



MENLO PARK PLANNING COMMISSION MINUTES

Regular Meeting

May 17, 2004

7:00 p.m.

City Council Chambers

701 Laurel Street, Menlo Park, CA 94025

CALL TO ORDER – 7:02 p.m.

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

INTRODUCTION OF STAFF – Cramer, Smith, Thompson

A. PUBLIC COMMENTS

There were none.

B. PUBLIC HEARING

1. **Use Permit/Bock Construction Inc./725 Olive Street:** Request for a use permit for remodeling of an existing single-story residence that is legal but non-conforming in regard to the right side yard setback.

Staff Comment: Planner Smith said that the applicant was proposing to remodel an existing single-story residence located at 725 Olive Street. He said that the existing structure was legal but nonconforming in regard to the right side setback. He noted that the Zoning Ordinance allowed for additions and remodels to existing legal, but nonconforming structures up to 50 percent of the existing structure within a 12-month period. He said that the proposed remodeling would exceed 50 percent of the replacement cost and a use permit was required.

Questions of Staff: Commissioner Fergusson questioned the term “proposed remodeling.” Planner Smith said that the project had been done in phases and the first phase where the actual additional square footage was added was done with Building permits and was under construction currently. He said that work had not exceeded the 50 percent of the replacement cost trigger. He said that the proposed additional work for the remodeling of the interior and the front façade change combined with the other remodeling exceeded the 50 percent threshold.

Commissioner Fry asked Planner Smith to review the conditions of approval that were not in the first phase of the work. Planner Smith said essentially that all of the conditions were new as a use permit had not been required for the first phase of the project. He said that conditions “3.a and 3.b” were standard requirements and when the applicant submitted a building permit application for Phase I they were held to those requirements. He said that also under Building permit phase there would have been a requirement to protect the heritage trees and was condition “3.f.” He said that the arborist report attached to the staff report was used for Phase 1.

He said that many of the conditions listed in the staff report were boilerplate and would have been required for the Phase 1 work.

Public Comment: Mr. Robert Johnston, Redwood City, said that he was one of the owners of the subject property. He said that Mr. Dean Bock, the applicant, was not able to attend due to an emergency. Commissioner Fergusson asked what had already been completed with the project and what remained to be done. Mr. Johnston said that the proposal before the Commission mainly had to do with the front façade. He said there were window changes, the addition of a powder room and half bath, the relocation of the front door, and the addition of shutters. Commissioner Fergusson said that it appeared a window in the right elevation had already been relocated. Mr. Johnston said that was allowed in the original phase of work. Commissioner Fergusson asked if there had been any changes to the floor level elevations. Mr. Johnston said that the floor level elevation was single-story throughout the residence.

Commissioner Fry asked what the rationale had been for splitting the project into phases. Mr. Johnston said that originally they had sought to build a new residence, which did not get approval. He said that they then decided to remodel and after discussion with Planning staff, they broke the project into two phases because of time constraints with the financing. Commissioner Fry said that she recalled the Planning Commission had only reviewed the project once.

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

Motion carried 7-0.

Commission Comment: Commissioner Soffer asked what was the standard used for estimating the value of the replacement cost. Planner Smith said that he believed the City used the ICBO handbook for establishing cost factors for existing development and new work. He said the cost per square foot varied on the type of square footage and whether existing or remodeled. He said for existing living area it was \$200 per square foot and for garages, it was \$65 per square foot, and \$20 or \$25 per square foot for porches. He said that new work was valued the same way, but for remodeled areas, it depended upon the area being remodeled. He said for kitchens and bathrooms proposed to be remodeled, the estimate was based on \$130 per square foot and other living area was \$100 per square foot. Commissioner Soffer asked if fees for building permits were based on the numbers mentioned by Planner Smith or actual construction cost for the area. Planner Smith said that it was based on the value of the work the applicant claimed and was based more on the actual cost of work.

Commissioner Fry said that she would move to approve as recommended by staff and Commissioner Pagee seconded the motion.

Commissioner Bims said that it had been approximately a year since the applicant had submitted plans and this review of the project. He asked what consumed the time. Planner Smith said that the bulk of the delay had been staff waiting for the applicant to submit revisions. He said that the applicant had met with staff some time at the end of 2003 about doing the project in phases and it was some months later that staff received an application.

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

1. Adopt 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 injurious or detrimental to property and improvements in the neighborhood or the general welfare of the City.
3. Approve the use permit request subject to the following conditions of approval.
 - a. Development of the project shall be substantially in conformance with the plans prepared by Focal Point Design, dated May 1, 2004, consisting of four plan sheets and approved by the Planning Commission on May 17, 2004, 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, San Mateo County Health Department, and utility company's regulations that are directly applicable to the project.
 - c. Prior to building permit issuance, the applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division 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 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 utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
 - f. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance. Prior to building permit issuance, the applicant shall implement the tree protection plan and recommendations in the Arborist Report for all applicable heritage trees for review and approval by the Building Division.

Motion carried 7-0.

2. **Use Permit/Milne Paye Rioux Inc./229 Princeton Road:** Request for a use permit to construct a new two-story residence on a parcel that is substandard in regard to lot width, and to perform excavation into the required left side yard setback.

Staff Comment: Planner Smith said that the applicant was proposing to demolish an existing single-story residence and construct a new two-story home with a basement. He said that the lot was substandard in regard to lot width. He said that use permit approval was required because the proposal involved a new residence on a substandard lot. He noted that the applicant also proposed to construct two light wells on the left side of the residence, each of which would encroach one foot into the required five-foot left side setback. He said that excavation into a required setback needed use permit approval by the Planning Commission as well.

Questions of Staff: In response to Commissioner Fry, Planner Smith said that the minimum size for a light well was three feet in width and the depth was based the size of the room.

Public Comment: Mr. Mark Robinson of Hopland, the architect for the project, said the minimum size for the light well was 36-inches clear and there was an additional six inches for the light well to clear the retaining wall.

Commissioner Fergusson asked about the elevation of the first floor. Mr. Robinson said that the new floor would be four to six inches higher than the previous residence's floor. He said that there was about a minimum of 14 to 15 inches to the floor from the finished grade.

Commissioner Fergusson confirmed that the parents of the applicant lived in the single-story residence to the left of the subject property.

Commissioner Pagee said that the light wells would encroach one foot into the left side setback and asked why they had placed the house at six feet rather than at five feet on the right side setback. Mr. Robinson said that they were trying to keep a balance. He said that even one foot on the right side would make a difference with a two-story structure; they had tried to create more space on the right side so as not to infringe on the neighbor. He said the second story was seven and a half feet away on the left side. He said that they were willing to move the house over one foot.

Ms. Hilary Holmquist, the owner, responded to a question from Commission Pagee. She said that they had spoken with all of their neighbors and mailed a letter to all of those who had received the plans in which they had offered to meet to discuss any concerns or questions. She said that the neighbors to the rear said that they would like to discuss additional trees in the back. She said regarding the neighbor to the right that they were trying to put as much of the windows on the left side as possible and they had moved the second story in on the right side to protect that neighbor's privacy.

Commissioner Sinnott asked about the proposed aluminum clad simulated divided light windows and whether they would look like true divided light windows. The applicant indicated that they would.

Commissioner Fry asked where the right side neighbors' window on the left side was relative to the window on the second story of the proposed project. Ms. Holmquist said that the neighbor's window was in part of a study and the windows were offset with one another. Commissioner

Fry said that there was a playhouse in the rear yard and asked if it would be removed. Ms. Holmquist said that they would like to decide about the playhouse until they had their master landscaping plans. Commissioner Fry confirmed that the playhouse was 72-square feet and noted that square footage was added to the total floor area limit. She said that if the applicant kept the playhouse they would be over the total floor area limit. Ms. Holmquist said that they had no problem with removing the playhouse.

Ms. Ann James, Menlo Park, said that she was a neighbor and supported the project.

Mr. J.T. Sison, Menlo Park, a neighbor, said that he and his family completely supported the project and the proposed project would fit well into the neighborhood.

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

Motion carried 7-0.

Commission Comment: Commissioner Fergusson said that she would move to approve as recommended by staff. She said that the family and architect had done a very careful job and the garage placement was very creative. Commissioner Pagee seconded the motion and concurred that the elevations were very nice.

Commission Action: M/S Fergusson/Pagee 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.
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 injurious or detrimental to property and improvements in the neighborhood or the general welfare of the City.
3. Approve the use permit request subject to the following conditions of approval.
 - a. Development of the project shall be substantially in conformance with the plans prepared by Robinson Architects, consisting of five plan sheets dated April 12, 2004, and approved by the Planning Commission on May 17, 2004, 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, San Mateo County Health Department, and utility company's regulations that are directly applicable to the project.
 - c. Prior to building permit issuance, the applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division 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 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 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.

Motion carried 7-0.

- 3. **Use Permit Revision/Bob D'Elia/1505 O'Brien Drive:** Request for a use permit revision for the use and storage of hazardous materials for a nitrogen tank located outside of the building in association with a therapeutics company located in the M-2 (General Industrial) zoning district.

Staff Comment: Planner Thompson said that the applicant was requesting a use permit revision for changes in the quantity and location of hazardous materials stored on site. She said that the applicant was proposing to install a new 3,000-gallon liquid nitrogen tank and two vaporizers on a concrete pad outside of the building on an existing loading dock.

Questions of Staff: Commissioner Bims asked whether earthquake safety was considered for this project. Planner Thompson said that the applicant would be better able to answer that question.

Commissioner Fergusson noted that on page three of the staff report the lettering under condition 3 needed to be corrected. She said that as re-lettered, condition "e" required that utilities be placed underground and asked if that was actually the case. Planner Cramer said that condition "e" was a boilerplate condition; however, if there were an opportunity or the relocation of other utilities, the requirement would be for the utilities to be placed underground.

Public Comment: Mr. Bob D'Elia, Vice President with Integrated Engineering Services in San Jose, responding to Commissioner Bims question about seismic safety review, said they had a professional engineer to make the drawings and calculations for seismic safety and other requirements for the project.

Commissioner Fergusson asked why West Bay Sanitary District wanted to inspect the proposed tank location as this was an improvement and would be safer than the current method. Mr. D'Elia said that there was a storm interceptor near the project site but it did not connect to the sewer. Planner Cramer noted that West Bay Sanitary District often inspected these sites.

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

Motion carried 7-0.

Commission Action: M/S Pagee/Sinnott to approve as recommended in the staff report with the direction to staff to chronologically re-letter the conditions of approval in condition "3."

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 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.
3. Approve the use permit revision subject to the following conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by DES Architects and Engineers, consisting of seven plan sheets dated received by Planning on April 1, 2004 and approved by the Planning Commission on May 17, 2004, 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, Engineering Division, and Transportation Division that are directly applicable to the project.
 - d. If required by state or federal regulations, or by the Building Division, construction safety fences shall be installed around the periphery of the construction area. A plan for safety fences necessary during construction shall be submitted to and approved by the Building Division staff prior to issuance of a building permit.
 - 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. 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.

- g. 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.
- h. In the event that the use is discontinued for 90 consecutive days, the use permit will automatically expire.
- i. Prior to final inspection, the facility shall submit plans for review and require facility inspection by West Bay Sanitary District.

Motion carried 7-0.

- 4. **Use Permit/Holly Finley/1215 Hamilton Court:** Request for a use permit to convert 1,212 square feet of existing warehouse space to office use in a building located in the M-2 (General Industrial) zoning district.

Staff Comment: Planner Thompson said that the applicant was requesting approval of a use permit for remodeling work which would result in 1,212 square feet of office space within an existing vacant warehouse tenant space. She said that since the new construction would involve structural alterations that would modify the amount of square footage of the building and office laboratory in a warehouse use category, the proposal required approval of a use permit.

Questions of Staff: Commissioner Fry asked how the parking was calculated. Planner Cramer said that the Zoning Ordinance allowed for either building or employee count to determine parking need. She said that this calculation was done by employee count.

Public Comment: Ms. Holly Finley, Legacy Partners, said that they have a very large campus at this site and that parties interested in leasing this site had shied away site because there was no office space.

Commissioner Fry said that other tenant space entryways at the subject property had been improved and asked if this site would look like the other sites. Ms. Finley said that it would. Commissioner Fry said that on the plans it appeared that the other tenant spaces had their handicapped spaces on the other side of their space where it was flatter. She said that for this site there seemed to be a dramatic slope in the area of the proposed handicapped space and asked if they had considered putting the handicapped space on the other side. Ms. Finley said that they had considered putting the space on the other side, but there were drive through dock doors with a ramp. She said to put a handicapped ramp as at the other locations, they would have to demolish a very large part of an asphalt ramp and the cost would be double what it was to cross the parking lot. She said that crossing the parking lot met code including the slope requirement. Commissioner Fry asked if they had considered putting the handicapped space on the other side of the building. Ms. Finley said that typically when they have an office space they try to put the handicapped space on the office side. She said that the other spaces were warehouses and it did not particularly matter on which side the handicapped space was located.

Commissioner Fergusson asked what type of businesses had looked at this space. Ms. Finley said that a pet food company and a moving company had looked at the space. She said that both had four or five staff members to answer phones and do filing.

Commissioner Soffer asked if the complex was owned by AMB and if Menlo Business Park was part of AMB. Ms. Finley said that Menlo Business Park was part of AMB and then it was Legacy Partners that runs the site.

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

Motion carried 7-0.

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

1. Make a finding that the project is categorically exempt under Class 1 of the current State CEQA Guidelines.
2. Make a finding, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of 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.
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 Legacy Partners, consisting of five plan sheets dated March 29, 2004 and approved by the Planning Commission on May 17, 2004, 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, Engineering Division, and Transportation Division that are directly applicable to the project.
 - d. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval of the Planning, Engineering and Building Divisions. All 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.
 - e. Prior to installation of any new signage, the applicant shall submit a sign application for the review and approval of the Planning Division.

Motion carried 7-0.

5. Use Permit Revision/Thad Hallock for Geron Corp./230 Constitution Drive:

Request for a use permit revision to relocate and expand an emergency generator located outside of the building and the use of hazardous materials associated with the generator for the existing research and development use in the M-2 (General Industrial) zoning district.

Staff Comment: Planner Thompson said that the applicant was requesting a use permit revision to replace an existing generator with a larger generator outside of the building and the use of hazardous materials associated with the generator.

Public Comment: Mr. Thad Hallock, San Jose, said that he was representing Geron Corporation. He said that the company was a bio-pharmaceutical company that was expanding its product development activity and needed more emergency generator capacity. He said that they were at 90 percent capacity for the one generator they have at 200 Constitution Drive and the one they have at 230 Constitution Drive. He said that they would upgrade one from 62KW to 200KW, which allow them to store critical material and continue their product development at the site. He said that the increase in hazardous materials was the diesel fuel. He said that the tank for the new generator had a 3,000 gallon capacity.

Chair Halleck noted that the lettering on page four under condition three needed to be corrected.

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

Motion carried 7-0.

Commission Action: M/S Fergusson/Fry to approve as recommended in the staff report with the direction to staff to chronologically re-letter the conditions of approval in condition "3."

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 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.
3. Approve the use permit revision subject to the following conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by HITECH, consisting of three plan sheets dated April 13, 2004 and approved by the Planning Commission on May 17, 2004, 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, Engineering Division, and Transportation Division that are directly applicable to the project.
- d. If required by state or federal regulations, or by the Building Division, construction safety fences shall be installed around the periphery of the construction area. A plan for safety fences necessary during construction shall be submitted to and approved by the Building Division staff prior to issuance of a building permit.
- e. Prior to issuance of a building permit, a utility plan showing the exact location of all meters, transformers, junction boxes, relay boxes, back-flow prevention devices, etc., that are being installed outside the building and provisions being made to screen such equipment from view, shall be submitted to and approved by the Planning and Building Divisions.
- f. 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.
- g. 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.
- h. In the event that the use is discontinued for 90 consecutive days, the use permit will automatically expire.

Motion carried 7-0.

6. **Use Permit and Architectural Control Revision/Peggy Lo, Lo Property Management/2498 Sand Hill Road:** Request for a use permit and architectural control revision for modifications to the underground parking garage, surface parking configuration and landscaping associated with the development of a new 8,600 square foot office building on the southwesterly corner of the Quadrus office complex.

Staff Comment: Planner Cramer said that the applicant was proposing to revise an approved development permit for construction of a new office building and underground parking garage at the Quadrus campus. She said that the revision would include modifications to the underground parking garage and surface parking configurations. She said that the proposed changes

required Planning Commission approval of a use permit revision and architectural control revision.

Public Comment: Ms. Peggy Lo, Lo Property Management, said in response to a question from Commissioner Soffer that the area of the reserved parking was located on somewhat of a slope going toward Building 7. Commissioner Soffer noted that there were 34 parking spaces in landscape reserves for just the one building. Planner Cramer said that there were 31 other parking spaces in landscape reserves located throughout the Quadrus site. She said that the total reserve for the project would be 206 spaces and currently without the proposed development was 92 spaces.

Commissioner Fergusson noted condition "p" regarding landscape screening of the rustic stone wall base of the underground parking structure. She asked if the concern was that vehicles parked underground would be somewhat visible. Planner Cramer said that the wall would be larger and visible from Sand Hill Road and there was a potential that taller vehicles would be seen over the top of the wall. She said that staff would work with Ms. Lo and her architect to devise a landscape screening that would address both issues. She said that such a plan might contain low shrubs at the wall as well as some treetop canopy that would screen the vehicles from view.

Commissioner Fry asked the applicant to review what was approved previously and what was new in the proposed plans. Ms. Lo said that what was previously approved was parking that would have been built underneath the middle level and underneath the building. She said that the soils report indicated that this was not economically feasible at all. She said that the change proposed was to have the parking underneath the building and continue under the existing parking lot and there would be a parking terrace on top.

Commissioner Fergusson noted that the parking as proposed was not actually underground but under the building. Ms. Lo said that doing the parking in this way rather than excavating 13-feet down from the middle level, reduced the excavation to one to two feet under the lower level.

Commissioner Bims asked if the proposed wall height was four feet above the surface parking. Ms. Lo confirmed that was so. Commissioner Bims said that the staff report indicated a concern that some of the tops of the vehicles would be partially visible and asked why the wall was not proposed to be five feet rather than four feet. Ms. Lo said that it was based on the design of the building and the slope of the land. She said that the area where cars might be seen probably extended for about a 10-foot section because of existing treetop screening. She said that the middle level parking was higher than this parking and standing on Sand Hill Road, currently one could see cars parked on the middle level.

Commissioner Bims said that based on the soils report a decision was made to move the placement of the parking garage. He asked if the report had indicated that the previous building design would be subject to a landslide effect. Ms. Lo said the report found that the soil was expansive clay stone and would destabilize the area up above where there was a very large retaining wall that secured the parking lot and would destabilize the building they were proposing to build. She said that the only way to build there as previously designed would be so expensive because of the types of foundations needed that it no longer made sense to proceed. She said that they have built all over the site and never had this problem. She said that this

type of soil was limited to this particular area. She said the major concern was that in an earthquake the soil would shift and the building as previously designed could split in half.

Commissioner Sinnott asked where the elevation changes were made such as changes to the north elevation as directed previously by the Commission. Ms. Lo said that the Commission had requested a slight change to the windows and to have the eaves extended on the outside.

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

Motion carried 7-0.

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

1. Make a finding that the project is categorically exempt under Class 3 of the current State CEQA Guidelines.
2. Make the following findings, as per Section 16.68.020 of the Zoning Ordinance, pertaining to architectural control approval:
 - a. The general appearance of the structure is in keeping with the character of the neighborhood.
 - b. The development will not be detrimental to the harmonious and orderly growth of the City.
 - c. The development will not impair the desirability of investment or occupation in the neighborhood.
 - d. The development provides adequate parking as required in all applicable City Ordinances and has made adequate provisions for access to such parking.
3. 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.
4. Approve the use permit revision and architectural control revision for the eighth building located at 2400-2498 Sand Hill Road, subject to the following conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by Hoover Associates, dated October 23 and November 21, 2003, consisting of 12 plan sheets and approved by the Planning Commission on December 15, 2003, except as modified by the conditions contained herein.
 - b. Prior to building permit issuance, the applicant shall comply with all County, State, and Federal regulations that are directly applicable to the project.

- c. Prior to building permit issuance, the applicant shall comply with all West Bay Sanitary District, Menlo Park Fire Protection District, and utility companies regulations that are directly applicable to the project.
- d. Prior to building permit issuance, the applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the new construction.
- e. Prior to building permit issuance, the applicant shall submit a soils report for the review and approval of the City Geologist. The project shall comply with the recommendations of the City Geologist, subject to the satisfaction of the Building and Engineering Divisions.
- f. Prior to issuance of a grading permit, the applicant shall submit a hydrology and hydraulic study report for the project based on the hydrology and hydraulic analysis and calculations for review and approval by the Engineering Division. The applicant shall install the storm drain systems as recommended in the report.
- g. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a Grading and Drainage Plan for review and approval of the Engineering Division. The Grading and Drainage Plan shall be approved prior to issuance of a grading, demolition or building permit.
- h. Prior to issuance of a demolition permit or building permit, the applicant shall submit a plan for construction safety fences around the periphery of the construction area for review and approval of the Building Division. The fences shall be installed according to the plan prior to commencing construction.
- i. The developer shall become familiar with the Best Management Practices (BMP) requirements in order to ensure project compliance with the National Pollutant Discharge Elimination System (NPDES) permit.
- j. Prior to grading permit issuance, the applicant shall submit a plan for the control of dust for the duration of the project. The plan shall list specific measures, including but not limited to routine watering of the site. The plan shall also specifically address how dust will be controlled during weekends and other off-work periods. Finally, the plan shall include a contact name and phone number to receive and address any complaints. This plan shall be submitted for the review and approval of the Planning Division.
- k. 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.

- l. Prior to building permit issuance, the applicant shall complete and record at the County Recorder Office the abandonment of Saga Lane to construct the building with the proposed setback from Saga Lane (30 feet from the edge of the proposed access easement). The applicant will initiate a request to the City to abandon Saga Lane and the City will process the proposed abandonment according to the City's guidelines and set conditions of approval associated with the abandonment.
- m. Prior to issuance of a demolition permit, the applicant shall comply with the requirements of Chapter 12.48 (Salvaging and Recycling of Construction and Demolition Debris) of the City of Menlo Park Municipal Code.
- n. Prior to issuance of a building permit, the applicant shall comply with the requirements of Chapter 12.48 (Salvaging and Recycling of Construction and Demolition Debris) of the City of Menlo Park Municipal Code.
- o. Prior to building permit issuance, the applicant shall submit plans for on-site recycling and garbage facilities. The facilities shall be covered and protected from roof and surface drainage. The plan shall be subject to review and approval by the Environmental Program Coordinator, Engineering and Planning Divisions.
- p. Prior to building permit issuance, the applicant shall submit a detailed landscape and irrigation plan identifying the location, type, and size of all new trees for review and approval by the Planning Division. The landscape plan shall be prepared by a licensed landscape architect. The plan shall include additional landscape screening of the rustic stone wall base of the underground parking structure, particularly in the area of the new surface parking. The landscape and irrigation plan shall meet the requirements of the Water Efficient Landscaping Ordinance. The plan shall be reviewed and approved by the Planning Division. All landscaping shall be in place prior to final inspection.
- q. Prior to building permit issuance, the applicant shall submit a revised landscape plan that includes the relocation of the of the stairway that connects the upper and lower parking lots between Buildings Eight and Three to save tree number 840 instead of tree number 841 subject to review and approval of the Planning Division.
- r. Prior to building permit issuance, the applicant shall submit a revised arborist report that analyzes the potential impact of the excavation for the parking structure to the heritage trees and a tree protection plan approved by a certified arborist subject to review and approval by the Planning Division and City Arborist.
- s. The applicant shall replace removed heritage trees at a ratio of 2:1. Replacement trees shall have a minimum size of 24-inch box.

- t. The applicant shall maintain 192 parking spaces in landscape reserve. Parking in landscape reserve shall be developed at the discretion of the City if the Planning Division determines that additional parking is necessary to serve the office complex.
- u. Prior to building permit issuance, the applicant shall revise the all parking stall dimensions to be a minimum depth of 16.5 feet and all drive aisle to be a minimum width of 23 feet. The revised parking plan is subject to review and approval by the Transportation Division.
- v. Prior to installation of any signage, the applicant shall submit plans of the signs for review and approval by the Planning Division.
- w. Prior to building permit issuance, the applicant shall pay all school impact fees required of the new development.
- x. The project shall comply with the provisions of the Public Artwork Ordinance, Chapter 16.69 of the Zoning Ordinance, as applicable.
- y. Prior to building permit issuance the applicant shall submit revised plans to modify the left gable on the south elevation, facing Sand Hill Road, to be similar in architectural style to the existing buildings on site. The revisions should include changes to mullions and fascia board and the addition of outriggers to match existing buildings. The revised plan shall be subject to review and approval by the Planning Division.

Motion carried 7-0.

C. REGULAR BUSINESS

1. Consideration of the minutes of the November 3, 2003 Planning Commission meeting.

Commissioner Fergusson noted on page 27, line 24 that "through the hours" should be struck. She said that on the same page the phrase "Willows Housing Association" should be changed to "Willows residents." She said on page 31, condition "dd" the first word should be "Prior" rather than "or." She noted a typographical correction on page 22, line 3, "Saturday's" should be "Saturday."

Commission Action: M/S Fergusson/Sinnott to approve with the following modifications.

- Page 22, line 3: Change "Saturday's" to "Saturday."
- Page 27, line 24: Delete "through the hours."
- Page 27, line 28: Change "Housing Association" to "residents."
- Page 31, line 47: Change "or" to "Prior."

Motion carried 6-0-1 with Commissioner Fry abstaining as she had not been in attendance.

2. Consideration of the minutes of the November 17, 2003 Planning Commission meeting.

Commission Action: M/S Halleck/Sinnott to approve as submitted.

Motion carried 7-0.

D. COMMISSION BUSINESS, REPORTS, AND ANNOUNCEMENTS

Commission Soffer suggested two topics to be agendized for discussion: the Neighborhood Traffic Management Plans and relationship to mitigating impacts related to traffic on development projects, and issues related to limits on types of building and finding a mix of desirable commercial uses in downtown. Commissioner Fry said that she had noted a similar issue regarding Medical office use and asked whether that was being agendized. Commissioner Bims said that these would be good items to discuss with the City's Business Development Director. It was the Commission's consensus to agendize the three topics for discussion as soon as possible.

Planner Cramer noted that City Attorney McClure would not be able to attend the May 24 study meeting on alleys and that meeting had been canceled. She said that there was a study meeting on August 28, but Mr. McClure had indicated that he was not available on that date. She said that staff was proposing to cancel the August 28 study meeting and schedule a special meeting on June 14 for the alleys. She said that another option would be the regular study meeting of August 30, 2004. It was the Commission's consensus that the Planning Commission study meeting on alleys in the Willows Neighborhood would be rescheduled to August 30, 2004.

It was the Commission's consensus that the issue of medical office would be agendized for the June 28, 2004 study meeting. Planner Cramer noted that the Business Development Director would be invited to address the Commission generally on the other topic of downtown commercial use mix.

ADJOURNMENT

The meeting adjourned at 8:25 p.m.

Staff Liaison: Tracy Cramer, Senior Planner

Prepared by: Brenda Bennett, Recording Secretary

Approved by Planning Commission on September 13, 2004.