



PLANNING COMMISSION MINUTES

November 16, 2009

7:00 p.m.

City Council Chambers

701 Laurel Street, Menlo Park, CA 94025

Teleconference with participation by Commissioner Keith from:
76-6204 Alii Drive
Hale Kai O'Kona
Kailua-Kona, Hawaii, 96740.
(Posted November 10, 2009)

CALL TO ORDER – 7:05 p.m.

ROLL CALL – Bressler, Ferrick, Kadvany (absent), Keith (absent), O'Malley (Vice chair), Pagee, Riggs (Chair)

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

A. PUBLIC COMMENTS

B. CONSENT

1. **Approval of minutes from the August 24, 2009 Planning Commission meeting**

- Page 2, 1st paragraph, 3rd line: Insert the word “half” between the words “a” and “before.”
- Page 11, 1st paragraph: Remove extra period at the end of the paragraph.
- Page 20, 2nd paragraph, 2nd line: Replace “time” with “recommendation.”

Commission Action: Unanimous consensus to approve the August 24, 2009 Planning Commission with the three modifications previously submitted by Commissioner O'Malley.

Action carried 5-0 with Commissioners Kadvany and Keith absent.

C. PUBLIC HEARING

1. Use Permit/ForSight Labs, LLC/191 Jefferson Drive: Request for a use permit for the indoor storage and use of hazardous materials for the research and development of vision-related medical technologies in the M-2 (General Industrial) zoning district.

Staff Comment: Planner Rogers said staff in response to a Commissioner question related to the building's location in a FEMA flood zone had confirmed with the applicant that the finished floor of the building was 1 ¼-foot above the base flood elevation; he said the applicant also indicated that hazardous materials were not stored on the floor, but in cupboards.

Public Comment: Ms. Betsy McIntosh said she was the Manager of Finance and Operations for ForSight Labs. Ms. Laurie Carvelle said she was the environmental health and safety consultant for ForSight Labs.

Commissioner Pagee noted that the three locations on the inventory data did not correspond with the designations on the plans section "D." Ms. Carvelle said that the machine shop correlated to shipping and receiving on the plans, and FSL 3 and FSL 4 were the dry labs. Commissioner Pagee asked about the wet lab. Ms. Carvelle said that was shown on D-6 and noted that the only chemical stored there was isopropyl alcohol.

Responding to the Chair's inquiry, Commissioner O'Malley said from his experience everything looked fine with the application. He asked where the material safety data sheets were kept, noting they were to be available to each employee readily. Ms. Carvelle said that they have binders throughout the facility containing the material safety data sheets. Commissioner O'Malley asked what was in the area shown between the labs. Ms. Carvelle said that was office space.

Chair Riggs closed the public hearing.

Commission Action: M/S Pagee/Ferrick 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 California Environmental Quality Act (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 the applicant, consisting of six plan sheets, dated received September 14, 2009, and approved by the Planning Commission on November 16, 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 5-0 with Commissioners Kadvany and Keith absent.

D. REGULAR BUSINESS ITEMS

1. **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. ***Continued to a future meeting at the request of the applicant.***

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 were no significant updates on the specific plan; he said the City was looking at a mid-December scoping session for the EIR and a spring-release of a draft specific plan and draft EIR.

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

Planner Rogers said this item was going to the Council on November 17 and the Council had received Commission input from the November 9 Commission meeting. He said the Chair had been invited to submit a summary of the Commissioner comments and individual Commissioners were also invited to submit comments.

Commissioner Pagee asked when the Commission would see the zoning ordinance amendment. Planner Rogers said that he anticipated that would be in February. Commissioner Pagee asked about staff and consultant time and cost. Planner Rogers said that the applicant was billed for staff and consultant time.

F. REPORTS AND ANNOUNCEMENTS

ADJOURNMENT

The meeting adjourned at 7:27 p.m.

Staff Liaison: Deanna Chow, Senior Planner

Recording Secretary: Brenda Bennett

Approved by Planning Commission on January 11, 2010