Monday through Thursday; and 10:00 A.M. to 10:30 P.M. Friday, Saturday, and Sunday.
4. The staff shall from time to time review the operation to ascertain it does conform to conditions of the use permit.
5. Seating capacity shall be limited to 120 seats.

Village Bakery and Café

1. The applicant shall obtain a restaurant permit business license from the County of San Mateo Health Department prior to issuance of a Building Permit.
2. Detailed plans of the mechanical equipment for the pizza ovens shall be submitted and approved by the Fire Marshal prior to issuance of the amended Conditional Use Permit.
3. Any parking areas where parking space dimensions are altered to be less than nine feet in width shall be re-stripped by the property owner to result in spaces that are at least nine feet in width, in conformance with the Town's parking standards.
4. The existing Bakery shall be maintained. New uses shall not be allowed to replace the bakery, unless an amendment to the Use Permit is granted.
5. The portion of the business that contains the bakery (backbar 260 sf + café 280 sf = 540 square feet) and the portion of the business that contains the restaurant (vestibule 160 sf + bar 225 sf + dining A 550 sf + dining B 414 sf + patio 950 sf = 2,299 square feet) shall not be changed or expanded without approval of a CUP amendment. (Total square footage: 4,245, includes: Outdoor dining square footage: 950; Indoor dining, bar, vestibule: 1,349; Bakery/café & retail sales: 540; kitchen, service, storage, restrooms, and office space: 1,406).
6. Business hours of operation shall be limited to 6:00 a.m. to 11:00 p.m.
7. The sale of alcoholic beverages is limited to the hours of 10:00 a.m. to 10:00 p.m., Sunday through Thursday; 10:00 a.m. to 11:00 p.m., Friday and Saturday.
8. All alcohol sales shall be served with food.
9. The business owner shall maintain in good standing the liquor license for beer, wine and spirits from California Alcohol and Beverage Control (ABC).
10. The Village Bakery and Café is limited to having 70 seats total (indoor and outdoor) for the public between 6:00 a.m. and 6:00 p.m. The Village Bakery and Café is limited to having 95 seats total (indoor and outdoor) for the public between 6:00 p.m. and 11:00 p.m.
11. Pursuant to Municipal Code Section 153.254, the Town shall refer the CUP to the Planning Commission for review and possible revocation if the business is operating outside of the required conditions, except if the Town finds the Village Bakery and Café to be operating with more than 70 seats before 6:00 p.m., Town staff shall revoke the provision in the CUP that permits the restaurant to have an additional 25 seats after 6:00 p.m.
12. The outdoor patio shall not have any type of temporary or permanent roof cover installed without obtaining an amendment to this CUP, and all other necessary permits and approvals.
13. The Mayten tree in the outdoor patio failed. The tree shall be replaced with a 48-inch box tree to the satisfaction of the Planning Director.

II. During Construction:

- a. All construction staging and construction parking shall be located onsite and shall not be located within any right-of-way, ingress/egress easement, access route for other parcels, or within any stream corridor, area with slopes in excess of 35%, area designated to meet the Town’s Natural State requirements, any areas where it may harm protected trees, trails, or within any other environmentally sensitive area.
- b. A sign shall be posted in a location readable from the roadway stating the permitted hours of construction pursuant to Municipal Code Section 151.55(B), and a contact name and phone number for the contractor. The sign shall be posted and maintained for the duration of the project, and shall be removed upon approval of the final inspection of all permits onsite.
- c. The Project is to be completed per approved plan. Any deviation from the approved plans requires review and approval of a revision by the Town prior to any revised work taking place.
- d. The applicant shall be responsible for compliance with requirements of all other applicable regulatory agencies, including but not limited to State Water Resources Control Board, Regional Water Quality Control Board, California Department of Fish and Wildlife, Army Corps of Engineers, US Fish and Wildlife, OSHA, EPA and Caltrans.

III. Prior to final inspection/occupancy:

- a. All approved exterior light fixtures shall be installed. The bulb or light source shall be located entirely behind a non-translucent surface. No additional lights or alternate fixtures shall be installed without first being reviewed and approved by the Town.
- b. All paved areas, including gravel/rock areas, shall be installed pursuant to the approved plans. No changes in the size or location of paved areas shall be made without first obtaining review and approval by the Town.
- c. All exterior finishes, colors, and materials approved by the Planning Commission/Planning Director as recommended by ASRB shall be used. Any changes may require further review by ASRB as determined by the Planning Director.
- d. All waterline backflow preventers located within required setbacks shall be installed in accordance with Municipal Code Section 153.050(B). The device shall meet the required location, height, color, and screening requirements.
- e. All construction debris and trailers shall be removed from the site.

Motion: Commissioner Rosekrans/ Second: Commissioner Voelke
 Ayes: Chair Huberty; Vice Chair Hobson; Commissioners Rosekrans, and Voelke
 Noes: None
 Absent: Commissioners Calia, Fender, and Kutay
 Abstain: None

The motion carried.

REPORTS:

- a. Staff Communications

Director Young discussed the Director’s Report for October 2016.

- b. Planning Commissioners Communications

Commissioner Voelke summarized the Town Council Meeting on October 11, 2016, where Airbnb (vacation rentals, homes, apartments and rooms for rent) was discussed. The big question is what to do about it. There are a couple of egregious short term rentals in Town. One in particular is in Chair Huberty's neighborhood and rents their place out like an event center. It's listed for \$1,600 a day. The Town has notified the property owners that they're in violation, yet they do it anyway. After the Town Council Meeting, someone told her that the homeowner was sitting in the back of the room listening to the entire discussion. It's a big problem. Some people do want to rent their places. There is one resident who wants to be able to rent her place short term when she's on vacation. There are many others who don't think that's okay. Other municipalities are also discussing what to do about short-term rentals and how to limit them. It's currently prohibited in the WMC as it's not a listed use; however, it's not being enforced. The next time the issue is to be discussed, the Town Attorney and staff will come up with some ideas on how to move this forward. She felt like protesting. She called another short-term rental site (not Airbnb) where someone was doing the same sort of thing. They are having events (e.g., weddings) out of their house. She read their contract. Their contract included a requirement to be in compliance with all laws, including zoning laws. She was able to chat with a customer service representative on the website. She told them about the listing on the site that is permitting a residential home as an event center, which is not allowed in that zone in Woodside. She asked what the company would do if a user/homeowner is violating the Zoning Code. The representative didn't have a clue, and said she would get back to her. She received an e-mail a day or two later from the website that said they are just a listing site, and cannot look into the compliance of each of their listers. She didn't carry the conversation further. Since they make it a condition of their site to comply, and the homeowner is not in compliance, it's a big issue at the present day. That takes legal action. It's not going to happen at the local Town level.

Vice Chair Hobson asked: what if you rented someone's big house for your daughter's wedding for a month?

Commissioner Voelke said it is about commercial activity in a residential zone.

Vice Chair Hobson said asked what the commercial part is. Her neighbor rents her house. What is considered "long-term"?

Town Attorney Savaree said 30 days.

Vice Chair Hobson said okay, so they could rent their house for a month and have a wedding.

Commissioner Voelke said sure, they can rent it out and have a private party because they're the tenant, and tenants are allowed to have parties. There's a difference between someone renting their house to Google with 200 people coming in, and the next day renting their house to another 200 people to have a wedding, and so on.

Commissioner Rosekrans reported on the Town Council Meeting on October 25, 2016. One item was to adopt the latest California Building Code. The other was to pass an emergency ordinance to deal with marijuana. There is an article in the November 2, 2016, issue of "The Almanac." What is the legal aspect of it?

Town Attorney Savaree said the article in the paper is accurate. The Town Council passed an urgency Ordinance as a placeholder because Proposition 64, which is on the November 8, 2016, ballot to legalize marijuana use, cultivation, distribution in California. The State will take over the licensing of that. If local entities want any control over any of those uses, they need to put in place an ordinance before the State Law passes. The Council said that if the Law passes, they want to retain control here for the Planning

Commission and the Town Council to look at whether or not we want to allow any uses in any zoning district. At the next Council meeting, they will be moving to extend the urgency Ordinance because it is only effective for 45 days. Perhaps we won't know the result of the election by then. We're asking the Town Council to extend it for another 10 months, which is the next step with the urgency Ordinance. We'll be bringing something back after seeing what happens with Proposition 64.

Vice Chair Hobson said the Town Council desires having the Town's elections align with the State general elections.

Commissioner Rosekrans said that is also an article in "The Almanac."

Vice Chair Hobson said the interesting part was that to line up the elections, we simply extended the terms of the current Town Council by one year.

Director Young wished Commissioner Voelke a Happy Birthday.

Chair Huberty adjourned the meeting at 7:53 p.m.