



PLANNING COMMISSION MINUTES

October 19, 2009

7:00 p.m.

City Council Chambers

701 Laurel Street, Menlo Park, CA 94025

Teleconference with participation by Commissioner Kadvany from:
3334E. 1st Street
Long Beach, CA 90803
(Posted October 15, 2009)

CALL TO ORDER – 7:00 p.m.

ROLL CALL – Bressler (arrived at 7:05 p.m.), Ferrick, Kadvany (participated via teleconference at 9:04 p.m.), Keith, O'Malley (Vice chair) (absent), Pagee, Riggs (Chair)

INTRODUCTION OF STAFF – Deanna Chow, Senior Planner; Megan Fisher, Associate Planner, Justin Murphy, Development Services Manager; Thomas Rogers, Associate Planner

A. PUBLIC COMMENTS

Planner Chow said that Commissioner Kadvany who had not attended the October 5 meeting had now provided a summary of his comments on the El Camino Real/Downtown Specific Plan.

Chair Riggs asked where members of the public could get a copy of the comments. Planner Chow said copies were available at the Planning Department office.

B. CONSENT

Chair Riggs noted there were corrections emailed from Commissioner Kadvany for pages 10 and 27. He noted the arrival of Commissioner Bressler. He noted on page 12, 1st paragraph that he (Chair Riggs) was speaking and suggested for clarity to replace “builds as efficient as if projects received” with “requires buildings as efficient as any state and gets close to.” He said also on page 12, related to condition 7.q to have staff confirm if the discussion and motion were for the condition to be four years or three years.

1. **Approval of minutes from the September 21, 2009 Planning Commission meeting.**

Commission Action: M/S Keith/Pagee to approve the minutes with the following modifications.

- Page 10, last paragraph, 2nd line from bottom: Remove extra period.
- Page 12, 1st paragraph, 1st line: Replace “builds as efficient as if projects received” with “requires buildings as efficient as any state and gets close to.”
- Page 12, 2nd paragraph, 1st line: Replace the word “four” with “three.”
- Page 23, 2nd paragraph, 7th line: Replace “The proposed tree species shall be compatible and not detrimental to the health of the adjacent tree species (e.g. Eucalyptus)” with “The proposed trees species shall be compatible with the adjacent tree species (e.g., Eucalyptus).”
- Page 23, 2nd paragraph, 10th line: Replace the word “impacts” with “relation.”
- Page 27, 7th paragraph, whole paragraph: Replace “Commissioner Kadvany said he had similar comments on the trees and he could not understand doing buildings that were representative of the century. He said he would like to see an exemplary building built.” with “Commissioner Kadvany said he would like to see an exemplary building built, representative of the new century.”

Motion carried 5-0 with Commissioner O'Malley absent and Commissioner Kadvany not yet in attendance.

C. PUBLIC HEARING

1. **Use Permit and Architectural Control/Roger Kohler/344 Waverley Street:**
Request for a use permit and architectural control for a 210-square foot second-story addition to an existing fourplex that is nonconforming with regard to the number of dwelling units and is located on a substandard size lot with regard to lot area in the R-3-A (Garden Apartment) zoning district.

Staff Comment: Planner Fisher said that staff had nothing to add to the written staff report.

Public Comment: Mr. Roger Kohler, project architect, said the property owners wanted to add a third bedroom for their growing family. He said their design intent was to maintain the existing look of the house and keep the roofline low. He said they would also do seismic retrofit on the carport.

Commissioner Keith said the report indicated that the proposed window would match existing windows and asked if they were all doublepaned. Mr. Kohler said the larger ones were doublepaned. Chair Riggs asked about the changes to the existing

structure. Mr. Kohler said as shown on page A-9 there was a new roof with an added roofline to make waterproofing easier. Chair Riggs said the bulk of the addition was to the rear of the building and asked if the bathroom cantilevered off the existing bedroom. Mr. Kohler said there was a small laundry area under that so it was not quite cantilevered. Chair Riggs said it was good they were doing a seismic upgrade. Mr. Kohler said the structural engineer said he could do something subtle and that if the change to the appearance was dramatic they would contact Planner Fisher. Chair Riggs asked if the common driveway would be repaved. Mr. Kohler said it would.

Chair Riggs closed the public hearing.

Commission Comment: Commissioner Pagee moved to approve as recommended in the staff report. Commissioner Keith seconded the motion.

Chair Riggs asked if having four units and one parking space per unit worked. Mr. Douglas Hooper, property owner, said that two of his tenants had only one car and there was additional parking behind the carports.

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

1. Make findings that the project is categorically exempt under Class 1 (Section 15301, "Existing Facilities") 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. Make the following findings, as per Section 16.68.020 of the Zoning Ordinance, pertaining to architectural control approval:
 - a. The general appearance of the structure is in keeping with the character of the neighborhood.
 - b. The development will not be detrimental to the harmonious and orderly growth of the City.
 - c. The development will not impair the desirability of investment or occupation in the neighborhood.
 - d. The development provides adequate parking as required in all applicable City Ordinances and has made adequate provisions for access to such parking.
4. Approve the use permit and architectural control subject to the following **standard** conditions:

- a. Development of the project shall be substantially in conformance with the plans prepared by Kohler Associates Architects, consisting of 11 plan sheets, dated July 10, 2009, and approved by the Planning Commission on October 19, 2009, 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. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance.

Motion carried 5-0 with Commissioner O'Malley absent and Commissioner Kadvany not yet in attendance.

2. **Appeal of Administrative Permit/Safeway, Inc./515 El Camino Real:** Appeal of the Community Development Director's approval of an administrative permit for outside seating in conjunction with food services (both Peet's Coffee and Rubio's Restaurants) and to allow the sale of beer and wine in conjunction with a restaurant use (Rubio's Restaurants only) in the C-4 ECR(X) (General Commercial, Applicable to El Camino Real, Conditional Development) zoning district.

Staff Comment: Planner Rogers said there were no additional items of correspondence. He said however this was the first appeal of an administrative permit. He suggested giving time to the applicant and then to the appellant and then open for public comment.

Public Comment: Mr. Fred Ponce, applicant and agent for Safeway, said he also served as the neighborhood liaison for the construction project. He said his duties now had been expanded to tenant improvements coordinator. He showed the original application and noted that Safeway had intended to keep existing seating. He said Rubio's has a railing on a hardscape area. He said the neighborhood and appellant had brought to Safeway's attention that they did not like the landscaping. He said they

intended to move the disabled accessible parking space over to create a landscape reserve space and bike racks at that location. He said for Rubio's that the neighborhood group wanted additional landscaping in that area but there was also a need to have eight-foot walkways so they were proposing to put all of the landscaping on the Rubio's side of the railing. He said that Safeway would maintain the plantings. He said on the side of the retail building the neighborhood group wanted tables there with umbrellas. He said the neighborhood group wanted the utility devices hidden. He said they would have to work with the Fire District and Police Department on appropriate screening for those utility devices.

Commissioner Pagee asked about the common area for seating and if security patrolled the area for loiterers. Mr. Ponce said that Safeway has onsite security who patrol and a property manager who maintains the area. Commissioner Pagee said she had encountered homeless people in the store and that this would provide another place for them to loiter. Commissioner Pagee asked who at the store a customer would contact about concerns with loiterers. Mr. Ponce said to ask a clerk for a manager. Commissioner Pagee said that delivery vans were parked at the front of the store. Mr. Ponce said the trucks were parked there at night and permitted through the Conditional Development Permit. Chair Riggs said he witnessed the vans being parked there at 7 a.m.

Commissioner Bressler said the ADA ramp from Middle Avenue up to Peet's and Rubio's had a sharp right in it. Mr. Ponce said the ramp was within ADA regulations for slope, landing, and accessibility. Commissioner Keith asked if bicycle parking was being used and if it was adequate. Mr. Ponce said that the racks were used quite a bit. Commissioner Keith said that someone had requested bicycle racks near Peet's. Mr. Ponce said there would be racks added there.

Chair Riggs said on the existing plans there was no landscaping shown and on the proposed plans there were four to five landscape schemes. Mr. Ponce said the only increase in landscaping would be the relocation of a disabled parking space creating nine feet of landscaped reserve with landscaping around the guard rail, and inside the guard rail at Rubio's. Chair Riggs asked if there would be eight feet of landscaping between the red curb that parallels the retail building. Mr. Ponce said pages 1 and 1.A gave the overall sense of landscaping. Chair Riggs questioned the use of white blocks to indicate landscaping and suggested hatching or half-shadow. He said they were proposing to remove two large blocks of landscaping for seating. Mr. Ponce said that was correct.

Ms. Elizabeth Houck, appellant, said she was the President of the Neighborhood Work Group. She said she was very by the attitude of Safeway corporate offices and that the lovely center the neighborhood had been promised was nothing more than a strip mall. She said that now they had gotten project approval they no longer cared about the site and the neighborhood and this had eroded the good will of the neighborhood. She said the Work Group had made suggestions for the retail plans and had been told those

would be incorporated but they had not been. She said they wanted the project to enhance the neighborhood and it did not. She asked that a review of the conditions of their use permit be made as there were at least three areas Safeway was not in compliance. She said there should be a traffic study done noting that there were logjams in traffic at the left turn onto Middle Avenue. She said the right turn onto Middle Avenue was an extremely sharp right putting one's car into the opposite lane of traffic. She said removing the handicapped parking space would create more square footage for Peet's and Rubio's but no additional parking spaces. She said there were no security patrolling the exterior and solicitors were at the front of the store regularly. She noted that the delivery vans were parked 24/7 in front of the store. She said more bike racks were needed and a better pedestrian access from the corner of Middle Avenue and El Camino Real. She said a photo showing a hanging basket, ashtray and a solicitor seated in the middle of the ADA compliant walkway. She said other businesses along El Camino Real have wooden planter boxes not just hanging baskets. She said the sidewalks and ashtrays were filthy in front of the store, and carts were left everywhere.

Chair Riggs closed the public hearing.

Commission Comment: Chair Riggs said the Commission had looked forward to an additional entrance into Safeway during peak traffic hours and asked if that had improved. Planner Rogers said that they had not done studies on that. Chair Riggs asked if they had gotten input from the public that it was worse. Planner Rogers said only from the appellant.

Commissioner Bressler said some traffic studies were promised and not done. Planner Rogers said that since there had not been the need for an EIR there had been no requirement for a traffic study. He said there was nothing in the conditions of approval or conditional development permit for a traffic study.

Commissioner Pagee said she was concerned with van parking. Planner Rogers said that the 2005 approval included these temporary parking stalls for night parking of delivery vehicles. Commissioner Pagee asked if limits of times could be applied now. Planner Rogers said the Commission had discretion in that regard. Commissioner Pagee said that the prior Safeway had little landscaping and there had been a lot of discussion that there would be landscaping improvement including bioswales but the landscaping was very bland. She said they were taking over a potential area for landscaping for outdoor seating; she said she liked outdoor seating but if the landscaping was not pretty it was very uninteresting to look at a parking lot. She said since the project had maximum buildout and would take away landscaping that the City should ask for more in terms of type of landscaping. She said she had concerns about the ability of people working at Rubio's to maintain discipline in the outdoor seating if there were alcohol sales. She said perhaps alcohol could be limited to the inside and the outside kept for family use.

Commissioner Keith asked about the square footage of outdoor area and how that impacted parking. Planner Rogers said parking was based on interior square footage. Commissioner Keith asked about the comments regarding shopping carts and mentioned a system used by other retailers to keep carts from leaving the parking lot.

Recognized by the Chair, Ms. Houck said Safeway had installed the cart system, Commissioner Keith mentioned, at the request of the neighborhood working group. She said however that carts get left in front of the Peet's. She said she had no objections to outdoor seating but would like the seating for Rubio's to be three tables only with three seats each, to keep landscaping and add planters. She said she supported beer and wine sales.

Commissioner Bressler said it was problematic turning left into the neighborhood from El Camino Real and asked about solutions. Ms. Houck said the prior Safeway had had underground parking with an entrance and exit, two entrances and exits from El Camino Real, and an additional entry from Middle Avenue. She said three entrances/exits had been reduced to one entrance and exit from Middle Avenue and that turn was very hard to make. Commissioner Bressler said that there was a different traffic configuration and there was no study and no mechanism for reconsideration. He said when new development was added along El Camino Real there needed to be a mechanism to address problems.

Mr. Steve Berndt said he was the real estate representative for Safeway and had worked on this project for 10 years. He said there was a full traffic study done as part of the Negative Declaration and for Caltrans, and that analyzed the Center and the changes to the driveways. Chair Riggs said that one has to go to Middle Avenue to go north onto El Camino Real and said there were previously two entrances from El Camino Real. Mr. Berndt said there had been two exits to Middle Avenue. Commissioner Ferrick said the geometry of the one curb cut made the turn hard and asked if that could be changed. Mr. Berndt said they were looking at reducing the size of the rock planter. Mr. Ponce said they had gotten approval from Chip Taylor, Transportation Division, to reduce the curb for the right hand turn into the Center off Middle Avenue.

Mr. Ponce said regarding landscaping that he had worked with planning staff quite closely as to impervious surface and were within the requirements of that with the proposed additional outdoor seating. He said they would relocate the three trees elsewhere. He said they would add landscaping on the edge of patio and would add pots of palms to create a density of landscaping to give the area a sense of place. He noted the comment that the Center's landscaping lacked vitality and said they had used drought tolerant plantings as conditioned in their project approval.

Commissioner Ferrick asked if the strip of decorative potted palms outside Rubio's would be two plants deep. Mr. Ponce said they would use either kingtail palm or fantail palm and those would grow to six-feet in height in pots, and they would place as many

as possible to still maintain ADA compliant walkway. Commissioner Ferrick asked if the palms would be newly planted. Mr. Ponce said they would get them about five-feet in height.

Commissioner Keith asked if seating for Peet's was to the left of where shopping carts are now, and asked what that area looked like. Mr. Ponce said in that area the utility pipe would run up the wall and have a vine pocket to screen. Commissioner Keith asked if there would be potted palms in that area too. Mr. Ponce said they would have three tables with chairs and would add potted palms if possible noting accessibility requirements for the walkway.

Commissioner Ferrick said existing plantings were not mature; she asked for more mature plantings and to find more space for landscaping. Mr. Ponce said that the planting here was not as lush as it should be and they had started fertilization. He said they could get larger plants for the outdoor seating. Commissioner Ferrick asked if the fertilization being used was non-toxic. Mr. Ponce said he thought it was but could confirm with the commercial landscape company. Commissioner Pagee said there was reasoning that because it was drought tolerant landscaping that it was not as lush; she asked if they had an example of another landscaped Safeway site. Mr. Berndt said they had the soil analyzed and there were soil quality issues and irrigation problems determined both of which were addressed. Commissioner Pagee said the company had spent a lot of time on the interior but the exterior was not nice. She said landscaping would improve the experience of people sitting in the patio areas. Mr. Berndt said they were working on this and the plantings should be nicer. He said they would like a more family friendly experience and to bring other tenants into vacant spaces.

Chair Riggs said that the Commission had identified concerns with the location of the van parking, traffic, maintenance of ashtrays and waste can, a request to maintain more of the existing landscaping at new seating areas, and to use something more than industrial railings with plants. Commissioner Pagee said there was a concern as to whether the project complied with the conditions of approval. Commissioner Riggs said there had also been comments on security and pedestrian access.

Recognized by the Chair, Ms. Houck said that the conditions of approval from March 13, 2007 which should be reviewed included 2.f regarding parking ratios and the delivery vans taking up spaces that were supposed to be for customers and outdoor seating taking up parking; condition 2.t related to Transportation Demand Management program which included bicycle racks and incentives to employees, noting that prime parking spaces were taken by employees, including provision of onsite banking for employees; condition 2.y the use of high quality beams and light fixtures in the arcade as those were not there. Recognized by the Chair, Planner Rogers said there were hanging pendant lights and wood trim in the arcade. Chair Riggs asked if the TDM program was submitted to Planning. Planner Rogers said Planning received a copy but Transportation had oversight of the program. Chair Riggs said people's use of

incentives could not be mandated only offered. He asked if the offer was made annually. Planner Rogers said he thought those would be ongoing. Commissioner Pagee asked if the City monitored the program. Planner Rogers said he did not know. Chair Riggs said it was probably done through City's code enforcement based on community based input.

Recognized by the Chair, Mr. Berndt said that there were a number of mitigation measures worked on with Transportation and he would have to check with staff as to how those incentives were implemented. He said it would be worthwhile to review the TDM program. Chair Riggs asked if the plan was active and regularly introduced to employees. Mr. Berndt said it was ongoing.

Commissioner Ferrick said related to delivery service that she would encourage the company to not use plastic bags for each item home delivered. Mr. Berndt said he would check on the plastic bags; he noted that delivery does cut down on trips to the store and their customers for home delivery were from all around Menlo Park. Commissioner Keith said she had used WebVan and they used a crate which was reused. Commissioner Pagee what other Safeway stores deliver. Mr. Berndt said the Belmont and Menlo Park stores. He said the vans were gone about six hours during the day. Commissioner Ferrick said the question was how they could minimize the amount of time those vans were in those spots. Planner Rogers said the Commission could craft a condition limiting the parking of the vans.

Chair Riggs asked if the Commission had enough information to approve the use permit. He said it appeared there were at least four things the Commission wanted that would have to happen before there was a favorable vote. Commissioner Bressler suggested rejecting but noted there were questions on how to address enforcement. He said the main concerns were good quality landscaping and transportation decisions. He said it was not clear to him what mechanisms could be put in place. Commissioner Pagee said neither staff nor the applicant knew what was going on with the TDM program and the landscaping had not improved in two years, and there was no landscape plan. She said there were no architectural plans to approve or examples of colors. She said continuing the project would give Safeway the time to put it all in a package to consider and address the questions raised tonight.

Chair Riggs said the Commission wanted to have more confidence in the type of railings and plantings that would be used and to see plans that showed more comparable existing conditions and proposed conditions. He moved to continue the item to get those two items and confirmation of the TDM program. He said that when the item returned, the Commission could designate van and employee parking to outskirts of the lot, require more regular maintenance of the ashtrays and waste cans. Commissioner Pagee said also they should get a count of existing parking spaces and confirmation of that what was approved for the arcade was what was installed. Commissioner Bressler said also onsite banking for employees had to be addressed. Chair Riggs asked if there was employee banking at the customer service desk. Mr. Berndt said there was an

ATM and previously there had been a number of financial institutions vying for space at the Center but not now. Chair Riggs asked if he could confirm if employees were able to make deposits at the ATM. Commissioner Pagee seconded Chair Riggs' motion and made a friendly amendment to have an update on security as to when they were present and how to contact them. Chair Riggs asked if it was possible to get a description of the security without it become public. Planner Rogers said anything submitted in writing to staff was considered a public document. Commissioner Pagee said the questions about security were not for conditions of approval but to address questions regarding loitering and onsite sales that were not approved by Safeway. Mr. Berndt said they use undercover in the store but he would get an outline of the security program as to uniformed security. Commissioner Bressler said when this comes back the Commission would want to know how the security at this store compared to other stores. Chair Riggs accepted the friendly amendment.

Commission Action: M/S Riggs/Pagee to continue the item with the following direction.

- Provide more detail (and possibly enhancements) for the railing at Rubio's;
- Revise plans to clearly relay existing and proposed conditions in an equivalent manner;
- Provide more information about the Transportation Demand Management (TDM) plan and its ongoing enforcement;
- Review delivery van parking and potentially relocate it (at least during the day) to the outskirts of the parking lot;
- Specify that ashtrays will be regularly maintained;
- Provide the total number of bicycle parking spaces, both existing and proposed;
- Confirm that the arcade light fixtures and materials match what was required;
- Provide more information about the ability of employees to conduct on-site banking transactions; and
- Provide more information about security standards and program for the complex.

Motion carried 5-0 with Commissioner O'Malley absent and Commissioner Kadvany not yet in attendance.

Planner Chow said that Commissioner Kadvany was now available to join the proceedings.

The Commission took a five-minute recess.

Chair Riggs reopened the Commission meeting.

3. **Use Permit/Entos Design/1040 Hamilton Court:** Request for a use permit for a dialysis clinic to be located in an existing office building, and for a change of use in a building that is nonconforming with regard to parking where 112 parking spaces are required per the Zoning Ordinance and 92 spaces would be provided in the M-2 (General Industrial) zoning district.

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

Public Comment: Mr. Barry Mayners, Entos Design, said he was representing his client Satellite Health Care. He said they have nine clinics in the region but would like to locate in Menlo Park as they have 95 patients in the Menlo Park area. He said this building would be appropriate for the use and they would add an awning to address a code issue for client dropoff. He said that there would be interior improvements and noted that Satellite Health Care builds very attractive facilities.

Commissioner Pagee asked about bicycle parking for employees. Mr. Mayners said there was not any proposed. Commissioner Pagee said there were visits Monday, Wednesday, Friday, and Tuesday, Thursday and Saturday and if that would be maximum served, and whether employees worked eight hours a day or longer. Mr. Frank Hagman, Satellite Health Care said the center would open at 6 a.m. and close at 6 p.m. He said most patients were dropped off by van or by loved ones and that they saw about 70 patients a day. He said the process takes about three hours. He said each facility has 25 employees and those employees work 12 hour days with a 36 hour work week. Commissioner Pagee asked about dropoff queues. Mr. Hagman said the patients come four at a time. Commissioner Keith said the permit indicated the facility operated from 7 a.m. to 7 p.m. Mr. Hagman said they open at 6 a.m. to set up equipment. Chair Keith asked if the supply/storage room could accommodate bicycles. Mr. Hagman said it would be appropriate for staff but the room needed to be locked. He said however there was an employee locker room that would be better site.

Commissioner Ferrick asked if there were any unusual hazardous materials adjacent to this property. Planner Fisher said that there were. It was noted that Wellbound which trains people to do in-home analysis was located at 925 Hamilton Avenue. Mr. Hagman said they had had a facility in Menlo Park and had outgrown that and moved to Marshall Street in Redwood City. He said the disease has increased in the population so much that now 92 people in Menlo Park need dialysis services. Commissioner Pagee confirmed that the prior facility had been on Glenwood and asked how many people had received treatment there. Mr. Hagman said that facility had had 12 stations and this would have 24 stations and an isolation room. Commissioner Pagee confirmed this building would have room for more patients if need.

Dr. Hector Santiestivan said he was a specialist who worked at San Mateo County, Sequoia and Seton, and wanted to reinforce how important this site was for patients in Menlo Park who now have to travel to South San Francisco for dialysis three times a week.

Chair Riggs closed the public hearing.

Commission Comment: Commissioner Keith moved to approve the item as recommended in the staff report; Commissioner Pagee seconded the motion.

Commissioner Pagee said she did not think the nonconformity in parking would be an issue for this type of service in this location.

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

1. Make findings that the project is categorically exempt under Class 1 (Section 15301, "Existing Facilities") 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 Entos Design, consisting of six plan sheets, dated September 29, 2009 and approved by the Planning Commission on October 19, 2009, except as modified by the conditions contained herein subject to review and approval by the Planning Division.
 - b. Prior to building permit issuance, the applicants shall comply with all Sanitary District, Menlo Park Fire Protection District, Allied Waste, 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 comply with the requirements of Chapter 12.48 (Salvaging and Recycling of Construction and Demolition Debris) of the City of Menlo Park Municipal Code, and is subject to review and approval by the Engineering and Building Divisions.
 - e. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval by 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, dimensions, and colors of all meters, transformers, junction boxes, relay boxes, and other equipment boxes.
 - f. The applicant shall apply for a separate Sign Permit for signage at the site, subject to review and approval of the Planning and Building Divisions.

Motion carried 6-0 with Commissioner O'Malley absent.

4. **Use Permit/Pacific Biosciences/1392 Hamilton Avenue:** Request for a use permit for indoor use and indoor and outside storage of hazardous materials for manufacturing of single molecule, real time (SMRT) chips and reagents for use in association with genome sequencing in the M-2 (General Industrial) zoning district.

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

Questions of Staff: Chair Riggs said there were comments from County Health and the Sanitary District asking for additional information or amendments. Planner Chow said that West Bay Sanitary District requirements and regulations would be covered by the standard conditions of approval and staff had received updated information from the County that all information needed had been provided.

Public Comment: Mr. Michael Phillips, Vice President of Research and Development, Pacific BioSciences, said the technology they were now commercializing had been developed at Cornell. He said his company in 2004 had had 6 employees and now had over 300 employees and were well on the way to commercialization with an expansion of chemistries currently used at their present location.

Commissioner Bressler asked where the sales office would be. Mr. Phillips said they had just hired a VP of sales and hoped to go public in 2010 and noted that they wanted to stay in the Menlo Park area. Commissioner Bressler asked if there was enough expansion space available. Mr. Phillips said there was noting that they currently had three buildings and with this application would have four with an expectation they would need another at which point the goal would be to consolidate to one site.

Commissioner Ferrick asked if the device was pre-FDA approved. Mr. Phillips said that clinical approval was not need as this was not for medical use. Commissioner Ferrick asked what percentage of their employees lived in Menlo Park. Mr. Phillips said about 10% with another 75% living in the area between Sunnyvale to San Carlos, and the remaining employees living in the East Bay. Chair Riggs asked when the product was manufactured whether it would ship as a kit. Mr. Phillips said it would with software and said they might find interesting information at Pacific Biosciences.com.

Mr. John Tarlton, Menlo Business Park, said they were one of Pacific Biosciences landlords, and were pleased this company was expanding within City and requested approval of the use permit.

Commission Comment: Commissioner Bressler said this company was premier, and he was excited that the company wanted to expand in Menlo Park. He suggested that this be kept in mind when they considered what was desirable in the M-2 district.

Commissioner Ferrick moved to approve as recommended in the staff report.
Commissioner Keith seconded the motion.

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

1. Make a finding that the project is categorically exempt under Class 1 (Section 15301, "Existing Facilities") 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 Dennis Kobza & Associates, consisting of eight plan sheets, dated received October 12, 2009, and approved by the Planning Commission on October 19, 2009 except as modified by the conditions contained herein, subject to review and approval of the Planning Division.
 - 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.

Motion carried 6-0 with Commissioner O'Malley absent.

Item heard at approximately 9:35 p.m.

D. STUDY SESSION

1. **Study Session/General Plan Amendment, Zoning Ordinance Amendment, Rezoning, Development Agreement, Architectural Control, Tentative Parcel Maps, Heritage Tree Removal Permits, Below Market Rate (BMR) Agreement, and Environmental Review/Bohannon Development Company/101-155 Constitution Drive and 100-190 Independence Drive (Menlo Gateway Project):**

Excerpt minutes were approved by Planning Commission on November 2, 2009.

E. COMMISSION BUSINESS

1. Review of planning items on City Council agendas.

A. El Camino Real/Downtown Specific Plan (Phase II) Process

Planner Rogers said there was a City Council meeting on October 13 to get Council input on the emerging plan. The ultimate direction was by unanimous vote to move on with draft documents and included that the Council subcommittee reach out to business owners and residents.

B. 1300 El Camino Real

Planner Chow said this item would be on the October 20 City Council agenda for a final reading of the ordinance. She said one condition was for demolition to occur and project to be in construction by April 30, 2010. She said also there was a requirement for a 10-foot walkway clear from tree wells. She said the landscaping plan was modified to use more native plants and trees. She said also the plan was to incorporate conservation features to have carbon zero consumption for the project itself.

C. 1706 El Camino Real

Planner Chow said this item would be on the October 20 City Council agenda.

D. 101-155 Constitution Drive and 100-190 Independence Drive (Menlo Gateway Project)

Planner Chow said the Council would hold a study session on November 3 to consider Commission comments on this item and that at the November 17 Council meeting there would be direction given toward the negotiation of a development agreement.

F. REPORTS AND ANNOUNCEMENTS

ADJOURNMENT

The meeting adjourned at 11:50 p.m.

Staff Liaison: Deanna Chow, Senior Planner

Recording Secretary: Brenda Bennett

Approved by Planning Commission on December 7, 2009