



PLANNING COMMISSION MINUTES

September 8, 2008

7:00 p.m.

City Council Chambers

701 Laurel Street, Menlo Park, CA 94025

CALL TO ORDER – 7:03 p.m.

ROLL CALL – Bressler, Ferrick, Kadvany, Keith (Absent), O'Malley, Pagee (Arrived at 7:06 p.m.), Riggs (Vice Chair)

INTRODUCTION OF STAFF – Justin Murphy, Development Services Manager (Arrived at 7:15 p.m. after the completion of C-1), Thomas Rogers, Associate Planner

A. PUBLIC COMMENTS

There were none.

B. CONSENT

There were no items on the consent calendar.

C. PUBLIC HEARING

1. **Use Permit/Justin Fitzhugh/101 Elm Street:** Request for a use permit to demolish an existing single-story, single-family residence and detached garage and construct a new two-story, single-family residence on a substandard lot with regard to lot depth and lot area in the R-2 (Low Density Apartment) zoning district.

Staff Comment: Planner Rogers said staff had no additions to the staff report. He said that Development Services Manager Justin Murphy was recused from consideration of this item, and was not in the chambers.

Public Comment: Mr. Justin Fitzhugh, the applicant and property owner, said that his family's current home was 1,100 square feet and more room was needed for the growing family. He said because the property was in the flood zone that it was unrealistic to attempt to add onto the existing structure. He said they liked the neighborhood and wanted to remain there. He said they were proposing to demolish the existing structure and construct a two-story Craftsman style home. He said that was a similar style to other homes in the neighborhood. He said they had tried in the design to protect privacy. He said they had spoken with adjacent neighbors about the proposed project and the neighbors supported their proposed project.

Commissioner O'Malley confirmed with Mr. Fitzhugh that the hedge would be moved from the sight line and the driveway would enter from Elm Street. Commissioner O'Malley asked about the tree removal. Mr. Fitzhugh said there would be a few trees in the front removed and the only heritage tree proposed for removal would be replaced.

Ms. Michelle Minor, project architect, said that some of the trees in the front were actually camellia hedges. She said they had stepped back the second floor and had designed the sides and windows so as to protect the privacy of neighbors. She said they removed the two-car garage on Menalto Avenue and moved the driveway to Elm Street for safety reasons.

Vice Chair Riggs noted that Commissioner Pagee had joined the Commission at the dais.

Commissioner Pagee asked if the architect had designed other homes in Menlo Park. Ms. Minor said she had done several remodels and additions in Menlo Park but the principal in her company had undoubtedly designed homes in Menlo Park. Commissioner Pagee said she asked because of the privacy protection design elements in the proposed project. Ms. Minor agreed that those were important to many cities.

Vice Chair Riggs closed the public hearing.

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

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 House of Haws, Inc., consisting of eight plan sheets, dated received August 22, 2008, and approved by the Planning Commission on September 8, 2008, except as modified by the conditions contained herein, subject to review and approval of the Planning Division.
 - 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 or building permit.
- g. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance.

Motion carried 6-0 with Commissioner Keith not in attendance.

2. **Use Permit/Menlo Park Academy of Dance, Inc./1137-1145 El Camino**

Real: Request for a use permit to allow a dance academy (private recreation) to occupy an existing commercial building in the C-3 (Central Commercial) zoning district.

Staff Comment: Planner Rogers said there was one item of correspondence received after the publication of the staff report. He said the letter was from Joe and Eleanor McLaughlin, the property owners of 1177-1185 El Camino Real. He said the McLaughlins had written that they would not be able to attend the meeting, but were in support of allowing the Menlo Park Academy of Dance to occupy the subject property.

Questions of Staff: Commissioner Kadvany asked about the determination of in-lieu fees. Planner Rogers said that in the past analysis had been done to determine retail revenue per square foot and the in-lieu fee was subject to annual increase based on the Consumer Price Index. He said there had not been a broad study done by staff based on different uses. He noted that Development Services Manager Murphy had joined the meeting.

Commissioner Ferrick asked about the parking lot reconfiguration. Planner Rogers said that page B.1 showed the one-way entrance and exit.

Vice Chair Riggs said the plan did not show the parking district layout. He asked if the exit would be aligned with the aisle of the parking district. Planner Rogers said it did not align exactly with the aisle that was behind the properties that fronted Santa Cruz Avenue. He said referencing the buildings in the area that the alignment went more toward the Alain Pinel building, which was being reconfigured as a Citibank.

Mr. Andy Duncan said he was representing his mother Ms. Sylvia Duncan, and Ms. Sarah Meisser, the owners of Menlo Park Academy of Dance. He said they had been searching for a space to keep the Academy in downtown Menlo Park for some time. He said the Academy had been in its current location since 1949. Related to an earlier question of Commissioner Pagee's, he said the Dancer's Loft would remain at least for the rest of the lease term, which would come up for renewal in a couple of years. He said regarding parking that they would acquiesce to whatever the Commission determined was the best layout. He said however that the proposed configuration would allow parents to drop off kids.

Commissioner Bressler asked if the applicant was currently paying an in-lieu fee. Mr. Duncan said they were not and had never since the Academy had started at its existing site in 1949. He said the imposition of an in-lieu fee would be a hardship for them. He said many of their students were from other areas and their lessons brought their parents and family into Menlo Park to shop and eat while the lesson was occurring. Commissioner Bressler asked about the lease. Mr. Duncan said it would be a 10-year lease. Commissioner Bressler asked about the lease amount and cost per square foot. Mr. Duncan said he did not have the numbers with him but it would be considered market rate. Commissioner Bressler asked staff what a reasonable market rate was for this area. Planner Rogers said Planning did not keep that type of record. Mr. Duncan checked with Ms. Duncan who said the lease amount was \$2.90 per square foot.

Commissioner O'Malley said the applicant had indicated that 50 percent of the students were from out of town; he asked if that had consistently been the case since 1949. Mr. Duncan said that had been the case at least for the last 10 years. Commissioner O'Malley said there was a dressing room for the female students and asked if the male students would dress in the men's bathroom. Mr. Duncan said that was correct and noted that one percent of the students were male.

Commissioner Pagee asked if there were lockers in the men's room. Mr. Duncan said there were not. He said that most male students were dropped off in their dance attire, but if they had a gym bag, they could leave it under the front desk. Commissioner Pagee asked about the size of the space as usually square footage was measured exterior to exterior. Mr. Duncan said the interior space was 4,123 square feet and the exterior to exterior measurement was 5,222 square feet so the actual gross square footage was somewhere in between. Commissioner Pagee asked if there would be more studio space. Mr. Duncan said that there would be three rather the existing two studios. He said enrollment was up. Commissioner Pagee asked how many students

the Academy currently had. Mr. Duncan said 600 to 800 students dependent upon the time of year.

Commissioner Kadvany confirmed that the front entrance would not be used except in an emergency. He asked if it would be preferable to have a front entrance on El Camino Real and what the applicant's thoughts were about the visioning for the El Camino Real downtown. Mr. Duncan said they were proud to have been in Menlo Park so long. He said they were interested in the El Camino Real Downtown Visioning plan and hoped to be in the space longer than 10 years as their goal was to keep their business in the downtown. He said that the proposed parking layout was more suited to dropping off students, who then came into the Academy through the back entrance.

Vice Chair Riggs said that the Academy would have a store front on El Camino Real and asked if there would be a view of the students dancing, or whether the windows would be covered. Mr. Duncan said that they asked staff if it was preferable to have the windows with or without window coverings. Vice Chair Riggs said that he thought it was preferable to allow a view into the studio as that created a dynamic visual presence along El Camino Real.

Ms. Lisa Conrad, Menlo Park, said she had danced at the Academy many years and now her daughter took lessons there. She said she was happy to see that staff supported the use permit, and she was very supportive of the Academy remaining in Menlo Park. She said the Academy was a highly professional studio and had received numerous awards. She said parents of students go to the local businesses during the hour long lesson. She said she had never seen lockers in dance studios. She said there was no parking on El Camino Real which would make an entrance from El Camino Real impractical. She said there was currently not much foot traffic on El Camino Real, and the Academy had had some instances of undesirable attention from pedestrians.

Vice Chair Riggs closed the public hearing.

Commission Comment: Commissioner O'Malley commented on the longevity of the Academy. He said that the money parents spent in the community had provided the City retail revenue. He moved to approve as recommended in the staff report. Commissioner Pagee seconded the motion.

Commissioner Pagee said it was beneficial to the City that the Academy brought pedestrians and people into the downtown. She said the in-lieu fee would be about \$3,500 a year, which would not provide a great tax advantage for the City. She said there was a benefit of having a tenant who had longevity in the community and provided a positive experience. She noted that there was also a retail store in Menlo Park associated with the Academy. She said that the entrance from the rear was best for the students. She said she would prefer to see the activity from El Camino Real rather than

for the windows to be covered. She said however if the attention from El Camino Real was negative that she would want the business owners to have a way to deal with that.

Commissioner Ferrick said she agreed with Commissioner Pagee's comments and thought the owners should have the discretion to be able to close the drapes if there was unwanted attention. She said that she liked the visibility from the street of the dance activities within the Academy.

Commissioner Kadvany said that the dancing in the Academy would create a bright spot of activity along El Camino Real. He said it did not sound like an in-lieu fee on this business and property would make a significant contribution to the City's revenue, but that certainly it appeared the Academy was bringing people and their business into the community. He said having numbers on what the business brought in would be helpful in considering the project to know when it was appropriate to give business owners a break from an in-lieu fee.

Commissioner Bressler said that the in-lieu fee on this property would range from \$3,500 to \$10,000. He said that it would probably be less than 15 percent of the lease amount. He said for him the extenuating circumstances to not impose an in-lieu fee was the length of time the Academy had operated in the City and the revenue the students' families brought into the City. He said that if a new dance studio applied to occupy a space in Menlo Park that there was a process for review of the merits of that project and what conditions should be placed upon it.

Vice Chair Riggs asked if the Transportation Division had looked at the proposed parking in terms of alignment with the parking district. Planner Rogers said Transportation Division staff had reviewed the plans and were satisfied with the proposed parking layout. Commissioner O'Malley said the proposed parking was significantly better than the existing parking configuration.

Vice Chair Riggs said there had also been comment for the Academy to have a view of the dance activities from El Camino Real and asked whether that needed to be made part of the approval. Planner Rogers said staff's recommendation for approval allowed for visual access from El Camino Real. Development Services Manager Murphy said that if the Commission wanted a condition to run with the lands or to have effect 15-20 years then there should be a project-specific condition. He said the general condition as proposed would provide for visual access. Commissioner Bressler said he would want the Academy to have the ability to cover the windows if needed. Planner Rogers said the condition was general enough to allow that. Commissioner Ferrick confirmed with staff that there would be awnings on the storefront.

Commission Action: M/S O'Malley/Pagee 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 Young and Borlick, consisting of six plan sheets, dated received August 25, 2008, and approved by the Planning Commission on September 8, 2008, except as modified by the conditions contained herein, subject to review and approval of the Planning Division.
 - 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.
4. Approve the use permit subject to the following **project-specific** conditions:
 - a. Simultaneous with the submittal of a complete building permit application, the applicant shall submit plans for the proposed roof-mounted equipment and associated screening, subject to review and approval of the Planning Division.
 - b. Within 30 days of the effective date of the use permit, the applicant or property owner shall submit a building permit application for the new garbage enclosure. Construction of the enclosure and completion of the parking lot improvements shall be required prior to the final inspection of the building permit for the Academy's tenant improvements, subject to review and approval of the Planning Division.

Motion carried 6-0 with Commissioner Keith not in attendance.

3. **Use Permit/Stanford University/2825 Sand Hill Road:** Request for a use permit for the use of and indoor and outdoor storage of hazardous materials associated with an emergency diesel generator and pool chemicals for a hotel complex located in the C-4-X (General Commercial, Conditional Development) zoning district at 2825 Sand Hill Road.

Staff Comment: Development Services Manager Murphy said he had no additional comments to the staff report.

Public Comment: Mr. Jim Inglis said he was with Stanford University and that the request was needed so that they could get approval of their hazardous materials plan; he said the use permit would allow for the storage of chemicals needed for the pools and spa. He said they needed a larger tank size for the emergency diesel generator for the safety systems at the hotel.

Commissioner O'Malley said the original permission was for a much smaller generator and asked why a larger one was needed. Mr. Inglis said the smaller generator would suffice for code requirements but power outages along Sand Hill Road were common and that was not sufficient for an emergency generator have a two-hour operational time when there was an eight-hour outage. He noted that the size of the emergency generator was the same as previously approved and the request was to increase the size of the fuel tank.

Commissioner Pagee asked how the generator would be fueled. Mr. Inglis said the road looped around near the generator enclosure and a length of about 50-feet of hose would be needed to reach the tank. He said fueling would occur normally once a year based on monthly test start-ups. Commissioner Pagee asked if there was a hole in the wall for the hose. Mr. Inglis said the hose would go over the wall. Commissioner Pagee asked if the generator was visible above the wall and how high was it. Mr. Inglis said the generator was seven-feet tall and was not visible behind the wall. Commissioner Pagee asked about spills during fueling. Ms. Annette Walton, Environmental Manager for Stanford's Real Estate office, said the contractor they would hire to fuel the generator would have to have an emergency spill kit. She said the manager on duty at the hotel would also have an emergency spill kit. She said the generator was located well away from any catch basins. She said that the contract would require that the contractor have spill containment procedures. Commissioner Pagee asked if there was a curb in the enclosure and whether leaks could enter the landscaping. Ms. Walton said the generator was enclosed on two sides and was seated on a pad. She said the tank had dual wall containment, 110 percent capacity and a basin to catch overflow and return fuel to the tank. Commissioner Pagee asked about the decibel rating for the generator. Ms. Walton said the generator would operate at 70 decibels within 22 feet. Commissioner Pagee asked about the color. Ms. Walton said the generator was green and the wall was higher than generator. She said the generator was enclosed on three sides and was not visible from Sand Hill Road. Commissioner Pagee asked about the

width of the road. Ms. Walton said it was 34-feet wide. Commissioner Pagee said that was adequate to allow traffic to pass when refueling was occurring.

Vice Chair Riggs closed the public hearing.

Commission Comment: Commissioner O'Malley said the form signed by Menlo Park Fire District had no box checked. He said the Fire District form for the next application had the same omission. He noted that the emergency plans presented with this request were very extensive.

Commissioner Ferrick moved to approve as recommended in the staff report. Commissioner O'Malley seconded the motion.

Commissioner Pagee said that there had been no discussion about the extra storage for the pool chemicals. Commissioner Ferrick said there were less toxic products for pool maintenance use and asked if those products were incorporated into this plan. Vice Chair Riggs asked Mr. Inglis to address the question. Mr. Inglis said it was his understanding that the products were more salt and sodium based and were hard to adjust. He said he also understood that there was an expectation that there would not be a large number of children using the pool and that the pool chemistry would not require much tweaking.

Commission Action: M/S Ferrick/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 provided by Hill Glazier, consisting of nine plan sheets, dated August 29, 2008, and approved by the Planning Commission on September 8, 2008 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.

Motion carried 6-0 with Commissioner Keith not in attendance.

- 4. **Use Permit/Tim Ryan/2855-85 Sand Hill Road**: Request for a use permit for the use of and outdoor storage of hazardous materials associated with up to four emergency diesel generators for an office complex located in the C-4-X (General Commercial, Conditional Development) zoning district at 2855-2885 Sand Hill Road.

Staff Comment: Development Services Manager Murphy said staff had no additional comments. He noted that circle pages D-13 through D-23 had been distributed to the Commission as the photocopied set with the agenda packet had not been very legible.

Public Comment: Mr. Tim Ryan said he was the project manager for the construction company that would construct the four office buildings. He noted the office would have a shared use with the hotel and spa.

Vice Chair Riggs asked if circle pages D-13 through D-23 described the four generators. Mr. Ryan said circle page D-13 showed the manufacturer's cut sheets. Vice Chair Riggs confirmed with Mr. Ryan that the decibel ratings for the generators were the same as the previous agenda item or 70 decibels at 22 feet.

Commissioner O'Malley asked about the location of the generators. Mr. Ryan said the first and closest location to Sand Hill Road would be the large enclosure and further up the hill would be the smaller enclosure.

Commission Payer asked about the dimensions of generators. Mr. Ryan said the overall height of the generators with the belly tank was eight feet; width was 43 inches, and the length was just about ten feet. Commissioner Payer asked if the muffler and exhaust were located in the enclosure or above. Mr. Ryan said the muffler and exhaust

were contained within the enclosure. Commissioner Pagee asked about the color. Mr. Ryan said the enclosure would be green. Commissioner Pagee asked about the procedure for the filling of the tanks. Mr. Ryan said it was virtually the same as the description provided for the last agenda item. Commissioner Pagee said the plans showed leak holes to the bioswale. Mr. Ryan said they had proposed having a drain in each enclosure that would go to the sanitary system but the Engineering Department said that would not be appropriate and suggested that any unexpected liquid should first be filter through the bioswales before entering the public system. Commissioner Pagee noted that these were backup generators and not emergency generators being propose for the office building. Mr. Ryan said the tenants, because of the frequency of power outages in the Sand Hill Road area, wanted enough generator support to maintain operations for at least 24-hours. He said the concern was both to allow employees to be able to work and to prevent servers from going down. Mr. Ryan said the concern was for employees to be able to work and to not let servers go down. Commissioner Pagee asked who would maintain the generators. Mr. Ryan said the tenant would be responsible for contracting for those services. Commissioner Pagee asked how a leak would be reported. Mr. Ryan said there was an alarm on the generators. Commissioner Pagee asked if there was a written policy of who to call and what to do should there be a leak. Mr. Ryan said the contractor would provide that policy as part of their hazardous business plan.

Vice Chair Riggs asked if the generator would be installed by the applicant or tenant. Mr. Ryan said the tenant would install the generator. He said he was constructing the buildings and the infrastructure for the generator placement. Vice Chair Riggs asked if the City would inspect the generator installation. Development Services Manager Murphy said that was correct.

Commissioner Kadvany asked about the conditions under which the building manager would make a decision to operate the backup generators. Mr. Ryan said the tenant when they made application to the City and the Regional Bay Area Air Quality Board for permits would need to provide process information.

Commissioner Pagee said the Fire District handled hazardous materials plan for inspection. She asked if the applicant had spoken to the Fire District. Mr. Ryan said that was the first step they had taken. Commissioner Pagee asked if the Fire District had added anything to the proposal. Mr. Ryan said they had not.

Vice Chair Riggs closed the public hearing.

Commission Comment: Vice Chair Riggs said his initial concerns had been with the noise level, but that had been answered satisfactorily. He said his other concern was with process and that had been addressed as well. He moved to make the findings and approve the use permit. Commissioner Bressler seconded the motion.

Commissioner Pagee said the generator was eight-feet tall, but the fence was only seven-foot eight-inches tall. She said that both the wall and the generator should be painted the same color. Vice Chair Riggs asked Mr. Ryan to address Commissioner Pagee's question. Mr. Ryan said the fence was actually eight-foot six-inches tall. He said the dimension that Commissioner Pagee had looked at showed the height of the fence from existing grade and the enclosure was sunk into the side of landscaping. Commissioner Pagee confirmed with Mr. Ryan that there would not be a curb on top of the slab.

Commission Action: M/S Riggs/Bressler 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 provided by Hoover and Associates, consisting of seven plan sheets, dated August 28, 2008, and approved by the Planning Commission on September 8, 2008 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.
4. Approve the use permit subject to the following ***project-specific*** conditions:
- a. Concurrent with the application for a building permit for the installation of each subsequent generator, the applicant shall submit copies of the Hazardous Materials Business Plan (HMBP) to the Menlo Park Fire Protection District and the Menlo Park Planning Division for compliance review and approval. Additionally, the applicant shall provide the following minimum information, which is subject to review and approval of the Planning Division: the types of hazardous materials used and stored, the quantity of hazardous materials used and stored, the specifications on the generator, including the size, capacity, containment, and noise levels, and operations of the generator, including testing and refueling schedules.
 - b. Prior to final building inspection of each generator enclosure, the landscape screening shall be installed and is subject to review and approval by the Planning Division in the field. Staff reserves the right to make modifications in the field, which may include, but is not limited to, the number, size, species and/or location of trees.

Motion carried 6-0 with Commissioner Keith not in attendance.

D. REGULAR BUSINESS

There was none.

E. COMMISSION BUSINESS

1. Selection of the Planning Commission Chair for the remainder of calendar year 2008 and if necessary, selection of the Vice Chair.

Development Services Manager Murphy said that the Commission was being asked to select a Chair for the remainder of the year and also to consider whether a Commissioner who served less than a year as Chair would be eligible for another year as Chair.

Commissioner O'Malley said that whoever was selected as Chair for the few months remaining should be eligible for the following year. It was the consensus of the Commission that whoever served as Chair for the remainder of the year should be

eligible for appointment as Chair in 2009. Vice Chair Riggs asked if the Commission wanted to appoint a Commissioner for just the four months or for a 16-month period. It was the consensus of the Commission to appoint for the rest of the year and then reconsider appointment in January 2009.

Commission Action: M/S Bressler/Pagee to select Commissioner Riggs as Chair.

Motion carried 6-0 with Commissioner Keith not in attendance.

Chair Riggs said that there was a need for a Vice Chair.

Commission Action: M/S Ferrick/Pagee to select Commissioner O'Malley as Vice Chair.

Motion carried 6-0 with Commissioner Keith not in attendance.

2. Selection of Planning Commission Representatives to the El Camino Real/Downtown Specific Plan Consultant Review Committee.

Chair Riggs said that Commissioner Bressler and he had served on the consultant review committee for Phase 1. He said that Commissioners Bressler and Ferrick, and he had served on the oversight committee. He noted that Commissioner Kadvany also attended committee meetings. Commissioner Ferrick confirmed that the committee under discussion would select the consultant for Phase 2. Chair Riggs said that was correct and the process would take about four weeks and would require time during the day. Commissioner Kadvany asked what the role of the Commission's representatives would be and what expertise was needed. Chair Riggs said that the selection process would require an evaluation of the applicants and whether they could provide what the City would need. Chair Riggs asked staff to comment. Development Services Manager Murphy said the representatives had to have a willingness to commit, to spend time and due diligence to review the proposal materials, and interview consultants. He said the committee would be comprised of two Planning Commissioners, two Council members, and 4 staff members, who would make a recommendation on a consultant to the Council. Commissioner Bressler said there were important decisions and expectations to be set with the consultant during selection process that would have material effect on whether this process was successful or not. He said this was the beginning of Phase 2 and would set the tone for what followed. He said he was very interested in participating with this review committee. Chair Riggs said he was also interested and that this was a large task. Commissioner Kadvany said it sounded as though Commissioners Bressler and Riggs were interested in the committee and asked what their thoughts were about Phase 2. Commissioner Bressler said that public awareness was sought under Phase 1 and there had been a fairly high review of what needed to happen. He said the consultant distilled public input. He said the members of the steering committee had been quite diverse but he was not positive their input had been fully captured in the consultant's report. He said that steering committee should have more input into Phase 2 as it was more focused on details such as usage and the

consideration of compromises on desired amenities and cost, development and revenue and open space. He said the consultant was considered the expert and would have the most input into the report, but it was important to get public buy-in before Phase 2 went before the Council. Commissioner Ferrick said whoever was representative needed to move the public's interest further. Commissioner O'Malley said it was important to pick the right people and he was comfortable with Commissioners Bressler and Riggs. Commissioner Pagee said they wanted knowledgeable people and strong and outspoken persons.

Commission Action: M/S O'Malley/Pagee to select Bressler and Riggs as representatives.

Motion carried 6-0.

Commissioner Kadvany said he was happy that Phase 1 came to completion and he thought there was fairly good support for it. He said he thought the Commission should make a decision as to what the big items were for to provide the platform for the representatives on the selection committee.

Chair Riggs said that these representatives would be selecting the consultant and did not at this point have input on the substance of the RFP but each of them had input into the staff, and that would ultimately provide the best direction to the consultant.

Commissioner Bressler suggested agendizing an item to allow the Commission to discuss what input the Commission's representatives should have before meeting with the prospective consultants. He said that an hour or half-hour of discussion was probably needed. Development Services Manager Murphy said the proposals were due the end of September and the selection would go before the Council in October. He said he would need to look at a calendar noting that they were proposing to cancel the September 22 meeting. Development Services Manager Murphy said he would need to look at Planner Rogers availability as he needed to be present. Chair Riggs asked if the discussion was the Commission's role in Phase 2 rather than the process of selecting the consultant. There was consensus. Development Services Manager Murphy said that he would look into the timing of the agenda item and it could possibly be on a September 29 agenda as that date was being reserved for potential study session. By consensus, the Commission was amenable to meeting on September 29.

3. Review of planning items on City Council agendas.

There was no review presented.

F. REPORTS AND ANNOUNCEMENTS

There were none.

ADJOURNMENT

The meeting adjourned at 8:49 p.m.

Staff Liaison: Justin Murphy, Development Services Manager

Recording Secretary: Brenda Bennett

Approved on October 20, 2008