



MENLO PARK PLANNING COMMISSION MINUTES

**Regular Meeting
September 22, 2003
7:00 p.m.
City Council Chambers
801 Laurel Street, Menlo Park, CA 94025**

CALL TO ORDER – 7:01 p.m.

ROLL CALL – Bims, Fergusson, Fry (Chair), Halleck (Vice-chair) (Arrived at 7:04 p.m.), Sinnott, and Soffer present; Pagee absent.

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

A. PUBLIC COMMENTS

There were none.

B. CONSENT

This item was moved by Commission consensus to the end of the agenda.

1. Consideration of the minutes of the August 25, 2003 Planning Commission meeting. Continued from a previous meeting.
2. Consideration of the minutes of the June 9, 2003 Planning Commission meeting.

C. PUBLIC HEARING

1. **Use Permit/Barbara and Rob Silano/140 Hedge Road:** Request for a use permit for ground floor and second story additions to a single-story residence on a lot that is substandard in regard to lot width and lot area.

Staff Comment: Planner Thompson said that the proposal was for the construction of an addition to the existing residence at 140 Hedge Road. She said that the lot was substandard in regard to width and area. She said that because the lot was substandard and would result in an addition exceeding 50% of the existing floor area, the proposal required use permit approval by the Planning Commission. She noted that she had distributed to the Commission a letter of support from the property owners at 151 Hedge Road.

Public Comment: Property owner Ms. Barbara Silano, Menlo Park, said that she and her husband have lived in Menlo Park since 1988. She described the strong sense of community in the Suburban Park neighborhood in which they live. She indicated that the addition was to provide for the needs of her growing children and included a quiet study area and an additional shower. She said that the kitchen was well used, but too small. She said now that the children were no longer toddlers, the family had a choice of eating in the kitchen or opening the

refrigerator door, but they could not do both. She said that because her family loves the neighborhood and their neighbors, she and her husband had asked their designer to center the mass over the top floor so as not to intrude either to the left or right of their property.

Commissioner Fergusson said that she thought the overall design was tasteful, but expressed concern with the height of the chimney. She asked if the existing fireplace would remain as a wood-burning unit. Mr. Phil Hyland, JPH Design Management, Inc., said the existing fireplace was wood burning and would remain so. He said that the height of the chimney was a code issue as the chimney needed to extend to a certain height. He said he did not think the height of the chimney would be a design issue as the focus of the design was on the porch and front of the house. Commissioner Fergusson noted that often with renovation projects that wood burning fireplaces were replaced with gas burning fireplaces. She asked what was what was required in this instance. Planner Murphy said that at a certain threshold based on the amount of work being done to a fireplace replacement to a gas-burning unit was required. He said that as the project moved through the building process there would be a closer examination of the chimney and the amount of work being done to the fireplace.

Commissioner Soffer asked about the minimum space requirements for a garage to provide two parking spaces. Planner Thompson noted that it was 20-feet by 20-feet. Commissioner Soffer noted that the dimensions of the garage were 21-feet by 19 ½-feet and asked whether a variance or use permit was needed for the garage. Planner Murphy indicated page circle B2 of the existing plans and that currently there was a family and laundry room in the garage. He said that the applicants were bringing the garage back to its original state and maintaining the same structural wall. He said the garage part of the project would not require a use permit. He noted that as the overall addition required a use permit, the Commission would have the discretion to require fully conforming parking or to allow the parking to go forward as presented.

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

Motion carried 6-0, with Commissioner Pagee not in attendance.

Commission Comment: Commissioner Fergusson moved acceptance as recommended in the staff report with an additional condition to allow the applicant the flexibility to downsize the chimney if the engineering department requirements dictated that change. Commissioner Halleck seconded the motion.

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

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 JPH Design Management, Inc, consisting of seven plan sheets, and approved by the Planning Commission on September 22, 2003, 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 new construction.
- 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 Planning Division. The plan should include the recommendations identified in the Arborist Report.
- g. The applicant shall have the flexibility to modify the plans to reduce the height of the proposed chimney subject to review and approval of the Building Division.

Motion carried 6-0, with Commissioner Pagee not in attendance.

2. **Use Permit and Architectural Control Revisions/Aubrey Moore, Jr., Architect & Associates/15 El Camino Real:** Request for use permit and architectural control revisions to allow modifications to the exterior stairways and walkways of the existing motel.

Staff Comment: Planner O'Connell said that the request was for a use permit for exterior and minor interior modifications to an existing structure at 15 El Camino Real. He noted that structural alterations to an existing structure in the C-4 zoning district require use permit approval by the Planning Commission. He said that the applicant was also requesting architectural control revision for the remodel of the exterior of the motel. He said that there had

been no communications received on the project and that the property owner and architect were present.

Questions of Staff: Commissioner Fergusson noted that there had been a number of cosmetic improvements to the building; she asked whether modern seismic building requirements had been, or would be, applied. Planner O'Connell said that building permits were required for the new stairway tower cover and railings and that there would be a rigorous plan check by the Building Division. He said that the consideration of seismic condition would be within the Building Division's process, but that he did not know the threshold at which seismic retrofitting was required.

Commissioner Sinnott asked if a landscaping plan would be required. Planner O'Connell indicated that it had not been required and agreed that it was needed. Chair Fry asked if the work required Caltrans' approval. Planner O'Connell said that at this time there was no work proposed within the Caltrans' property. He noted that a survey was being required and that would verify whether any of the work proposed would be on Caltrans' property. He said that the Planning Division looked at the property carefully with the GIS system and it appeared that the work was not on Caltrans' property.

Public Comment: Mr. Aubrey Moore, Aubrey Moore Jr. Architects and Associates, said he was available for questions. Commissioner Fergusson asked whether the building had been looked at for seismic needs. Mr. Moore said that had occurred when the building was first constructed, but not since then as there had been no substantial structural modifications made to the structure. He said that seismic evaluation would apply if the building were to be modified with a greater height or width or structural alteration beyond a certain dollar amount. He said that threshold had not been reached previously and that the proposal being made would not reach that threshold either as no structural changes were being proposed. Commissioner Fergusson asked for his professional opinion on the structural integrity of the building. Mr. Moore said that the building was structurally sound.

Commissioner Sinnott asked if a landscaping plan had been looked at for the area along the walls. Mr. Moore said that they had not as the wall was located on the property line and there was concrete on the outside of the walls. Commissioner Sinnott asked if there was dirt on the other side of the walls. Mr. Moore said that the other side was the pool deck. Chair Fry asked if the colors were the same as existing. Mr. Moore said that the same family of colors was being used but the colors had been muted to make them more vibrant. He indicated he could hang a palette of the colors at the site for the Commissioners if they would like to look at them and give some input. Chair Fry asked about a pole in the middle of the site. Mr. Moore said that it was a sign pole for the Best Western sign. Chair Fry noted that there were new stairwells proposed on the right side and what appeared to be a large window. She asked if that would be illuminated at night. Mr. Moore said that there would be safety illumination on the inside; he said that the feature was an open metal grille and not a window.

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

The motion carried 6-0, with Commissioner Pagee not in attendance.

Commissioner Sinnott said that her major concern was landscaping for the bare walls, even if that were pots with vines planted to come over the wall and soften the impact of the walls. Planner O'Connell said that he thought the only places where landscaping would be successful

would be in the triangular spots at the end of the "L"s. He said that in his experience it was hard to have plantings grow over a building as it caused water and rust to drip down the walls.

Commissioner Soffer said that he would move acceptance as recommended by staff with a requirement for a landscaping plan and for the Commission to be able to review the colors. Planner O'Connell asked Commissioner Sinnott to explain what she wanted in a landscaping plan. Commissioner Sinnott said that her major concern was that there be some type of landscaping that would break up the bare walls. She said that she would not make that a condition of approval. Commissioner Soffer amended his motion to state that the landscaping plan would be at the discretion of staff approval. In response to a question from Planner O'Connell, Commissioner Soffer said that the bright red on the peaks concerned him. Commissioner Halleck seconded the motion made by Commissioner Soffer.

Commissioner Fergusson made a friendly amendment to condition "c." She said that it appeared to her that the parking garage did not have enough sheer wall for seismic safety. She asked if a sentence might be added indicating that the City's Building officials would make a determination regarding the seismic adequacy of the structure in respect to life safety. Commissioner Halleck said that he would accept the friendly amendment if staff were comfortable with it. Planner Murphy said that he would be somewhat uncomfortable making that a condition of approval. Chair Fry asked whether that type of analysis would be done as part of the Building review. Planner Murphy indicated that it would to an extent, but as the architect had indicated, the extent of the seismic review was based on the extent of structural modifications and the cost of the changes. He said that the changes being proposed might not hit that threshold. Commissioner Fergusson suggested that the word "determination" be changed to "review." This change was acceptable to Commissioner Fergusson, the maker of the friendly amendment and to Commissioners Soffer and Halleck, the makers of the motion and second.

Chair Fry asked about Commissioner Soffer's request to review the colors. Planner O'Connell said that the easiest way would be to have some color samples provided to the Commission and for that color review to be placed on a consent calendar. Commissioner Soffer said that his main concern was the color being used on the metal roof. Mr. Moore said that they would like to paint a portion of the building for the Commission to see. He also noted that the color of the roof would be the same as it currently was painted. Commissioner Sinnott asked Commissioner Soffer which colors concerned him. Commissioner Soffer indicated that it was only the roof and indicated that he would remove review of the colors from his motion. Chair Fry asked about condition "h" regarding the new lighting. She asked whether there would be mitigation of potential glare from the proposed new lighting. Planner O'Connell said that issue was being addressed and that several ways of eliminating glare were being reviewed.

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

1. Make a finding that the project is categorically exempt under Class 1 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 proposed modifications 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.
4. Make a finding, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of a 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.
5. Approve the architectural control revision and use permit revision subject to the following conditions:
- a) Development of the project shall be substantially in conformance with the plans prepared by Aubrey Moore Jr. Architects and Associates, received by the Planning Division on July 2, 2003, consisting of three plan sheets and approved by the Planning Commission on September 22, 2003, except as modified by the conditions contained herein.
 - b) 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.
 - c) 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.
 - d) 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 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 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.

- f) Prior to building permit issuance, the applicant shall submit details of the trash enclosure for review and approval of the Engineering Division and Planning Division. Trash enclosures and dumpster areas must be covered and protected from roof and surface drainage.
- g) Prior to building permit issuance, the applicant shall submit plans for on-site recycling and garbage facilities for review and approval by the City Environmental Program Coordinator.
- h) Prior to building permit issuance, the applicant shall submit a lighting plan, including a photometric study and light fixture specifications for review and approval by the Planning Division. New lighting shall project downward and shall be designed to minimize the potential for glare.
- i) All new signage is subject to review and approval by the Planning Division prior to sign installation.
- j) Prior to building permit issuance, the applicant shall submit a survey by a licensed land surveyor that accurately depicts the size and dimension of the property and the existing structures on the property. The survey shall be subject to review and approval of the Planning Division and the Engineering Division.
- k) Prior to issuance of a building permit, the Building Official shall review the project plans and visit the project site to ensure that the proposed project complies with applicable seismic safety standards.

Motion carried 6-0, with Commissioner Pagee not in attendance.

3. **Use Permit/Gary Ahern/1150 El Camino Real:** Request for a blanket use permit to allow permitted uses in the C-4 (El Camino Real) zoning district to operate on the property that is nonconforming in regard to parking.

Staff Comment: Planner Smith said that the property at 1150 El Camino Real was located in the C-4 zoning district and was developed with an approximately 2,690-square-foot, two-story building containing three tenant spaces. He said that there was a retail tenant on the first floor and two office tenants on the second floor. He said that the property was legal, but nonconforming in regard to parking, and possessed nine parking spaces where a minimum of 16 parking spaces are required by the zoning ordinance. He said that in situations in which a property was substandard because of the number of parking spaces, a new use that has a similar or more restrictive parking requirement than the previous use might occupy the site subject to approval of a use. He noted that City policy allowed for the property owner of a multi-tenanted building to apply for a blanket use permit that would allow all uses permitted within the applicable zoning district to occupy the site without obtaining individual use permits for each new use. He said that the applicant was requesting approval of a blanket use permit for the three tenant spaces, which would allow permitted uses to occupy the tenant spaces.

Questions of Staff: Commissioner Soffer confirmed that the blanket use permit was for permitted uses and not conditional uses. Planner Smith said that staff was also recommending

that the list of permitted uses be shortened somewhat to restrict otherwise permitted uses of restaurants, cafes, and dental and medical offices. Chair Fry confirmed that the parking requirements were based on square footage and not use. Commissioner Fergusson said that the downstairs was designed for retail space and asked if anything dictated that the space had to remain retail. Planner Smith indicated there was not. Commissioner Fergusson asked for clarification of what a financial business use included. Planner Smith said that use included banks, savings and loans, and brokerages. Commissioner Fergusson confirmed that a financial planning business would be classified as office use.

Public Comment: Mr. Gary Ahern, the applicant, said that he was the property owner and one of the tenants. He said that the restrictions regarding restaurant, café, medical and dental offices were acceptable. Chair Fry asked Mr. Ahern if he was looking for retail tenants for the ground floor. Mr. Ahern said that he had been contacted by a number of prospective tenants. He said that they were negotiating with three separate uses and that they had lost two retail uses because of the need to apply for a use permit. Chair Fry asked Mr. Ahern if he would have a problem if the Commission restricted the ground floor use to a retail use. Mr. Ahern said that would be too restrictive as the C-4 zoning district permitted a number of uses other than retail. He said that it would create a greater hardship than what was being experienced. Chair Fry said that her concern was with the loss of City revenue. Mr. Ahern said that he had lost two revenue-producing tenants because of the delay for them to occupy the site. Chair Fry asked if the property would remain under single ownership; Mr. Ahern indicated that it would. Commissioner Soffer confirmed that the previous use of the ground floor had been retail and he questioned why a use permit would have been required for a new retail tenant. Planner Smith said that a use permit was not required if the same use occupied the space within 90-days of the previous tenant leaving. He noted that after 90-days a use permit was required because of the non-conforming parking. Commissioner Soffer asked what use was being proposed for the first floor. Mr. Ahern said that he has one retail business looking at the site and two personal services businesses looking at it. Commissioner Bims said that the site plans refer to 11 parking spaces. Mr. Ahern said that he had always considered the two additional spaces as parking, but that Planner Smith had indicated that the two spaces were not legally sized. Commissioner Bims asked about expanding the spaces to make them legal. Mr. Ahern was not sure there would be enough room. Commissioner Fergusson asked about a trash enclosure. Mr. Ahern said that there was one 32-gallon garbage can and a wheeled recycling bin. Commissioner Fergusson said that the striping on the parking plan indicated that a car would be parking on top of the PG&E vault, which she thought should not occur in case of an emergency. Planner Smith said that space 11 was not striped. He said that spaces seven, eight, nine and ten were striped and were functional but were two-feet short of the depth requirement for parking spaces. He said that it was up to the Planning Commission if they wanted the depth of those spaces increased by two feet, which would move those spaces into the area now shown as number 11. He said that if each space was moved two feet it was not clear whether a newly formed space number 10 would overlap the PG&E vault or not. In response to Commissioner Fergusson, Planner Smith said that the Commission might require that the parking not overlap the PG&E value or to leave the parking spaces as existing.

Commissioner Action: M/S Fry/Sinnott to close the public hearing.

Motion carried 6-0, with Commissioner Pagee not in attendance.

Commission Comment: Commissioner Soffer said that he had concerns with blanket use permits in this area. He said that four years ago there was an application for a conversion of a

photography studio to a pub, which would have created parking problems, as the site was seriously deficient in parking. He said that there would not be evening uses such as restaurants which would lessen parking impacts. He said that it was important for a retail use to be on the first floor. Commissioner Sinnott noted that the additional restrictions on the permitted uses lessened her concerns with parking issues. She said that there had been no objections or complaints from the neighbors. Commissioner Sinnott made a motion to approve as recommended by staff. Commissioner Halleck seconded the motion.

Commissioner Fergusson said that she thought a bank or financial institution use would negatively impact the parking and thought that use should be restricted. She said that was a friendly amendment. Commissioner Sinnott said that she would prefer to leave the motion as made as she doubted a financial institution would want the space. Commissioner Bims said that he would like an amendment to the motion to bring the parking into conformance in regard to the depth of the existing parking spaces. He said that if it was possible that spaces seven through ten should be re-striped to conform in regard to depth and to not overlap the PG&E vault. Commissioner Sinnott indicated that she would accept that amendment. Mr. Ahern said that would be acceptable.

Commissioner Soffer said that he was concerned with allowing general office use on the first floor. Commissioner Fergusson agreed with Commissioner Soffer. Commissioner Sinnott said she understood that concern but that the requirement for retail use on the ground floor was a requirement of properties on Santa Cruz Avenue and that it was unfair to apply here. She said that it would have to change for every building on El Camino Real and not just for this single property. Commissioner Soffer said that offices on the first floor of buildings in a retail area negatively impacted those retail uses. Mr. Ahern said that based on tenant use of the building already that he would not be able to lease the ground floor for office use. Planner Smith said that 50% office FAL was the maximum allowed on the project site and the property was currently at 40% office FAL. Chair Fry said that it was regrettable that a retail use permit expired 90-days after a vacancy and questioned the reasoning for that. She said that she was concerned that there was the possibility that most of the building could be office and she would like the first floor use restricted to retail or personal services uses. Chair Fry said that her main concern was revenue for the City. Commissioner Sinnott asked what uses Chair Fry did not want. Chair Fry said office use. Commissioner Sinnott said that the applicant had indicated that he was near the limit of allowable office use. Chair Fry said that the second floor was not at the maximum of allowable office use and there might be office use on the first floor.

Commissioner Sinnott asked whether the applicant would agree to a restriction that the first floor use be restricted to either retail or personal services. Mr. Ahern said that he was concerned that the permitted uses in the C-4 zoning district were being whittled away and that his intent was to find one tenant for the first floor. He said that if the Commission wanted to add office use to the other restricted uses he was amenable to that. Commissioner Fergusson said that the first floor was noted as retail space. She asked if the interior space might be altered on the first floor without the need to come back to the Commission if there was blanket use approval. Planner Smith indicated that it could. Chair Fry asked if the building were demolished and rebuilt would the blanket use permit still apply. Planner Smith said that once the building were torn down that a new building would either have to have conforming parking or a variance for parking. He said that in either case use permits would not be needed for permitted uses, but for new construction. Commissioner Soffer asked if there were any time limits placed on blanket use permits. Planner Murphy indicated that there was one site on Merrill Street that came back

after five years and as he recalled that was when the City was looking at development of the Menlo Square area.

Commissioner Halleck said that he did not recall any office uses proposed on the first floor along El Camino Real and Santa Cruz Avenue. Commissioner Soffer referred to a project on Cambridge Avenue and El Camino Real. Commissioner Halleck said that he did not want office use on the first floor and did not see a trend toward office use in the area. He said that the City of Menlo Park does not have a revitalization plan which would provide more guidelines. He said that the worst thing would be if the space remained empty. Commissioner Soffer said that eventually the bookstore next to this property would be redeveloped and that the Commission would have no influence on what went there in the future. Commissioner Sinnott said that the Commission would have influence on the design and that the Commission would make sure that the use was amenable to retail.

Commissioner Fergusson said that last month the Commission had considered the Alain Pinel office and that there was a contingency for retail use in part of the ground floor. She said that she preferred restrictions on use rather than a five-year review. Planner Murphy said that the two projects were different in that the Alain Pinel office was in a C-3 zoning district that restricted use to retail and that they were asking for approval for the use, not parking, as in this instance. He said that the request for a blanket use permit before them was based on parking demand. He said that the applicant had offered to include office use as a conditional use, which would require use permit approval. Planner Smith confirmed that the first floor was being restricted from office use.

Commission Action: M/S Sinnott/Halleck to approve as recommended in the staff report with the following changes.

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 uses 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 uses, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
3. Approve the blanket use permit for the three tenant spaces located at 1150 El Camino Real, subject to the following conditions:
 - a. The blanket use permit allows for all permitted uses in the C-4 (Applicable to El Camino Real) zoning district to locate in the tenant spaces without obtaining individual use permits for locating on a property that is legal, but nonconforming with regards to parking with the exception of the following uses: restaurants, cafes, and medical and dental offices. In addition, the blanket use permit shall not apply to any office use on the ground floor of the building.
 - b. All new uses that locate on the property are subject to all other applicable requirements of the Menlo Park Fire Protection District, sanitary district, utility

companies, Building Division, Transportation Division, and Engineering Division.

- c. All new signage is subject to review and approval by the Planning Division staff.
- d. Within 60 days of the Planning Commission approval, the applicant shall submit revised plans for nine parking spaces showing the parking area restriped to bring the four parking spaces on the right side of the property into conformance with the City's parking space dimension requirements and showing the perpendicular parking space closest to the rear of the building as a loading zone. This plan shall be submitted for the review and approval of Planning and Transportation Division staff. Within 90 days of the Planning Commission approval, the applicant shall implement the approved restriping plan.

Motion carried 6-0, with Commissioner Pagee not in attendance.

4. Use Permit/Oak Grove and Merrill Associates/1195 Merrill Street: Request for a use permit to sell beer and wine in association with a new crepe restaurant.

Staff Comment: Planner Thompson said that the applicant was proposing interior renovations to an existing tenant space at 1195 Merrill Street for a restaurant called Crepes Café. She said that the applicant was also requesting use permit approval to allow alcohol sales in conjunction with the new restaurant.

Public Comment: Chair Fry asked if there would be seating for dining outside of the café. Ms. Helene Pascal, Menlo Park, co-owner of Crepes Café, said there would be inside seating as well as outside seating on the closed veranda. She said that they wanted to serve wine and beer and no hard liquor. In response to Commissioner Fergusson's question, Ms. Pascal said that there would be 10 tables inside and 25 tables outside, each of which would seat two people. She said that there might also be a few tables in the summertime in the sidewalk area which was owned by the property owner. She said that the expectation was to have 60-65 seated customers.

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

Motion carried 6-0, with Commissioner Pagee not in attendance.

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

1. Adopt a finding that the project is categorically exempt under Class 3 of the current State CEQA Guidelines and the City of Menlo Park Environmental Review and Implementing Procedures.
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 for Crepes Café, dated received by the Planning Division on August 25, 2003 consisting of one floor plan and approved by the Planning Commission on September 22, 2003, except as modified by the conditions contained herein.
- b. Prior to building permit issuance, the applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the new construction.
- c. All new signage is subject to review and approval by the Planning Division prior to sign installation.

Motion carried 6-0, with Commissioner Pagee not in attendance.

5. Use Permit/DES Architects and Engineers for SurroMed/1505 O'Brien Drive:
Request for a use permit for the use and storage of hazardous materials associated with a biotechnology research company.

Staff Comment: Planner Thompson said that the property at 1505 O'Brien Drive was located in the M-2 zoning district. She said that the applicant SurroMed, Inc. was relocating its headquarters from the City of Mountain View to the subject property. She said that the proposed use would involve the storage and use of hazardous materials, which required use permit approval by the Commission.

Questions of Staff: Commissioner Fergusson asked for clarification of condition 3.b in the staff recommendation that states "change in the use or storage of hazardous materials." She asked what that meant for the Commission. Planner Murphy said that if the use or storage of the hazardous materials changed as determined by the Fire Marshall's inspection and the applicant wanted to keep the change, the Fire Marshall would contact the City and the business would need to get either a new or revised use permit.

Public Comment: Mr. Dave Tarlton, Tarlton Properties, said he was representing the property owners. He said that SurroMed, Inc. was a partner business to a current tenant, PPD Discovery.

Mr. Keith Joho, co-owner of SurroMed, Inc., said in response to a question from Commissioner Soffer, that SurroMed, Inc. was a biomedical company that works with biotech and pharmaceutical companies to identify new diagnostic products to determine disease and drug treatment efficacy. Commissioner Fergusson asked if there were potential for the City to receive revenue from the sales of the products. Mr. Joho said that their business was research, but that ultimately they would want to have an FDA-approved product.

Mr. Terry Robinson, Operations Manager at SurroMed, Inc., said in response to a question from Commissioner Bims said that the hazardous materials as noted would be used daily in research. Commissioner Fergusson asked which of the materials listed in the staff report were the most dangerous. Mr. Robinson said that would be acetone nitrate, which was flammable and

a known carcinogen. He said that the material was used in conjunction with particular safety equipment and setting.

Mr. Brent Takahasi, DES Architects and Engineers, in response to a question from Commissioner Fergusson, said that hazardous materials were not stored within the generator or trash storage area.

Mr. Robinson said in response to a question from Commissioner Fergusson that the majority of chemicals would be split between Area 4 and Area 28 for storage. He said that the waste area was noted next to Area 34. He said that the quantities of hazardous materials and waste were not very large.

Chair Fry said that at the back, there was a broken gate on some type of enclosure and if that would be repaired. Mr. Tarlton said that was probably the trash enclosure as the gate there often needed repair with BFI's handling of it. Chair Fry asked if bodily tissues or fluids would be received by the company. Mr. Joho indicated that was so and that those materials were disposed in compliance with applicable regulations.

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

Motion carried 6-0, with Commissioner Pagee not in attendance.

Commission Comment: Commissioner Soffer made a motion to accept as recommended by staff. Commissioner Halleck seconded the motion. Commissioner Fergusson noted that the business was a welcome addition to the City and that the oversight indicated in condition 3.b was appropriate. Chair Fry noted that the Adams Street sign near the building was nearly invisible because of trees and suggested that the trees might be trimmed.

Commission Action: M/S Soffer/Halleck 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 August 27, 2003, and approved by the Planning Commission on September 22, 2003, 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.
- e) Prior to occupancy, the facility shall require inspection and approval by West Bay Sanitary District.

Motion carried 6-0, with Commissioner Pagee not in attendance.

- 6. Use Permit and Variance/Michelle Davis/1241 and 1243 Hoover Street:** Request for a use permit to demolish an existing single-family residence and construct two single-family residences on a lot that is substandard in regard to lot width and variance to construct each residence less than the required 20-foot minimum from the main buildings on adjacent properties.

This item was withdrawn by the applicant prior to the meeting.

- 7. Variance/Joel Broida/209 Lennox Avenue:** Request for a variance to reduce the number of required on-site parking spaces from two to one in order to allow for the installation of a swimming pool.

This item was withdrawn by the applicant prior to the meeting.

D. CONSENT

This item had been moved by Commission consensus to the end of the agenda.

- 1. Consideration of the minutes of the August 25, 2003 Planning Commission meeting.
(This item had been continued from a previous meeting.)

Commissioner Fergusson and Chair Fry noted a number of suggested changes.

Commission Action: M/S Fry/Halleck to approve with the following changes.

- Page 1, line 14: Delete “unanimously” and “-1.”
- Page 2, line 4: Delete “and other meetings.”
- Page 12, paragraph 3, line 9: Correct the spelling of “dormer.”
- Page 12, paragraph 3, line 9: Modify to read “She said that dormers should not be defined as windows that start above the roofline of the second story wall,

floor, but should instead be required to be embedded into the second story roofline.”

- Page 14, paragraph 3, line 6: Delete the “d” from the word “and.”
- Page 16, paragraph 1, line 4: Replace “by doing” with “and does” and add “an existing” between “with” and “process.”

Motion carried 5-0-1, with Commissioner Fergusson abstaining and Commissioner Pagee not in attendance.

2. Consideration of the minutes of the June 9, 2003 Planning Commission meeting.

Chair Fry said that on page 13 that “sighting” should be replaced with “siting.”

Commission Action: M/S Fry/Bims to approve with the following change

- Page 13, paragraph 4, line 6: Replace “sighting” with “siting.”

Motion carried, 5-0-1 with Commissioner Fergusson abstaining and Commissioner Pagee not in attendance.

Chair Fry asked if the August 25, 2003 minutes with the changes would be given to the City Council to read or posted to the website. Planner Murphy said that the revised minutes could be re-circulated electronically and he would have to research as to whether it would be possible to re-post minutes.

E. REGULAR BUSINESS

1. Discussion of upcoming Joint Study Session with the City Council on September 30, 2003 regarding the proposed Residential Review Ordinance.

Commission Action: The Commission discussed whether to make a presentation to the City Council as a collective body or as individual commissioners. Chair Fry said that she would contact Mayor Jellins to clarify how the meeting would be structured and report back to the rest of the Commission. Commissioner Fergusson volunteered to prepare a PowerPoint presentation in collaboration with the other Commissioners.

F. COMMISSION BUSINESS, REPORTS, AND ANNOUNCEMENTS

Chair Fry asked if there was an agenda for the upcoming September 29, 2003 study meeting. Planner Murphy said that the main topic would be sign guidelines related to bright colors. In response to Commissioner Soffer, Planner Murphy said that it was cost prohibitive to purchase a book on PMS color samples, but that staff was looking at other ways to get the information. Commissioner Fergusson said that the Commission had requested putting the sign ordinance on the agenda and whether the September 29, 2003 meeting might be used for that. Planner Murphy said that the Commission might review the overall sign guidelines, but the only recommendation that the City Council was seeking from the Commission was on bright colors.

Planner Murphy said that there was a request for a study session in the Belle Haven neighborhood for the Belle Haven Park Housing Project and the Belle Haven Service Center. He asked if a special meeting in mid-November would be amenable to the Commission for this

as the other study meetings for the year had been cancelled. The Commissioners indicated that they would get back to staff regarding this within a week.

ADJOURNMENT

The meeting adjourned at 9:42 p.m.

Staff Liaison: Justin Murphy, Principal Planner

Prepared by: Brenda Bennett, Recording Secretary

Approved by Planning Commission on April 19, 2004.