



**MENLO PARK PLANNING COMMISSION  
MINUTES**

**April 9, 2007**

**7:00 p.m.**

**City Council Chambers**

**701 Laurel Street, Menlo Park, CA 94025**

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**CALL TO ORDER** – 7:00 p.m.

**ROLL CALL** – Bims (absent), Deziel, Keith (Chair), O'Malley, Pagee, Riggs, Sinnott (Vice-chair)

**INTRODUCTION OF STAFF** – Justin Murphy, Acting Community Development Director, Thomas Rogers, Associate Planner

**A. PUBLIC COMMENTS**

There were none.

**B. CONSENT**

There were no consent items on the agenda.

**C. REGULAR BUSINESS #1**

1. **Use Permit/Guillermo Prado/100 Green Street:** Request for a use permit to determine the Floor Area Limit (FAL) of a lot with less than 5,000 square feet of area, associated with the construction of an addition to an existing single-story, single-family residence in the R-1-U (Single-Family Urban) zoning district.

Staff Comment: Planner Rogers said that staff had no additional comments.

Public Comment: Chair Keith noted there was no public comment, and closed the public hearing.

Commission Action: M/S Deziel/O'Malley to approve the item as recommended in the staff report.

1. Make a finding that the project is categorically exempt under Class 1 of the current CEQA Guidelines.
2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be

detrimental to property and improvements in the neighborhood or the general welfare of the City.

3. Approve the use permit subject to the following *standard* conditions:
  - a. Development of the project shall be substantially in conformance with the plans prepared by GP Residential Designs, consisting of four plan sheets, dated received March 14, 2007, and approved by the Planning Commission on April 9, 2007, 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 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. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance.

Motion carried 6-0 with Commissioner Bims absent.

#### **D. PUBLIC HEARING**

Commissioner Sinnott said that she would need to recuse herself from consideration of item D.1 and item D.2 due to a potential conflict of interest.

1. **Use Permit/Danielle Paye/1177 Johnson Street:** Request for a use permit for excavation into a required side yard setback for access to a basement garage and for a detached secondary dwelling unit, associated with construction of a new single-family residence on a standard lot in the R-E (Residential Estate) zoning district.

Staff Comment: Planner Rogers said staff had no additional comments.

Questions of Staff: Commissioner Deziel said that the Commission had previously noted for this project that there should be some requirement or condition related to maintenance of the retaining wall. Planner Rogers said that construction of the wall was regulated by building standards, and that the Commission had made the maintenance an advisory condition as it was not an enforceable condition. He said that the issue of

maintenance of the retaining wall was ultimately a civil/private matter of the neighboring property owners. Commissioner Deziel noted that if a structure becomes unsafe that removal is required. He said if the wall was not maintained that the ground could become unstable. He asked what protection the neighbor would have if the wall was not maintained to prevent long term failure. Planner Rogers said that the neighbors might pursue a lawsuit in that instance. He said that with that option and in conjunction with the building standards by which the wall would be built that staff found enough guarantee of health and safety. He said that the Commission could add greater conditions if they felt those were needed.

Commissioner O'Malley said he had not seen an arborist study of the neighbor's beautiful redwood trees. Planner Rogers said the arborist report was attachment C.7. He said there had been additional review by staff and the staff arborist of the trees and with the revised construction plans they believed the trees were protected.

Commissioner Pagee asked about required access to the secondary dwelling unit. Planner Rogers said there were two primary requirements for emergency access; the first of which was all weather paving to the secondary unit related to bringing through a fire hose or a gurney and the second related to how far the habitable space was from the street, which distance might be compensated for through such things as sprinklers. Commissioner Pagee asked whether the building was a pool house if those requirements would be needed. Planner Rogers said his understanding was the Fire District had these requirements for any habitable site.

Chair Keith noted inconsistencies with the conditions beginning 4.a. Planner Rogers said that 4.b.1 should read 4.c.1; then 4.b.2 should read 4.c.2.; and 4.c.3 was correct.

Public Comment: Mrs. Patricia Jimenez, Menlo Park, applicant, said they wanted to have an underground garage as they wanted to keep their home one-story and they did not want the garage to be the main focus of the home. She said they met with their neighbors, the Nelsons, whose main concern related to the protection of their redwood trees. She said they intended to have a strong landscape plan and to protect the trees from the construction. She said that her arborist and architect were present.

Commissioner Deziel asked if they had any concern with a condition that they would maintain the retaining wall in safe condition. Mrs. Jimenez said she did not.

Commissioner Pagee said the below grade parking area would need to have a sump pump and asked where that would be located. Mrs. Jimenez said she thought the sump pump would be enclosed in the back of the garage.

Mr. John Nelson, Menlo Park, said he and his wife were concerned about the protection of their redwood trees because of the excavation. He read from a document regarding redwood trees and their root systems. He said he had spoken with the City Arborist, who had indicated redwood trees' roots could extend twice the distance of the dripline, and that it was significant to know which side of the trees the roots went. He said the

Arborist had suggested a technique used by the cities of Palo Alto and Atherton in which a trench is dug at the edge of the proposed excavation. He said he thought that was agreed upon by all but found out later that the applicant did not think the excavation trench was necessary. He said the City's Heritage Tree Ordinance requires a tree protection plan for any work done within the distance of 10 times the diameter of a heritage tree. He said the arborist's report estimated there were seven redwoods each with a diameter of 30-inches. He said however that the smallest of their redwood trees has a 52-inch diameter and the largest tree has a 63-inch diameter, and is the tree closest to the property line and was located eight feet away from the fence and 13-feet from the proposed excavation. He said the report said the coverage of the tree was 40 feet which meant that would extend into the excavation area. He noted Commission approval for hand-digging around a redwood at 563 Olive Street. He said that an exploratory trench had been dug next to tree number 34 and there were significant roots. He said that even if a minimum root distance was used that 20 percent of the roots would be removed because of the excavation. He said they were extremely concerned about the trees and wanted an exploratory trench dug and a better understanding of what impact the excavation would have on the roots of the redwood trees. He said the excavation would proceed faster once the actual situation has been investigated.

Mr. Richard Huntington, Mayne Tree Expert Company, San Carlos, a certified arborist, said that the size of the trees had been estimated by sight. He said the roots theoretically could extend into every direction. He said that the roots tend to overlap and root cutting would only occur if needed on the southerly side. He noted that redwoods are very durable trees and that there was thirteen feet distance between the closest redwood and the point of excavation. Chair Keith asked about exploratory trenching. Mr. Huntington said that this was one method used to determine if there were roots in the area and what size. He said that estimation could be made without any trenching at all.

Commissioner Deziel asked if the arborist was familiar with the City's Heritage Tree Ordinance and that it required a tree protection plan before any use permit was issued. Mr. Huntington said that he just been brought onto the project by his company as the prior arborist had left the company. Commissioner O'Malley said it concerned him that a tree could be judged to be half the size that it was. Mr. Huntington said that roots if exposed by the excavation process had to be inspected by the City's arborist to determine whether they could be cut without harm to the tree. Chair Keith said she thought the wording was very loose regarding the size of the root and cutting. Mr. Huntington said that the arborist would determine if the root could be cut or not. Commissioner Riggs asked if Mr. Huntington was aware that the excavation was nine-feet deep. Mr. Huntington said he was.

Mr. Will Milne, the project contractor, said they hired Mr. Huntington to look at the trees and that Mr. Huntington was not concerned at all that the excavation would impact the trees. He said Mr. Huntington was also firm in his position that the exploratory excavation was not needed; and they had also confirmed that the City Arborist did not

require the exploratory excavation. He said maintenance of retaining walls included the installation of cleanouts for drainage.

Commissioner Deziel wanted confirmation as to the distance of the trees from the retaining wall. Mr. Milne said that the closest tree was at least 10 feet from the property line.

Commissioner Pagee asked a series of questions related to the drainage for the retaining wall; by which responses she calculated that the excavation would be from four to four and a half-feet from the fence.

Mr. Nelson was recognized by the Chair. He said that they would welcome the applicants to come onto their property and measure the trees accurately. He said that it made more sense to know as much up front about the trees and their roots as possible so that an appropriate tree protection plan could be developed. .

Chair Keith closed the public hearing.

Commissioner Comment: Chair Keith said there seemed to be a couple of issues related to exploratory trenching and a tree protection plan. Commissioner Pagee moved to continue to give the applicant an opportunity to do an exploratory trench or similar technique to better assess the impact of the proposed excavation on the neighboring trees and for this to occur in the presence of the property owner next door if desired, and through that to develop an appropriation tree protection plan. She said the report should include diameter measurements of the redwood trees.

Commissioner Riggs said he thought having more information up front regarding the trees would be wise. He said that with the new building standards for retaining walls that he would expect the retaining wall to be the last thing standing on the property.

Commissioner O'Malley noted the home design was very beautiful and that only the tree issue needed to be resolved.

Commission Action: M/S Pagee/O'Malley to continue the item

The Commission directed the applicant and the project arborist to conduct an exploratory trench or similar technique to better assess the impact of the proposed excavation on the neighboring redwood trees at 1205 Johnson Street. The neighboring property owner should have the opportunity to observe this work. The findings of the exploratory trench or similar technique should be incorporated into a revised arborist report that more explicitly describes a tree protection plan for these trees. The arborist report should include accurate diameter measurements for these redwood trees.

Motion carried 5-0 with Commissioner Sinnott recused and Commissioner Bims absent.

2. **Use Permit Revision/Laurel Homes/1175 Johnson Street:** Request for a use permit revision to modify an approved two-story, single-family residence on a substandard lot with regard to lot width in the R-E (Residential Estate) zoning district. The modifications include a change to the overall architectural style, as well as minor footprint alterations.

Staff Comment: Planner Rogers said that staff had no additional comments.

Public Comment: Ms. Kim LeMieux introduced Brian and Payette Taylor the new owners of the property. She said designer Dan Thompson had changed the style of the proposed home from Dutch Colonial to a Mediterranean style as preferred by the Taylors. She said the height of the house was slightly lower than the home previously proposed.

Ms. Patricia Jimenez, Menlo Park, said she and her husband liked the plans and thought it would make a great complement to their home, if they ever were allowed to build it.

Chair Keith closed the public hearing.

Commission Comment: Commissioner Pagee moved to approve as recommended and Commissioner Keith seconded the motion. Commissioner Riggs said that he was still not able to support excavation into a light well for new construction.

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

1. Make a finding that the project is categorically exempt under Class 1 of the current CEQA Guidelines.
2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
3. Approve the use permit subject to the following **standard** conditions:
  - a. Development of the project shall be substantially in conformance with the plans prepared by Dan Thompson Inc, consisting of eleven plan sheets, dated received March 29, 2007, and approved by the Planning Commission on April 9, 2007, 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 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 building permit issuance, the applicant shall submit plans indicating that the applicant shall remove and replace any damaged and significantly worn sections of frontage improvements. These revised plans shall be submitted for the review and approval of the Engineering Division.
- f. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a Grading and Drainage Plan for review and approval of the Engineering Division. The Grading and Drainage Plan shall be approved prior to issuance of a grading or building permit.
- g. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance. Prior to the building permit issuance, the applicant shall implement the tree protection plan and technique recommendations in the Arborist Report for all applicable heritage trees.

Motion carried 4-1 with Commission Riggs opposed, Commissioner Sinnott recused, and Commissioner Bims absent.

3. **Use Permit/Trinity Biosystems, Inc./1490 O'Brien Drive:** Request for a use permit for the use and storage of hazardous materials associated with the development of vaccines and oral protein delivery in the M-2 (General Industrial) zoning district.

Staff Comment: Planner Rogers noted two typographical errors on page 3 of the staff report where "Class 3" should read "Class 1" in two places. He said staff had received a letter from the City Attorney for East Palo Alto, Mr. Michael Sanderson Lawson, in which Mr. Lawson asked the Commission continue or delay the approval of this use permit so that the City of East Palo Alto might review the proposal more closely. Planner Rogers noted for the record that Mr. Lawson had waived the confidentiality statement on the letter related to distribution.

Questions of Staff: In response to a question from Commissioner Pagee, Planner Rogers said he conferred with Menlo Park's City Attorney and the Acting Community Development Director, both of whom indicated that there was no justification to recommend a continuance.

Questions of Staff: Commissioner Pagee said this proposal would have a very limited amount of hazardous materials as compared to other applications the Commission has reviewed, and asked if there had ever been discussion to include the City of East Palo Alto in the consideration of those applications in which there are greater amounts of hazardous materials. Planner Rogers said that not in the two years he has been with the City. Acting Community Development Director Murphy said that there had been no active project to do that, and there was nothing to prevent that except that the City would need to direct staff resources to incorporate procedures to include the City of East Palo Alto in future applications near their jurisdiction.

In response to a question from Commissioner Deziel, Planner Rogers said that noticing for a use permit required notification of property owners within 300-feet of the project; however, for this application, the noticing had been increased to a quarter mile for this project. He said that there was no requirement to notice the City of East Palo Alto's planning staff for a use permit application in Menlo Park, nor would they have noticed Menlo Park's planning for similar projects within East Palo Alto.

Public Comment: Mr. John Tarlton, Menlo Business Park, said they were pleased Trinity BioSystems had developed beyond their "incubator" space and needed greater space. He introduced Mr. Wouter Latour, the CEO of Trinity BioSystems.

Mr. Latour said he would be happy to clarify what Trinity does. He said they were a typical biotechnology company using similar chemicals to other such facilities and that there would be no infectious materials produced or stored. He said that Ms. Ellen Ackerman of Green Environment Consulting was providing them oversight. He said that they would comply with all safety requirements.

Commissioner Pagee said there did not seem to be any fume hoods. Mr. Latour said there was one fume hood installed in a room in which hazardous materials would be used or stored that might require special handling. Ms. Ellen Ackerman, Green Environment Consulting, said the materials could be used within or without the fume hood. She said the quantity and type of the hazardous materials that would be used were not such that a 10-gallon container of hazardous materials would be under the fume hood continuously. Commissioner Pagee confirmed that the materials were not of a quantity or type that required a permit from Bay Area Quality Management District.

Commissioner Deziel asked if Ms. Ackerman might identify one of the most hazardous materials and potential worst case scenarios.

Mr. Randy Mrsny, Trinity BioSystems, said he had started the company a few years prior and they have made progress toward some welcome opportunities related to health care. He said much of their work was the same as what might occur in high school laboratories. He said they introduce genetic materials into well-established and well-controlled bacteria to create a new chemical, a protein, which is extracted with salt and water. He said the hazardous materials were used to study the protein. He said they were not doing chemistry within the lab but using solvents such as alcohol. He said if



the three-and-a-half ounces of the arsenic acid was spilled that there would be no harm to people and it would be cleaned up according to procedure. He said with digitonin that even if the entire gram was accidentally consumed by a person the worse they would experience would be a heart palpitation.

Ms. Ackerman said the company had different spill kits specific to certain materials. She said for a spill of three ounces that personnel would don appropriate safety clothing and gear; would treat the spill appropriately, bag it, transfer it to the hazardous waste area, and it with other waste would be transported by a licensed handler to a California authorized waste facility.

Mr. Michael Sanderson Lawson, City Attorney of East Palo Alto, said he was representing the City's Planning Division and his office. He said he would like the project continued for a period of 30 days to allow meetings among the residents and local elementary schools with the proponents to assuage the public's concerns. He said there were over 100 chemicals listed on the application. He said they asked the Commission to be sensitive to the residents bordering this project, and to facilitate dialogue between them and the project proponents. He said their concern was whether this facility would be a Romic-type facility or a feeder to a Romic-type facility.

Commissioner Riggs said that the Commission has about 12 applications in this area per year and asked whether Mr. Lawson was requesting that each project hold such neighborhood meetings. Mr. Lawson said the more information that was shared then the more defensible the Commission's decisions would be.

Ms. Anna Turner, East Palo Alto, said she received the notice of the hearing on Friday, and she wanted to know what the impact of this facility would be on East Palo Alto. She said that her City has to bear the impact of most of the hazardous materials in San Mateo County. She said that East Palo Alto has the highest rates of asthma and cancer in San Mateo County. She said that this was environmental racism.

Ms. Yolanda Williams, East Palo Alto, said her home is adjacent to the facility and asked if the project proponent would want such a facility next his residence.

Ms. Margaret Blackwell, East Palo Alto, indicated she would donate her speaking time to Mr. Roghib Haqq.

Mr. Roghib Haqq, East Palo Alto, said his concern was with the storage and extraction of materials and how genes were counted as very high voltage might be used to count the genes. He said if that was used with materials of different polarity that there could be incidents in which emergency teams would accidentally take hazardous material home with them on their shoes. He said his concern was how much hazardous materials would be stored in these facilities and whether more than one company would share the same storage facility. He said he was concerned with flammable materials. He noted a document D.1 from the County of San Mateo Environmental Health that there would be an additional 80 drums of some materials, some acid and some form of nitrogen. He

said the report stated there was no adversity, but he believed the adversity was enhanced cumulatively by Menlo Park continuing to put such facilities next to residences. He said his home was only 48 feet from the Trinity facility. He said that he had requested information on the project from Planning staff and that he had not received the information from the City. He asked why cobalt and chlorine were needed.

Mr. Latour said he respected the concerns of the residents. He said they were certainly not using any high voltage materials or any radioactive materials. He said that the cobalt was neither an isotope nor radioactive. He said the chlorine was comparable to that used for cleaning but stronger. He said that they would not have drums of anything on the site. He said that there were other occupants in the building but Trinity's site was entirely autonomic and all materials waste and otherwise would be stored in designated areas within the Trinity facility.

Ms. Waheedah Haqq, East Palo Alto, said that she has lived at her home since 1967. She said she was concerned with the finding related to health, safety and welfare. She said that if she were to try to sell her home she would not be able to or to get what it was worth because of the proximity of these hazardous materials sites to her home.

In response to Chair Keith, Planner Rogers said the permit was for the use and storage of hazardous materials which creates some level of waste that was removed by a certified waste handler.

Ms. Mary Ellen Jones, East Palo Alto, said she has lived in her home since 1974. She said that there were two businesses handling hazardous materials and that if there were an explosion this would affect residences on Kavanaugh and two nearby elementary schools. She said she thought the City of Menlo Park should encourage communication with this nearby area impacted by this M-2 industrial area. She said that the City should re-think putting such businesses next to homes and be concerned more with humanity and protection of people.

Chair Keith closed the public hearing.

Commission Comment: Chair Keith asked about the noticing as to when and where it occurred. Planner Rogers said a notice was released after the application was submitted and then a second notice was sent 15 days prior to the public hearing. He said that these notices were sent to all properties within a quarter mile of the project site whether the properties were in Menlo Park or East Palo Alto. He said the first notice went out some time in February. He said the noticing was also supported with a notice in the newspaper and on the City's website.

Commissioner Deziel asked about permitted uses for the M-2 and if that would allow tarring companies and their trucks. Planner Rogers said in general the M-2 permits general industrial uses and includes uses that might have noise or other impacts.

Chair Keith asked Ms. Ackerman when the Health Department inspects these sites. Ms. Ackerman said that Trinity would have a threshold amount of hazardous materials and that shortly after the company moved in the County would send out a hazardous materials inspector to inspect. She said also the Fire Department would inspect the facility. Mr. Tarlton said the Fire District Inspector may visit any facility unannounced and those inspections happen at least once annually.

Commissioner Deziel said he thought there was a good point about communication with the community, but that the Commission needed to review the project as to safety, health and welfare. He said there was a distinction between the use of materials and waste generation. He said the Romic facility was a legitimate source of concern but he did not think it should preclude clean companies with skilled staff and small quantities of materials. He said that if the land was to be used for industrial businesses that these types of companies such as Trinity might be much preferable to other uses that might not need a use permit, but have negative features such as noise or smell. He said he was able to make the finding that the project would not be detrimental to the health, safety and welfare of the surrounding community. He moved to approve with the condition that the applicant notify the immediate residential neighbors within 300 feet to invite them to an open house at the facility with the intent of describing Trinity's operations in more detail and listening to residents' concerns. He said that Trinity should write a comment paper responding to those concerns and distribute to all immediate residential neighbors within 300 feet. Commissioner Sinnott seconded the motion and suggested to separately recommend to the City Council to establish open communications with the City of East Palo Alto so there would be a formal process in place.

Commissioner Riggs said that he commended neighbors for their interest and noted that he also owns a home next to an M-2 district. He said that the Commissioners review these type of project applications carefully. He said he hoped from the comments tonight that the neighbors realized that the amount of chemicals on this site was very benign. He said he would like to suggest that the City of East Palo Alto send a representative regularly to the City of Menlo Park's hearings related to the M-2 site

Commissioner O'Malley said that Mr. Lawson had made a good point and he would encourage future applicants in this area to adhere to a good neighbor policy and communicate with those residential neighbors who might be impacted by the application.

Chair Keith asked the applicant to confirm the quantities on D.4 regarding the largest container. Ms. Ackerman said that Box 221 stated the units for Boxes 215, 216, and 218. She said that 211 is an EH compound and had to be shown in pounds and that the largest amount used was .5 pound. Chair Keith asked about E.1 in that there were additional EH chemicals; it was noted that the County Environmental Inspector received additional information he had requested.

Chair Keith noted condition 3.e related to cause for revocation of the use permit for the benefit of the public present.

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

1. Make a finding that the project is categorically exempt under Class 3 of the current CEQA Guidelines.
2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
3. Approve the use permit subject to the following *standard* conditions:
  - a. Development of the project shall be substantially in conformance with the plans prepared by DES Architects & Engineers, consisting of six plan sheets, dated received on February 26, 2007, and approved by the Planning Commission on April 9, 2007 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 there is an increase in the quantity of hazardous materials on the project site, a change in the location of the storage of the hazardous materials, or the use of additional hazardous materials after this use permit is granted, the applicant shall apply for a revision to the use permit.
  - e. 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.
  - f. If the business discontinues operations at the premises, the use permit for hazardous materials shall expire unless a new business submits a new hazardous materials business plan to the Planning Division for review by the applicable agencies to determine whether the new hazardous materials business plan is in substantial compliance with the use permit.
4. **Approve the use permit subject to the following project-specific conditions:**
  - a. ***Prior to final building inspection for the associated tenant improvements, the applicant shall conduct the following actions and submit documentation of their occurrence for the review and approval of the Planning Division:***

- *Send a notice to all residential property owners and residents within 300 feet of the subject parcel announcing that the applicant will be holding an open house at the subject facility, with the intent of describing Trinity Biosystems' operations in more detail and listening to concerns of nearby residents.*
- *Hold the open house and take notes regarding the concerns of nearby residents.*
- *Write a comment paper responding to these concerns, and distribute the paper to all residential property owners and residents within 300 feet of the subject parcel.*

Motion carried 6-0 with Commissioner Bims absent.

Acting Development Community Director Murphy suggested that consideration of making a recommendation to the City Council regarding the need for discussion related to interagency process for residential use in one jurisdiction next to industrial use in another jurisdiction might be added to the Commission's priority work list. The Commission agreed through consensus.

## **E. REGULAR BUSINESS #2**

### **1. Reconsideration of the excerpts for 511 Grace from March 12, 2007, Planning Commission meeting.**

The excerpts were modified by staff and submitted to the Commission for reconsideration.

Commission Action: M/S Riggs/Deziel to approve as submitted.

Motion carried 5-0 with Chair Keith abstaining and Commissioner Bims absent.

### **2. Consideration of minutes from the February 5, 2007, Planning Commission meeting.**

Commission Action: Unanimous consent to approve the minutes as modified:

- Page 2, 4<sup>th</sup> paragraph, 1<sup>st</sup> sentence – Replace the word "place" with the word "placed."
- Page 3, last paragraph, 6<sup>th</sup> line – Delete the word "concern."
- Page 5, 2<sup>nd</sup> paragraph, last line – Add the sentence "Several hands were raised."
- Page 10, 2<sup>nd</sup> paragraph, 2<sup>nd</sup> line – Replace the word "give" with "given."
- Page 11, 1<sup>st</sup> paragraph, 10<sup>th</sup> line – Replace the word "they" with "the."
- Page 11, 1<sup>st</sup> paragraph, 10<sup>th</sup> line – Replace the word "cold" with the word "could."
- Page 19, 2<sup>nd</sup> paragraph, 13<sup>th</sup> line – Replace "Ron Kiefer" with "Ron Keefer."

Motion carried 6-0 with Commissioner Bims absent.

3. **Consideration of minutes from the February 26, 2007, Planning Commission meeting.**

Commission Action: Unanimous consent to approve the minutes as modified:

- Page 1, 4<sup>th</sup> paragraph, 1st sentence – Replace the word "Fluoresce" with the word "Fluorescent."
- Page 14, 3<sup>rd</sup> paragraph, 5<sup>th</sup> line – Replace "275" with "475."

Motion carried 6-0 with Commissioner Bims absent.

**F. COMMISSION BUSINESS, REPORTS, AND ANNOUNCEMENTS**

Commissioner Deziel suggested that the front "welcome" section of the revised information sheet might have less "bold" format to be more readable but overall he thought the sheet was greatly improved and easier to browse.

Acting Community Development Director Murphy suggested perhaps not bolding and just capitalize, or to delete "Welcome:"

It was the consensus of the Commission to delete "Welcome:".

1. Review of upcoming planning items on the City Council agenda.

Acting Community Development Director Murphy said that the appeal consideration of 511 Grace Drive would be on the next City Council agenda.

Chair Keith said that she had spoken before the City Council at their last meeting regarding the information presented to the Commission by Mr. Mast of Build It Green and the Commission's recommendation regarding consideration of light and heavy rail.

Commissioner Riggs thanked Chair Keith for making a Commission report to the Council. He said he had encouraged her to make a monthly report to the Council. Chair Keith said she was willing to do that.

There was brief discussion related to constraints upon what the Chair might report and how the Commission might authorize the contents of a report.

**PUBLIC COMMENT**

Mr. John Tarlton, Menlo Business Park, said he was interested in improving the process of obtaining conditional use permits. He said with this added layer of meetings

proposed he was afraid this was going to reverse what he had hoped were efforts to streamline commercial applications. He hoped that there would be discussion to improve the process. He noted that a low quantity of hazardous materials triggered a conditional use permit.

Commissioner Riggs suggested developing a pre-approved list of materials and quantity for the M-2 District that would move approval from the Commission to staff. Acting Community Development Director Murphy said that this fell under a work priority item and asked if the Commission wanted to agendaize a discussion to outline what was wanted before it was added to the work priority list.

Chair Keith thanked Commissioner Sinnott for her years of service on the Planning Commission and presented her with a card and a gift.

## **ADJOURNMENT**

The meeting adjourned at 10:19 p.m.

Staff Liaison: Justin Murphy, Acting Community Development Director

Prepared by: Brenda Bennett, Recording Secretary

Approved by Planning Commission on May 7, 2007.