



PLANNING COMMISSION MINUTES

June 18, 2007

7:00 p.m.

City Council Chambers

701 Laurel Street, Menlo Park, CA 94025

CALL TO ORDER – 7:03 p.m.

ROLL CALL – Bims, Bressler, Deziel (Vice chair), Keith (Chair), O'Malley, Pagee, Riggs

INTRODUCTION OF STAFF – Deanna Chow, Senior Planner, Megan Fisher, Associate Planner, Thomas Rogers, Associate Planner

A. PUBLIC COMMENTS

There was none.

B. CONSENT

There were no consent items on the agenda.

C. PUBLIC HEARING

1. **Use Permit/Aron Fukuhara/324 Yale Road:** Request for a use permit to construct a new two-story, single-family residence on a substandard lot with regard to lot width in the R-1-U (Single Family Urban) zoning district, and for excavation within a required side setback.

Staff Comment: Planner Rogers said the applicant had prepared an alternative garage and driveway design, a copy of which had been distributed to the Commissioners.

Questions of Staff: Commissioner Bims noted a discrepancy in the number assigned as maximum FAL on the cover sheet table and on the 2nd page project description in the staff report. Planner Rogers said the maximum FAL was 2,925 square feet as noted on page 2 and should replace 2,800 square feet on the cover sheet table. Commissioner Bims confirmed with staff that the total square footage of 2,923 did not include the porch as well as the basement.

Commissioner O'Malley asked Planner Rogers to elaborate on the proposed removal of tree number five. Planner Rogers said that the applicant had looked at retaining the mass of the house but tapering the driveway so that it would go between trees

numbered five and six, but had elected to not pursue that design as the Camphor tree, numbered five, has a high root structure and would most likely still be negatively impacted even with a narrower driveway.

Public Comment: Mr. Aron Fukuhara, property owner and applicant, said he would like to address the potential changes to the design outlined in the staff report. He said the first potential change was related to reducing the projection of garage in respect to the rest of house to deemphasize the garage in terms of the streetscape. He said they had purposely designed the main part of the house to be set back from the garage to create an entry way through a courtyard with landscape features to soften the mass of the house from the street. He said staff also requested that they consider changing the garage from front to side facing to deemphasize the garage and keep the driveway in its current location. He said that from an elevation standpoint changing the garage from front-loading to side-loading would not change the projection of the house and would also require removal of the courtyard and impact negatively the landscaping plan and front elevation. He said the side elevation of the garage was less aesthetically pleasing than the proposed front elevation of the garage, which would feature a carriage type door. He said regarding the driveway location and the impact on the Camphor tree that his proposal relocated the driveway and protected two existing Live oak trees. He said he talked to the City Arborist about the proposed removal of the Camphor tree. He said the Arborist agreed with the removal of the Camphor noting that it had about a year of good health remaining. He said at the Arborist's recommendation they were also proposing a Red horse maple in addition to a Live oak tree to replace the Camphor tree. He requested the Commission approve his proposal as presented.

Mr. Jonathan LeBlanc, Menlo Park, questioned the need to remove the Camphor tree within a year as that would seem to indicate all of the trees within that street canopy would need removal within a year, and this was the first he had hear that. He said he thought the driveway could remain where it was and be narrower at the front with the addition of another replacement tree next to it to keep the canopy-style of the street as it matured. He said trees numbered seven and eight were large Live oaks on his property, and represented part of the reason why he had bought his property; he said he was concerned about the proposed trimming and the tree protection zone for those trees. He said tree numbered three, a Black walnut, was noted by the arborist as in fair condition, but was actually dead. He questioned the accuracy of the arborist report and suggested that it be reviewed.

Commissioner Deziel asked if Mr. LeBlanc had Camphor trees at his property. Mr. LeBlanc said there were two Camphor trees on the street in front of his property and the driveway definitely narrowed between them. Commissioner Pagee asked if the diameter of trees number seven and eight were accurate. Mr. LeBlanc said he had not confirmed that but the trees were definitely heritage trees.

Mr. Peter Gillespsie, Menlo Park, said a rear fence separated his property from the project property, and he had made some requests of the applicant related to privacy screening, but had received a response that the window request he had made was not

feasible. He said their home has two sets of French doors at the rear a swimming pool. He said that a recent construction project next door had demonstrated how much dust impact there could be to the pool area as well as privacy impacts. He requested that the highest allowable fence be built, trees planted and the automatic irrigation system installed before the construction of the house as this would preserve some privacy.

Commissioner Riggs said that he visited the project property and noted that there was a high level of screening for Mr. Gillespie's property. Mr. Gillespie said that ivy provided heavy screening on the project side but not on his side. He said the ivy actually supported the fence in some locations. He said there was a large gap between the top of the two olive trees and the fence that would give a second-story a view right into their master bedroom. He said the fence was in poor condition and removal of ivy could cause it to collapse. Commissioner Riggs said the ivy was also a concern regarding the health of the olive trees.

Commissioner O'Malley asked about the request for an automatic sprinkler system. Mr. Gillespie said that was to protect the trees being replaced from interruptions to manual irrigation.

Recognized by Chair Keith, Mr. Fukuhara said he had spoken with Mr. LeBlanc before the meeting about the Camphor tree and that he liked the canopy but the City Arborist had indicated there was no way to do a curb cut that would protect the Camphor tree. He said he was not opposed to reducing the curb cut.

Chair Keith closed the public hearing.

Commission Comment: Commissioner Pagee asked about the City's recommended backup distance related to the drawing of the alternative garage and driveway plan. Planner Rogers said that was 23-feet and while the drawing did not show the provision of the 23-feet there was space to the right and left that could be adjusted to supplement the distance so that the 23-feet of backup was theoretically possible. Commissioner Pagee asked if there were any different parking requirements for a five-bedroom house. Planner Rogers said that it was the same requirement for single-family residential development.

Commissioner Riggs said he thought the larger issue than the front-facing garage was the fact that it took 50 years to develop the street canopy. He said the street canopy needed to be protected and that a tree with visible normal vitality should not be removed. He said the neighbors to the right have driveways that fit between Camphor trees and that had not seemed to affect the health of those trees. He said he thought the driveway should remain in its existing location and that the Camphor tree should not be removed. He said he would also recommend removing the ivy from the fence to protect the olive trees. He said he thought the applicant had addressed any possible visual impact from a second story to the rear property. He moved to approve the project subject to reduction of the existing driveway width subject to a review by McClenahan, the applicant's arborist, as to maintaining the health of the existing Camphor and

possible relocation of the driveway. Commissioner Deziel asked what McClenahan would be reviewing for confirmation. Commissioner Riggs said whether a 10-foot driveway at the right side property line could co-exist with the Camphor tree, and whether other materials such as interlocking pavers rather than asphalt might be used. Commissioner Deziel said he would second the motion but without the inclusion of the alternative location of the driveway. Commissioner Riggs accepted the amendment. He restated the motion to approve with a modification to reduce the width of driveway where it was currently proposed and to make changes to materials as recommended by the applicant's arborist for the maintenance of tree number five, and removal of the ivy in the rear. Commissioner Deziel said removal of the ivy would impact the fence and that the construction of the fence should be agreed upon by the neighbors and applicants. Commissioner Riggs said he wanted to add the requirement of a dust control fence to protect the Gillespie's pool and wondered if that was already a requirement of the building department. Planner Rogers said that he did not know if it was.

Recognized by the Chair, Mr. Fukuhara indicated that he would replace all of the fences, but that he would like to consult with his builders to determine the best time to do the replacement fencing so it was not damaged during the demolition or construction process. He said that the builder might recommend keeping the existing fence through construction and that all fence should be removed and replaced at the same time. Commissioner Riggs said that he would remove his modification regarding the dust control fence.

Commission Action: M/S Riggs/Deziel 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 Focal Point Design, consisting of eight plan sheets, dated received June 7, 2007, and approved by the Planning Commission on June 18, 2007, 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, 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. Simultaneous with the submittal of a complete building permit application, the applicant shall submit plans indicating that the applicant shall remove and replace any damaged and significantly worn sections of frontage improvements. The 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, demolition 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.
4. ***Approve the project subject to the following specific conditions.***
- a. ***Concurrent with submittal of a complete building permit application, the applicant shall revise the site plan to relocate the driveway between the two camphor street trees (trees #5 and #6). The applicant shall submit a supplemental arborist report analyzing the impact of the relocated driveway on these two trees and suggesting techniques to limit said impact. The applicant shall incorporate any requested design changes (reducing the driveway width or using permeable pavers, e.g.) into the revised driveway design as shown on the site plan, as well as conduct any other requested protection measures (fertilization, e.g.). The site plan and supplemental arborist report shall be subject to review and approval of the Planning Division.***
 - b. ***Per the arborist report, the ivy shall be removed from the rear trees.***

Motion carried 7-0.

Commissioner Deziel recused himself from consideration of the following item noting this was intended to be consistent with his actions to recuse on previous hearings on this application due to the potential of an appearance of a conflict of interest.

Commissioner Bressler recused himself from consideration of the following item due to a potential of an appearance of a conflict of interest.

Both Commissioner Bressler and Deziel left the Council Chambers.

2. **Conditional Development Permit Revision and Tentative Map Revision/SummerHill Homes/75 Willow Road**: Request for revisions to the conditional development permit and tentative subdivision map for modifications associated with the construction of 32 instead of 33 single-family residences, as outlined in the San Mateo County Superior Court Stipulated Judgment, and minor modifications associated with the architectural style of two residences and the dimensions of several lots.

Staff Comment: Planner Chow said the City Council approved land use entitlements for the construction of 33 single-family residences at 75 Willow Road on November 14, 2006. She said the Linfield Oaks Neighborhood Association challenged the City's approval of the proposed project; subsequently, a settlement was reached and in April 2007, the Council acted to approve the settlement agreement. She said the applicant was now seeking revision to the Conditional Development Permit and the Tentative Map consistent with the terms agreed upon in the settlement. She said a letter of support for the proposed revisions was received from the law office of Brian Gaffney, the attorney representing the Linfield Oaks Neighborhood Association.

Planner Chow said that staff was recommending also to slightly reword condition 5.37 for clarification and consistency with the settlement agreement as follows: *The proposed project shall adhere to the requirements described in Paragraphs 1 through 3 and Paragraphs 6 through 11 inclusive as outlined in the San Mateo County Superior Court Judgment (Case No. CIV 459921).*

Questions of Staff: Commissioner O'Malley asked if the settlement resulted in the reduction of the recreation fee by \$32,000. Planner Chow said that was an indirect result as the fee was based on the number of units and the total number of units had been reduced. Commissioner O'Malley noted there would be a loss of property tax for the unit that had been removed from the project. He said the settlement included the replacement of windows and sliding glass doors for properties along Waverley Street. He asked if that was offered to all of the property owners along Waverley Street. Planner Chow said the stipulation in the agreement was for the applicant to replace windows and sliding doors at 200, 210, 220, 230, and 240 Waverley Street. Commissioner O'Malley asked if there were any other residences that abutted the proposed project that would not get the benefit of that stipulation. Planner Chow said there were no other residential properties that abutted the proposed project. Commissioner O'Malley asked about the stipulation for the replacement of a driveway.

Planner Chow said it was a stipulation of the settlement that the driveway at 220 Waverly Street would be replaced. Commissioner O'Malley said that he was pointing out things that were obvious, because he was not happy with the settlement and he wanted the record to so indicate.

Commissioner Riggs asked for confirmation that the setbacks for the new lot created by the combination of lots 18 and 19 were different from other setbacks in the proposed project. Planner Chow said an item stipulated in the agreement was that the new lot would have a rear setback that was not less than 20 feet and side setbacks at 20 feet as well. Commissioner Riggs asked which of the properties on Waverley Street this affected. Planner Chow said that the side corner of the reconfigured Lot 18 was the property line adjacent to Willow Road and its rear yard abutted 200 Waverley Street. Commissioner Riggs said that 200 Waverley Street was the property for which as part of the stipulated agreement a new driveway would be constructed remote from the project site and out to Waverley Street. Commissioner Riggs asked if one of the lots 18 and 19 as previously proposed had been designated a BMR unit. Planner Chow said that lot 18 in the original approval had been designated as a BMR unit (November 2006). She said that a condition of that approval gave the Council the ability to change the requirement for that unit to be a BMR unit and was designed for an in-lieu fee instead (March 2007). She said that as a result of the stipulated agreement that in-lieu fee could no longer apply to lot 18 and had to be designated to another lot. Commissioner Riggs asked if originally there had been three BMR units designated. Planner Chow said that originally there were five BMR units identified, and with the March 2007 modification that changed to two BMR units on site and three units with in-lieu fees designated. She said with the settlement that those numbers remained the same, but one in-lieu fee was now designated to lot 7 rather than lot 18. Commissioner Riggs observed that originally a BMR unit would have backed up to the property at 200 Waverley Street.

Commissioner Pagee said the proposed driveway for 200 Waverley Street that would go behind the project properties was consistent down Waverley Street between Laurel Avenue and Linfield Drive. She noted that the access for 210 Waverley Street was through 200 Waverley Street. She said on plan sheet C.4 that it appeared the proposed driveway might be the entrance to the street. Planner Chow said that the applicant might be able to address the driveway.

Commissioner Pagee said that the Commission had previously seen conditions related to the street width and accessibility for the project. Planner Chow said that the applicant had widened the road to have a 20-foot width to allow for adequate vehicular condition and that condition had been deleted once it had been met. Commissioner Pagee said there appeared to be no pedestrian route on the park side of the project. Planner Chow indicated that there was a sidewalk along one side of the road.

Public comment: Elaine Breeze, representing SummerHill Homes, the applicant, said they were requesting revisions to the Conditional Development Permit and Tentative Map as outlined in the staff report and plans. She said they agreed with the revised

condition 5.37. She said the changes proposed had been agreed to by SummerHill Homes and the Linfield Drive Neighborhood Association. She said they were also requesting some minor revisions to the street elevations for lots 2 and 20, the adjustment of lot lines and the elimination of an easement which they found was not necessary to have. She said they would replace the driveway at 200 Waverley Street. She noted that there was a pedestrian sidewalk on the ring side of the park. She said when they widened the road that they were able to leave the sidewalk on parcel "b."

Commissioner Pagee asked if the driveway proposed at 200 Waverley Street was the width of the sidewalk. Ms. Breeze said the driveway at 200 Waverley Street at Willow Road would be completely replaced the entire length between 200 and 210 Waverley Street.

Chair Keith said it appeared that parcel "a" would not have a sidewalk. Ms. Breeze said that there were connection points off of parcels 19 and 21 that provided for pedestrian circulation in parcel "a" and were also ADA accessible.

Chair Keith closed the public hearing.

Commission Comment: Commissioner Pagee said in support of the efforts made by the applicant throughout the approval process for this project that she would move to recommend approval of the Conditional Development Permit Revision and Tentative Map Revision as presented by staff. Commissioner Riggs seconded the motion with a request for a small amendment that trucks carrying construction materials to the site, particularly trucks hauling sand, if capable of being covered should arrive and leave covered whether they were full, two-thirds full, half-full, or empty to prevent damage to vehicles.

Ms. Breeze said she would make best efforts to accommodate that condition, but was not sure of the logistics to accomplish that. Commissioner Riggs said if it proved to be viable to require this that it might be made a City standard. Ms. Breeze said she would be happy to report back to staff on the viability of requiring construction materials trucks to be covered. Commissioner O'Malley said he did not think it was reasonable to impose Commissioner Riggs suggested condition as it would complicate matters for the applicant. Chair Keith said she understood the intent, but agreed with Commissioner O'Malley as there was no way to enforce such a requirement. Commissioner Riggs asked if the maker of the motion, Commissioner Pagee, would agree to a recommendation to the applicant that all sand and gravel trucks be covered coming in and leaving the project site. Commissioner Pagee accepted the recommendation and indicated that her motion and Commissioner Riggs second should include the modified language for condition 5.37 as outlined by staff.

Commission Action: M/S Pagee/Riggs to recommend approval of the amendments to the Conditional Development Permit and the Tentative Map with a modification to condition 5.37 as indicated below and a recommendation to require construction

materials trucks, particularly trucks hauling sand even if empty, going to and from the construction site to be covered if capable of being covered.

Environmental Review

1. Make a finding that the project is consistent with the Environmental Impact Report entitled *75 Willow Road Residential Project*, dated July 2006 and adopted on November 14, 2006.

Conditional Development Permit Amendment

2. Make a finding that the proposed conditional development permit amendment 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 planned development, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
3. Make a finding that the conditional development permit amendment allows for development that provides opportunities for the City to increase and diversify its housing stock, provides two on-site and three in-lieu fee Below Market Rate housing units in compliance with the City's guidelines, provides open space within the development and pedestrian pathways to connect the neighborhood, and incorporates quality design and "green" building materials to promote sustainable development.
4. Approve the conditional development permit amendment for the construction of 32 single-family, detached residential units, associated common areas and a private street for property located at 75 Willow Road subject to the terms and conditions of the Conditional Development Permit.

Tentative Subdivision Map Amendment

5. Make a finding that the tentative subdivision map amendment has been reviewed by the Engineering Division and has been found to be technically correct and in accordance with the State Subdivision Map Act and the City's Subdivision Ordinance.
6. Approve the Tentative Subdivision Map amendment.

DRAFT
CONDITIONAL DEVELOPMENT PERMIT AMENDMENT
75 Willow Road
June 18, 2007

1. GENERAL INFORMATION:

- 1.1 Applicant: SummerHill Homes
- 1.2 Nature of Project: General Plan Amendment, Rezoning, Conditional Development Permit, Tentative Subdivision Map, and Heritage Tree Permit to allow for the construction of 32 single-family residential units, including two (2) on-site and three (3) in-lieu fee Below Market Rate (BMR) units.
- 1.3 Property Location: 75 Willow Road
- 1.4 Assessor's Parcel Numbers: 062-422-130
- 1.5 Area of Property: 4.52 acres
- 1.6 Present Zoning: C-1 (Administrative and Professional District, Restrictive)
- 1.7 Proposed Zoning: R-3-X (Apartment - Conditional Development District)

2. DEVELOPMENT STANDARDS:

- 2.1 Floor Area Ratio (FAR) shall not exceed **36 percent** of the project site.
- 2.2 Lot coverage shall not exceed a **25 percent** of the project site.
- 2.3 Minimum landscaping shall be a minimum **50 percent** of the project site.
- 2.4 The maximum amount of pavement shall not exceed **25 percent** of the project site.
- 2.5 Building height shall not exceed **28.5 feet** from the finished grade (32 feet from existing grade).
- 2.6 Building setbacks and parking shall be in accordance with the approved plans.
- 2.7 The on-site circulation shall be installed according to the approved plans.

3. USES

3.1 Permitted uses in the R-3-X District: Single-family residences

3.2 Conditionally permitted uses in the R-3-X District: None

4. TERMS OF THE PERMIT

4.1 The Conditional Development Permit shall expire **one year** from the date of approval if the applicant does not submit a complete building permit application within that time. The Community Development Director may extend this date per Municipal Code Section 16.82.170.

4.2 Minor modifications to building exteriors and locations, fence styles and locations, signage, and significant landscape features may be approved by the Community Development Director or designee, based on the determination that the proposed modification is consistent with other building and design elements of the approved Conditional Development Permit and will not have an adverse impact on the character and aesthetics of the site. The Director may refer any request for revisions to the plans to the Planning Commission for architectural control approval. A public hearing could be called regarding such changes if deemed necessary by the Planning Commission.

4.3 Major modifications to building exteriors and locations, fence styles and locations, signage, and significant landscape features may be allowed subject to obtaining an architectural control permit from the Planning Commission, based on the determination that the proposed modification is compatible with the other building and design elements of the approved Conditional Development Permit and will not have an adverse impact on the character and aesthetics of the site. A public hearing could be called regarding such changes if deemed necessary by the Planning Commission.

4.4 Major revisions to the development plan which involve material changes in land use, expansion or intensification of development or a material relaxation in the standards of development set forth in Section 2 above constitute permit amendments that require public hearings by the Planning Commission and City Council.

4.5 Any application for amendment shall be made by at least one property owner, in writing, to the Planning Commission. The Planning Commission shall then forward its recommendation to the City Council for action.

5. PROJECT CONDITIONS:

- 5.1 Development of the project shall be substantially in conformance with the plans by Wilsey Ham and Dahlin Group, dated received by the Planning Division on October 18, 2006, consisting of 53 plan sheets, except where superseded by plans by Wilsey Ham and Dahlin Group, dated received June 12, 2007, consisting of nine plan sheets, except as modified by the conditions contained herein.
- 5.2 Within one year from the date of approval of the tentative subdivision map, the applicant shall submit a Final Map for review and approval of the City Engineer. The subdivision map shall use a benchmark selected from the City of Menlo Park benchmark list as the project benchmark and the site benchmark.
- 5.3 Concurrent with Final Map submittal, the applicant shall submit covenants, conditions and restrictions (CC&Rs) for the approval of the City Engineer and the City Attorney. The Final Map and the CC&Rs shall be recorded concurrently. The CC&R's shall include language that:
 - 5.3.1. Prohibits all owners, tenants, and guests from parking any form of vehicle except in defined parking spaces.
 - 5.3.2. Prohibits parking on private streets overnight consistent with the Menlo Park Municipal Code Section 11.24.050.
 - 5.3.3. Requires that each homeowner maintain the garage to accommodate two vehicles.
 - 5.3.4. Requires the Homeowners Association to maintain the common landscaped areas within the subject site and in City's right-of-way along the entire property frontage.
- 5.4 Prior to Final Map approval, the applicant shall pay any applicable recreation fees (in lieu of dedication) per the direction of the City Engineer in compliance with Section 15.16.020 of the Subdivision Ordinance. The estimated value is \$1,024,000 (based on \$4 million value of acreage).
- 5.5 Prior to Final Map approval, the applicant shall submit improvement plans for all on-site and off-site improvements. The plans shall include details for utility systems, curbs, gutters, sidewalks, street lights, etc. The plans shall be subject to review and approval of the Public Works Department.

- 5.6 Concurrent with the improvement plan submittal, the applicant shall submit a Grading and Drainage Plan, including an Erosion and Sedimentation Control Plan, for review and approval of the City Engineer. The Grading and Drainage Plan shall be prepared based on the City's Grading and Drainage Plan Guidelines and Checklist and the Project Applicant Checklist for the National Pollution Discharge Elimination System (NPDES) Permit Requirements.
- 5.7 Prior to recordation of the Final Map, the applicant shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.
- 5.8 Prior to recordation of the Final Map, the applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
- 5.9 Prior to recordation of the Final Map, the existing structures shall be demolished after obtaining a demolition permit.
- 5.10 Prior to recordation of the Final Map, the applicant shall remove and replace all damaged, significantly worn, cracked, uplifted or depressed frontage improvements (e.g., curb, gutter, sidewalk) and install new improvements per City standards along the entire property frontage subject to the review and approval of the Engineering Division. The applicant shall obtain an encroachment permit prior to commencing any work within the right-of-way or public easements. If determined appropriate and subject to the approval of the Engineering Division, the applicant may enter into an agreement and provide a bond for the completion of the work prior to the recordation of the Final Map.
- 5.11 Prior to recordation of the Final Map, the applicant shall install new utilities to the point of service subject to review and approval of the City Engineer. All electric and communication lines servicing the project shall be placed underground. Each lot/unit shall have separate utility service connections. If determined appropriate and subject to the approval of the Engineering Division, the applicant may enter into an agreement and provide a bond for the completion of the work prior to the recordation of the Final Map.
- 5.12 Prior to grading permit issuance, the applicant shall submit a rough grading plan for review and approval of the Building and Engineering Divisions. Concurrent with the submittal for a demolition permit and a rough grading 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.
- 5.13 Prior to grading permit issuance, the applicant shall pay the applicable Building Construction Street Impact Fee.

- 5.14 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.
- 5.15 Prior to demolition and building permit issuance, 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.
- 5.16 Prior to building permit issuance for the first house, the applicant shall submit a detailed landscape plan, including the size, species, and location, and irrigation plan for review and approval of the Planning Division and the Public Works Department. The plan shall be revised to incorporate the preservation of tree #208 (18-inch deodar cedar). The landscaping plan shall comply with the Water Efficient Landscaping Ordinance (Municipal Code Chapter 12.44). Landscaping within the City right-of-way shall include City approved street plant materials. The landscaping for each house shall be installed prior to final building inspection of the subject house.
- 5.17 Concurrent with the submittal of a demolition permit, the applicant shall submit a tree preservation plan, which shall show the preservation of trees #41, 42, and 43 (eucalyptus trees) for review and approval of the Planning Division. These trees shall remain until building permit issuance for the house on lot 18.
- 5.18 Concurrent with building permit submittal, the applicant shall provide evidence that all of the adjacent property owners along Waverley Street have been contacted and offered either tree screening, which can include two 36-inch box trees, or hedges on their properties. For those properties that desire screening, the applicant shall submit a supplemental plan showing the size, species and location of the proposed landscaping subject to review and approval of the Planning Division. The applicant shall pay for and install the trees prior to final inspection.
- 5.19 Prior to building permit issuance, the applicant shall pay all applicable school impact fees associated with the project.
- 5.20 Prior to building permit issuance, the applicant shall contribute \$100,000 to the Menlo Park City School District or to the Menlo Park Atherton Education Foundation, which shall be determined by the District Board of Trustees.

- 5.21 Concurrent with the building permit submittal, the applicant shall provide a revised detailed drawing of the proposed two-rung split rail fence along Willow Road. A revised Willow Road streetscape shall also be submitted that shows the proposed fencing and homes in context with the adjacent Sunset building and existing split rail fencing subject to the review and approval of the Planning Division.
- 5.22 Prior to grading permit issuance, the project applicant shall implement Best Management Practices for water quality treatment on the project site, per the City of Menlo Park Grading and Drainage Plan Guidelines and checklist, subject to review and approval by the Engineering Division. Specific guidelines that would apply to the project site include (but would not be limited to) #1 (use of on-site infiltration as much as possible as a means of handling roof and site drainage); #4 (Design of the site drainage so the storm water will flow to on-site lawn or pervious landscaped areas, or detention/retention and filtration systems through vegetated/grassed swales or underground pipes), #5 (drainage from roof downspouts to on-site lawn or pervious landscaped areas, or detention/retention and filtration systems through vegetated/grassed swales), and #11 (use of on-site infiltration, vegetated swales or other comparable BMPs prior to discharge). BMPs shall include trash-collecting devices at storm drain inlets and regular maintenance of such devices. Prior to grading permit issuance the applicant shall also submit a grading and drainage plan, which includes BMPs subject to review and approval the City's Engineering Division. (MM 4.2)
- 5.23 Prior to building permit issuance, the applicant shall pay \$4,000 to the City to install signage to prohibit left turns and through movements from Alma Street during the AM peak period (similar to current operations during the PM peak period). The signage shall be installed prior to occupancy. The condition is only applicable if the improvement has not yet been funded by another project. (MM TRAF- 1a)
- 5.24 Prior to building permit issuance of the first house, the applicant shall pay fees as contributions to the following mitigations and/or improvements identified in the Linfield Middlefield Willow Area-wide Transportation Impact Analysis, performed by DKS Associates, dated March 2, 2006, or as subsequently directed by the City Council:

- Adaptive signal timing improvements at the intersections of Middlefield Road and Ringwood Avenue and Middlefield Road and Ravenswood Avenue: \$2,400.
- Adaptive signal timing improvements at the intersection of Willow Road and Middlefield Road, with reimbursement agreements as projects are developed at 110 Linfield Drive, 175 Linfield Drive, 321 Middlefield Road, and 8 Homewood Place: \$80,000.
- Installation of video detection devices at the intersections of Middlefield Road and Ringwood Avenue, Middlefield Road and Ravenswood Avenue, and Ravenswood Avenue and Laurel Street: \$44,000.
- Upgrades to the Caltrain station bike shelter: \$6,500. (MM TRAF-1c)

5.25 Concurrent with the demolition permit submittal, a soils report shall be prepared, detailing how expansive soils must be treated or replaced when forming the foundation support. The report shall also incorporate all the recommended measures set forth in the Preliminary Geotechnical Investigation prepared by Lowney Associates. These recommended measures include: site specific preparation and grading techniques, specific foundation design (footings, post tension slab, drilled cast in place concrete piers), concrete slab-on-grade floors, a capillary moisture barrier, and adherence to the UBC seismic design. If importation of off-site soils is required during construction, the project sponsor and its contractors shall avoid the use of expansive soils. The project sponsor's contractors shall keep soils moist at all times before and during construction by either covering exposed soil when construction is not active or regularly watering the exposed soil to maintain a consistent moisture level. The soils report shall be subject to review and approval by the Building Division. (MM 3.1)

5.26 Prior to demolition permit issuance, implement the following air quality control measures, subject to review and approval by the Building Division:

- Water all active construction areas at least twice daily.
- Cover all trucks hauling soil, sand, and other loose materials *or* require all trucks to maintain at least two feet of freeboard.
- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites.
- Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at construction sites.
- Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.
- Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
- Enclose, cover, water twice daily, or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
- Limit traffic speeds on unpaved roads to 15 miles per hour (mph).

- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Replant vegetation in disturbed areas as quickly as possible.
- Encourage the implementation of the following optional measures:
- Install wheel washers for all existing, or wash off the tires or tracks of all trucks and equipment leaving the site.
- Install windbreaks, or plant trees/vegetative windbreaks at the windward side(s) of construction areas.
- Suspend excavation and grading activity when sustained winds exceed 25 mph.
- Limit the area subject to excavation, grading, and other construction activity at any one time. (MM 5.1)

5.27 No earlier than 14 days prior to the commencement of demolition activities, a survey shall be conducted by a qualified biologist to determine if active bat roosts are present on the project site. If no bats are observed, then no further action would be required and demolition can proceed. Should an active roost be identified, a determination shall be made regarding whether the roost is used as a night-roost, day-roost, or maternity-roost. Should a night-roost be identified, the roost structure shall be removed during daylight hours while the roost is not in use. Should an active day-roost be identified, roosting bats shall be evicted through the use of humane exclusionary devices. Prior to implementation, the proposed methods for bat exclusion shall be reviewed and approved by the Planning Division and California Department of Fish and Game. The roost shall not be removed until it has been confirmed by a qualified biologist that all bats have been successfully excluded. Should an active maternity-roost be identified (the breeding season of native bat species in California generally occurs from April 1 through August 31), the roost shall not be disturbed until the roost is vacated and juveniles have fledged, as determined by the biologist. (MM 7.1)

- 5.28 Prior to the commencement of grading, the applicant shall retain a qualified biologist (with selection to be approved by the City) to conduct nest surveys on the site prior to construction or site preparation activities occurring during the nesting/breeding season of native bird species (typically February through August). The survey area shall include all potential nesting habitat on the project site within 200 feet of the grading boundaries. If the 200-foot distance encompasses trees on adjacent properties, the biologist shall survey the trees using binoculars. The survey shall be conducted no more than 14 days prior to commencement of construction activities, and shall be subject to review and approval by the Planning Division. (MM 7.2) If active nests of bird species protected by the Migratory Bird Treaty Act and/or the California Fish and Game Code (which, together, apply to all native nesting birds) are present in the construction zone or within 200 feet of this area, temporary construction fencing shall be erected within the project site at a minimum of 100 feet around the nest site. This temporary buffer may be greater depending on the bird species and construction activity, as determined by the biologist. Clearing and construction within the fenced area shall be postponed or halted until the nest is vacated and juveniles have fledged and there is no evidence of a second attempt at nesting. (MM 7.3)
- 5.29 Prior to building permit issuance for the first house, the project applicant shall comply with the Menlo Park Heritage Tree Ordinance and the City's Heritage Tree Replacement procedures, and with the tree replacement ratios recommended by City staff. The final landscaping plans for the project shall reflect compliance with the ordinance and procedures, and the applicant shall demonstrate that the required number of trees have been planted prior to project occupancy. The final landscaping plans shall be subject to review and approval by the Planning Division. (MM 7.4)
- 5.30 The project applicant shall adhere to the tree protection and preservation plan included in the Tree Survey Report prepared by Walter Bemis, Consulting Arborist. The plan includes measures related to the tree protection zone (TPZ), pruning and brush clearance, fencing and signage, fertilization, pest and disease control, and tree health and maintenance (including root cutting). (MM 7.5)
- 5.31 Prior to grading permit issuance, the project applicant shall remove the wells on the project site and properly abandon them prior to or as part of site redevelopment. The wells shall be abandoned according to the requirements of the Department of Water Resources and San Mateo County Environmental Health Services Division, and subject to review and approval by the Building Division. (MM 9.1)

- 5.32 Prior to demolition permit issuance, the applicant shall survey the building for the presence of asbestos and lead-based paint. The survey shall be subject to review and approval by the Building Division. If asbestos is found, the applicant shall comply with Bay Area Air Quality Management District Regulation 11, Rule 2 (Hazardous Materials, Asbestos Demolition, Renovation, and Manufacturing) when demolishing the building. If lead-based paint is present, the applicant shall determine whether paint must be separated from the building materials (e.g., chemically or physically). The paint waste shall be evaluated independently from the building material to determine its proper management. According to the California Department of Toxic Substances Control, if paint is not removed from the building material during demolition (and is not chipping or peeling), the material could be disposed of as construction debris (a non-hazardous waste). The appropriate landfill operator shall be contacted in advance or determine any specific requirement they may have regarding the disposal of lead-based paint materials. (MM 9.2)
- 5.33 Prior to demolition permit issuance, the project applicant shall incorporate noise reduction measures into project construction activities, subject to review and approval by the Planning and Building Divisions. These measures may include, but shall not be limited to, the use of mufflers and other devices on equipment, locating stationary construction equipment away from sensitive receptors, shutting off idling equipment, notifying adjacent residences and businesses in advance of construction work, and installing temporary barriers around construction noise sources. (MM 10.1)
- 5.34 Concurrent with the demolition permit submittal, the project construction contractors shall submit a plan designating haul routes for all hauling-related trips to and from the project site during construction. The applicant shall submit a plan with the intent of minimizing noise impacts by keeping truck traffic away from sensitive receptors, subject to review and approval by the Planning and Transportation Divisions. (MM 10.2)
- 5.35 If archeological resources such as chipped stone or groundstone, historic debris, building foundations, or human bone or any other indicators of cultural resources are discovered during ground-disturbing activities, construction activities will halt and a qualified archeologist shall be consulted to assess the significance of the find. If any find is determined to be significant, representatives of the City, construction contractor, and the archaeologist shall meet to determine the appropriate course of action. In the event that human remains are discovered, an appropriate representative of the Native American groups and the County Coroner shall be notified and consulted, as required by state law. All cultural materials recovered as part of the monitoring program would be subject to scientific analysis, professional museum curation, and report prepared according to current professional standards. (MM 14.1)

5.36 The proposed project shall adhere to the **requirements described in Paragraphs 1 through 3 and Paragraphs 6 through 11 inclusive as outlined in the** San Mateo County Superior Court Stipulated Judgment (Case No. CIV 459921) ~~where specific reference is not outlined in the~~ conditional development permit amendment.

Recommended for Approval by the
Menlo Park Planning Commission on
June 18, 2007

Approved by the
Menlo Park City Council on
July 17, 2007

Arlinda Heineck, Community
Development Director

Silvia M. Vonderlinden, City Clerk

Motion carried 5-0-2 with Commissioners Bressler and Deziel recused and outside of the Council Chambers.

3. **Use Permit/Unidym, Inc./1430 O'Brien Drive, Suite G:** Request for a use permit for indoor use and storage of hazardous materials for research and development of carbon nanotubes in the M-2 (General Industrial) zoning district.

This item was continued at the request of the applicant prior to the meeting.

(Commissioners Bressler and Deziel returned to the dais.)

4. **Use Permit/DNA 2.0/1430 O'Brien Drive, Suite E:** Request for a use permit for the indoor use and storage of hazardous materials for the research and development of synthetic genes manufacturing processes and protein engineering in the M-2 (General Industrial) zoning district.

Staff Comment: Planner Fisher said that there was a section in the Hazardous Materials Plan in which the applicant could indicate future expected use and that they had indicated the future amount of Acetonitrile to be 1.6 gallons when it should read 28 gallons and the total amount of flammable materials was listed at 1.9 pounds and 77 gallons and should read 1.9 pounds and 105 gallons. She said staff would route the revised chemical inventory list to the approving agencies, and if those agencies indicated that changes or additional conditions of approval were needed for this application that application would be made for a revised use permit.

Commissioner Riggs noted that one of the chemicals was listed only as "trade secret."

Public Comment: Mr. John Tarlton, Menlo Business Park, said regarding “trade secret” that they wanted to provide the general information to the public but had to be sensitive to the tenant’s disclosure of their entire process to the public.

Mr. Klaus Gustafsson, President and co-founder of DNA 2.0, said the business began in 2003, and had grown beyond its current space and was relocating to O’Brien Drive. He said his company used a process that creates DNA through chemical processes rather than through existing DNA cloning processes. He described some of their projects. He said their customer base was global bio-tech companies. He said that in this stage of their growth they needed to increase their chemical use.

Commissioner Bressler asked whether they provided small amounts of DNA materials to the customers. Mr. Gustafsson said they normally provide very small amounts of DNA to customers. Commissioner Deziel asked if they sold directly to customers or if they distributed. Mr. Gustafsson said that they sell directly to clients. Commissioner Deziel confirmed that there was sale tax generated by these sales.

Commissioner Bims asked about the chemical for which they thought they might need greater quantities and asked about expectation for other chemicals. Ms. Ellen Ackerman, Green Environment, said she had put together the Hazardous Materials Business Plan and the chemical inventory. She said they put together the current usages and what they expect will be the use in a year’s time to allow for flexibility so that they do not have to return each time for a revised use permit. She said her company had made a math error with the Acetonitrile amounts.

Commissioner Deziel asked how the inventory list was developed. Ms. Ackerman said that the business had to provide information on every chemical that would be used in the business, and then she and her staff classified those substances. Commissioner Deziel asked whether the regulating agencies then created a subset of those materials. Ms. Ackerman said that the County and City had different thresholds of quantities with the County having much higher thresholds, although the County required that any amount of what was classified as an “Extremely Hazardous Substance” had to be reported.

In response to a question from Commissioner Pagee, Ms. Ackerman said she did not know why the City of Menlo Park required the comprehensive reporting of materials down to gram amounts. In response to another question from Commissioner Pagee, Ms. Ackerman said that there was not an amount of emissions from the fume hoods to require an emissions permit from the Bay Area Air Quality Board.

Commissioner Riggs asked whether there was enough of a commonality of materials considered by the City for these permits to be streamlined. Ms. Ackerman said while there were some basic solvents used in the life sciences that many of the chemicals differed upon what companies’ individual processes were. She said she could shorten the list for the City by listing general categories and then adding details that show County thresholds. Commissioner Riggs confirmed with Ms. Ackerman that the City

required the greatest level of details on hazardous materials of all her clients in the Bay area.

Commissioner Bims asked why the applicant had decided to stay in the area and whether he could project future space needs. Mr. Gustafsson said that the area had many small bio-tech firms and the area was supportive of these businesses. He said that he expected the space they were applying for would meet their needs for at least two to three years, but that he would not project beyond that as there were so many factors that could affect the global market growth and development.

Commissioner Bressler noted that most of the materials listed as proprietary did not fall under any of the categories of hazardous, toxic, flammable or volatile. Ms. Ackerman said many chemicals do not have a fire code hazard class but they needed to include those for inspectors. She said they could change that to have generic materials up to a certain amount which would be desirable. Commissioner Bressler said that he wanted corroboration of this as he thought much of the information provided to the City in this report was unnecessary. Ms. Ackerman noted that usually two versions of the materials list were created for the regulating agencies such as the Bay Area Air Quality Control Board so that a list available to the public would black out trade secrets and the other list would be kept locked by the agency.

Chair Keith asked about doing something similar as blacking out lists at the City's level. Planner Chow said that could be done. Ms. Ackerman said that removing anything that had no impact would make the spying harder. She said they tend to give the agency the complete information with the public copy being a summary type of information. Commissioner Bims asked whether they had to look at materials that were non-hazardous in the future. Commissioner Pagee asked Ms. Ackerman what would work best for them. Ms. Ackerman suggested meeting with staff and determining what was needed for the City and its fire district.

Chair Keith closed the public hearing.

Commission Comment: Commissioner Riggs moved to approve as recommended and Commissioner O'Malley seconded the motion. Commissioner Bressler said that there was also the matter of the error on the quantities of a flammable material. Commissioner Deziel suggested approving the use permit subject to the review and approval of the various regulating agencies.

Commissioner Bims commented on the increased reporting because of uses in the M2 District that were in conflict; i.e. a preschool and businesses using hazardous materials, and that in the future such conflicting uses should be avoided so that companies might not be deterred from Menlo Park because their trade secrets might have to be revealed in the process.

Commissioner Pagee suggested crafting the motion so that if the other regulating agencies approved the increased amount that the Commission also has. Planner Chow

said one concern was to understand the quantities at the front end and not to make approval open-ended. Commissioner Pagee suggested that the motion might include that this was a one-time change because the applicant had made an error in the quantities. Planner Chow asked if the other agencies had additional conditions whether the approval was based on inclusion of those conditions. Commissioner Pagee said that would be the intent.

Commissioner Riggs said he would accept the implied friendly amendment; Commissioner O'Malley also accepted Commissioner Pagee's suggested wording.

Discussion ensued about changing the reporting for the public to use blacked out lists. Commissioner Riggs suggested this be considered as a separate item and to request staff to review this proposed change at a policy level. Commissioner Deziel suggested that the Commission separately approve the use permit request and direct the applicant to work with staff related to limiting public information.

It was noted that the Commission's approval subject to the other four reviewing agencies' approval was not a precedent in terms of process.

Commission Action: M/S Riggs/O'Malley to approve with the following modification.

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 provided by Green Environment, Inc., consisting of six plan sheets, dated May 14, 2007, and approved by the Planning Commission on June 18, 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 using hazardous materials at the site, the applicant shall coordinate with the Fire District and Building Division regarding additional built-in safeguards to prevent accidental discharges of ammonia gas, and if needed, incorporate measures subject to review and approval of the Menlo Park Fire Protection District and the Building Division.
 - b. Prior to using hazardous materials at the site, the applicant shall submit a revised chemical inventory list that corrects the future amount of Acetonitrile from 1.6 gallons to 28 gallons and the total amount of flammable materials from 1.9 pounds and 77 gallons to 1.9 pounds and 105 gallons. The Planning Division shall route the revised chemical inventory list, which is subject to review and approval by the Menlo Park Fire Protection District, City of Menlo Park Building Division, West Bay Sanitary District, and the San Mateo County Environmental Health Services Division. If any of the agencies determine that it is necessary to change or add conditions of approval for this application, the project shall adhere to the modifications.***

Motion carried 7-0.

D. REGULAR BUSINESS

1. **Consideration of minutes from the April 23, 2007 Planning Commission meeting. Continued from the meeting of June 4, 2007.**

Commission Action: Consensus to approve minutes as modified.

- Page 1, 3rd paragraph, 2nd line: Replace the word “applicant” with the word “architect.”
- Page 4, 2nd paragraph, last line: Add the sentence “The amendment was approved by general consent.”

Consensus approval was 5-0 with Commissioners Bressler and Pagee abstaining from approval.

2. **Consideration of excerpts from the May 7, 2007 Planning Commission meeting regarding 1906 El Camino Real.**

Commission Action: Consensus to approve excerpt minutes as modified.

- Page 6, 4th paragraph, 8th line: After the word “hours” add the words “that could potentially be to 6 p.m. or later.”
- Page 7, 1st paragraph, 8th line: Replace the word “He” with “Commissioner Deziel.”

Consensus approval was 7-0.

E. COMMISSION BUSINESS, REPORTS, AND ANNOUNCEMENTS

1. Discussion of potential Bohannon mixed-use project study session.

Chair Keith said that this was agendized to consider whether there should be more opportunity to consider the project before the CEQA process was completed.

Commissioner Deziel said this was to allow the Commission to discuss aspects of the process other than CEQA focuses. Commissioner Bressler said he would like staff to prepare a fiscal impact analysis related to increased jobs and need for housing.

Commissioner Bims said that Mr. Bohannon had indicated he would like to do a public session with the Belle Haven community; Commissioner Bims suggested that a project study session might serve that broader purpose. Commissioner Pagee said she was not sure the CEQA process should be occurring before the project was better defined with public input on the zoning change.

Planner Chow said this was the beginning of a very long process and that additional information would be made available as it occurred including fiscal impact analysis.

Commissioner Deziel said the process did not make sense as the first opportunity to comment on the project by the public and the Commission would be after the draft EIR was complete. He said that holding a study session would help understand the change to the General Plan including the City’s revenue model. He said related to Commissioner Bressler’s comments on jobs and housing that staff might provide the total number of housing units and jobs currently in Menlo Park.

In response to Chair Keith, Planner Chow said that holding a study session in conjunction with CEQA scoping session could be encouraged in the future, noting that the process for large projects often was different.

Commissioner Bressler said that Planner Chow had indicated that a fiscal impact analysis would be done by the applicant and that was not acceptable. Planner Chow said that the fiscal impact analysis would be done by the applicant and the City would hire a consultant to do a peer review of the analysis. Commissioner Bressler said that was not enough as there were many talented and politically astute constituents who could prepare such a report and who should be allowed input in the development of such an analysis.

Commissioner Riggs said that a change of the magnitude represented by this project had to provide an opportunity to look at the impact on the General Plan and underlying ordinance from the beginning of the process.

2. Discussion of Planning Commission summer calendar.

The Commission's consensus was to cancel the July 2 regular Commission meeting as there were no applications. There were conflicts for July 9, 23 and 30 and August 6 and 13 for Commissioners to hold a study session on the Bohannon project. Commissioner Riggs asked about the prospective projects for July 16. Chair Keith said that the meeting could begin earlier to accommodate the applications and study session. There was consensus to hold a meeting on July 16 to begin at 6 p.m. with consideration of applications first and the study session last or August 27. Commissioner Pagee suggested that staff talk to the applicant to see if either date would work for the study session.

Recognized by the Chair, Commissioner Deziel reported that the Commission had directed him to draft a letter and questionnaire to M2 property owners to find out what communication and process property owners wanted for hazardous materials applications. He said that with staff input he started looking at identifying levels of hazardous materials use and storage to more clearly communicate to the public. He said they also were looking at streamlining the process with a pre-approved materials list but this was a much longer term goal. He said he decided to drop the letter and questionnaire process and visited the companies that had applications on the agenda tonight. He said from those conversations it was clear that there could not be a short list of materials that could be considered approved. He said federal and state requirements for reporting extremely hazardous substances were defined by significant amounts whereas the County of San Mateo had taken that requirement and required the reporting of any amount of extremely hazardous substances. He said he was weeding through regulations to see if there could be a way to communicate the severity or intensity of hazardous materials on some type of scale.

Commissioner Bims said he thought that even more important than the quantity of materials was the equipment and operations procedures to prevent an accident or

contain one should it happen. He said this was the type of assurances the community wanted. Planner Chow said she would be providing information to Commissioner Deziel.

Commissioner Deziel said he agreed with Commissioner Bims noting that each regulating agency has standards for procedures and perhaps that and the frequency of such inspections and the company's compliance would be the information to communicate to the public.

Commissioner Pagee said that providing context of what the other agencies' required and reviewed would help the communications to the public.

Commissioner Deziel said he would move from developing a pre-approved materials list to enhancing the framework of notification.

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

Planner Chow provided a review of upcoming planning items on the City Council agenda.

Commissioner Deziel volunteered to serve on a two-year South Bay Salt Pond Restoration task force.

ADJOURNMENT

Meeting adjourned at 9:57 p.m.

Staff Liaison: Deanna Chow, Senior Planner

Prepared by: Brenda Bennett, Recording Secretary

Approved by Planning Commission on August 13, 2007.