



PLANNING COMMISSION MINUTES

May 17, 2010

7:00 p.m.

City Council Chambers

701 Laurel Street, Menlo Park, CA 94025

CALL TO ORDER – 7:01 p.m.

ROLL CALL – Bressler (Vice Chair), Eiref (Absent), Ferrick, Kadvany, Keith, O'Malley (Chair), Riggs

Chair O'Malley recognized Ms. Melody Pagee for her years of service on the Planning Commission. He noted that the newly appointed Commissioner, Mr. Ben Eiref, was unable to attend the meeting because of a prior commitment.

INTRODUCTION OF STAFF – Deanna Chow, Senior Planner; Megan Fisher, Associate Planner; Kyle Perata, Planning Technician; Thomas Rogers, Associate Planner

A. PUBLIC COMMENTS

There were none.

B. CONSENT

Commissioner Keith said she wished to pull the February 22, 2010 minutes as staff had just informed her prior to the meeting that there was a recording of the Parks and Recreation Commission's discussion on the use of synthetic turf and Hillview School/Tinker Park available for review.

Commissioner Ferrick said she wished to pull the May 3, 2010 minutes as she had a few minor corrections.

Chair O'Malley asked if there were comments on the April 5, 2010 minutes. There was none and the minutes were approved by unanimous consent.

1. **Approval of minutes from the February 22, 2010 Planning Commission meeting.** *Continued from the meeting of May 3, 2010.*

Commission Action: Unanimous consent to continue the minutes for further review of the Parks and Recreation Commission's discussion about the use of synthetic turf and Hillview School/Tinker Park.

2. Approval of minutes from the April 5, 2010 Planning Commission meeting.

Commission Action: Unanimous consent to approve the minutes as submitted.

3. Approval of transcripts from the May 3, 2010 Planning Commission meeting.

Commissioner Keith noted that “tomographer” should be replaced with “demographer,” “carcentric” with “car-centric” and “on” with “next to.” (Staff was finding corrections on the certified copy that Commissioner Keith was identifying in the draft transcript.) Chair O’Malley said that “has now” should be replaced with “was not” on page 20, 14th line. Commissioner Riggs said on page 8 of the certified transcript, 19th line, that “Mr. Needham” should be replaced with “Mr. Nino.”

Commission Action: Unanimous consent to approve the transcripts with the following modifications:

- Page 8, 18th line: Replace “Mr. Needham” with “Mr. Nino”
- Page 20, 14th line: Replace “has now” with “was not”
- Page 143, 24th line: Change “tomographer” to “demographer”
- Page 146, 20th line: Change “carcentric” to “car-centric”
- Page 156, 25th line: Replace “on” with “next to”

C. PUBLIC HEARING

- 1. Use Permit/Timothy Chappelle/719 Hermosa Way:** Request for a use permit to demolish an existing single-story, single-family residence and construct a new two-story, single-family residence and detached garden shed on a substandard lot with regard to lot width in the R-E (Residential Estate) zoning district. As part of this development, a heritage Monterey pine in the rear of the property with a 16.2-inch DBH in fair condition is proposed for removal.

Staff Comment: Planning Technician Perata said staff had no additional comments.

Questions of Staff: Commissioner Keith asked about Ms. Beth Benjamin’s third point on page 2 of her letter related to numerous construction projects and withholding building permits. Planning Technician Perata said he checked with the Building Official who said that building permits were not withheld because of neighboring construction projects. Commissioner Keith confirmed with staff that this information had been conveyed to Ms. Benjamin.

Commissioner Ferrick asked what could be done to mitigate the neighbor’s situation in which seven projects were going on in her area and there were issues associated with those such as debris in the street. Planner Chow said that normally there were not construction and equipment staging plans for single-family residential projects but the Commissioner could consider it as a condition due to the amount of construction

occurring on Hermosa Way. Commissioner Ferrick asked if there were requirements for the construction crews to keep the area safe. Planning Technician Perata said that there were building codes related to safety and cleanliness. He said he contacted the City's Code Enforcement unit to look into the situation on Hermosa Way. Chair O'Malley asked about the number of construction projects on Hermosa Way. Planning Technician Perata said there seemed to be five to seven projects ongoing in that block. Chair O'Malley said it was important that the Building Department carefully monitor the construction situation.

Public Comment: Mr. Tim Chappelle, project architect, said the property owners currently lived on Hermosa Way and had bought this property. He said the owners had decided on a Spanish Colonial Revival style home which had been intended as a one-story home. He said the property owners had three main objectives to have a pool, a workshop and a garden area. He said that trees in the rear yard impacted how the home could be designed to attain those objectives and it became obvious that they could not do a one-story house. He said the proposed two-story home was designed to set back the mass of the second story.

Commissioner Keith asked if they had considered a trellis above the garage to screen the three-car garage. Mr. Chappelle said that type of layering was not used with the style of architecture they had chosen. He said the Spanish Colonial Revival style was starker and played off recesses.

Mr. David Fisher, property owner, said he and his wife had lived in Menlo Park for 19 years and they did not want to build a "monster" home. Ms. Jennifer Fisher, property owner, said the architectural style they were using provided for courtyards and gardens. She said the front garden would be a vegetable garden and that the two beautiful Valley oaks in the backyard would look lovely with the proposed architectural style.

Commissioner Kadvany asked if the third garage space was for a workshop. Mr. Fisher said it would be used as a space for a car and as a workshop. Mrs. Fisher said they also wanted space to store the bicycles. Commissioner Kadvany asked if they had considered alternatives for the garage doors or using plantings such as vines to screen. Mr. Fisher said they had considered placing the elements in many different ways. He said this placement allowed him to have an office downstairs rather than adding it to the second-story and increasing mass. He said there would be a wall and an olive tree planted which would screen the third garage door. He said at their current home they had planted vines near the garage doors but those plantings had not really ever grown well.

Chair O'Malley asked if they had met with Ms. Benjamin, their neighbor, to address her concerns about the three-car garage. Mr. Fisher said they had met with their neighbors and had explained how the design developed around the trees. He said they had tried to contact Ms. Benjamin but had not connected with her yet. Mrs. Fisher said that Ms.

Benjamin might be on vacation. Mr. Fisher said he and his wife were frequently at the project site.

Ms. Beth Benjamin, Menlo Park, said her main concern was the three-car garage facing the street, which was out of character for the neighborhood. She thanked the Commission and staff for making note of the numerous construction projects.

Chair O'Malley closed the public hearing.

Commission Comment: Commissioner Keith moved to approve as recommended in the staff report. She said that the three-car garage had been a concern but it appeared the applicants had carefully considered the design and would screen the garage doors with a wall and tree. Commissioner Ferrick seconded the motion.

Commissioner Riggs said that the Spanish Colonial Revival style was well used in the project design, and that he supported the project.

Commissioner Ferrick said the only reason the project came before the Commission was a deficiency of 1.6 feet of lot width. She said although the other construction projects in the area had created burdens for the neighbors, it would not be fair to make this applicant bear additional conditions for construction.

Chair O'Malley said he would have liked the applicants to have made more efforts to communicate with Ms. Benjamin, but he found the project to be well-designed and well within and below allowable building limits.

Commissioner Kadvany said he would have preferred a better treatment for the garages, but supported the project.

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

1. Make a finding that the project is categorically exempt under Class 3 (Section 15303, "New Construction or Conversion of Small Structures") 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 Arcanum Architecture, Inc. consisting of thirteen plan sheets, dated received April 30, 2010, and approved by the Planning Commission on May 17, 2010, 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, demolition or building permit.
 - g. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance.
4. Approve the use permit revision for the project subject to the following ***project specific*** condition:
 - a. Simultaneous with submittal of a complete building permit application, the applicant shall indicate on the site plan the location of the required 15-gallon redwood heritage tree replacement for review and approval of the Planning Division.

Motion carried 6-0 with Commissioner Eiref absent.

2. Use Permit and Architectural Control/Pacific Peninsula Group

Architecture/737 Fremont Street: Request for a use permit and architectural control for the demolition of an existing duplex, cottage, detached garage, and other accessory buildings and to construct four single-family residences comprised of two two-unit attached, single-family residential buildings and associated site improvements on a standard size lot in the R-3 (Apartment) zoning district. The proposed project would include the removal of 35 trees, including 10 heritage trees, and the installation of 25 new 24-inch or 36- inch box trees.

Staff Comment: Planner Chow said staff had no additional comments. She noted that there were color and material boards being distributed for the Commission to review.

Public Comment: Mr. Jude Kirik, Pacific Peninsula Group Architecture, said he was the project architect. He said Mr. Tim Yager was the property owner and his client. He said his firm had purchased the project in November 2009. He said the unit design and aesthetics needed attention so they reviewed and redesigned the project. He said the project was originally designed as two larger massive buildings. He said their design broke those two buildings into four individual units. He said the lack of two car garages had been an issue for the original project. He said they introduced two two-car garages for the rear units and added storage space to the one-car garages for the front units. He said that two parking spaces had to remain in the rear setback. He said the front two units were three bedroom units, and if purchased by seniors, there was the possibility of a small elevator lift. He said each unit would have a substantial amount of dedicated outdoor usable space. He said cedar shingle siding would be used on the front units and stucco on the rear units, which would give each unit a more individual appearance.

Mr. Tim Yager, Pacific Peninsula Group, said they had reached out to all of the neighbors and invited them to meet and look at their initial plans. He said about eight neighbors had attended. He said they were utilizing the same arborist as the one used for the previously approved project. He said they decided to keep one sycamore tree, which originally was slated for removal.

Commissioner Riggs said this design was more appropriate for Menlo Park site than the previous project. He asked about the 24-foot wide driveway. Mr. Kirik said the width was based on the number of cars accessing the properties and requirements from the fire district. He said they were trying to strike a balance between the Transportation Division and the Fire District.

Mr. Bill Weseloh, Menlo Park, said he and his wife were extremely pleased that Pacific Peninsula Group were building in Menlo Park. He said they fully supported the project.

Ms. Jennifer Pollock, Menlo Park, said that the Pacific Peninsula Group had contacted neighbors early in the project design phase. She said the project would be an asset to the neighborhood.

Chair O'Malley closed the public hearing.

Commission Comment: Commissioner Keith moved to approve as recommended in the staff report. She said she would like to discuss reducing the width of the driveway to allow for more landscaping area. Planner Chow said the Commission could direct staff to find out if considerations could be made for these four attached residential units to reduce the required 24-foot driveway. Commissioner Keith moved to approve as recommended with the added conditions that staff work with the Transportation Division to reduce the driveway width and to remove the signage. Commissioner Riggs seconded the motion.

Commissioner Ferrick said she agreed that the signage should be removed as it was evident the units were residences. Commissioner Kadvany said that the big wide driveways were not attractive or a good use of space. Planner Chow said that typically a driveway was 10-foot for a single-family residence but that increased when residences shared a driveway. She said staff would review the driveway guidelines with the Transportation Division to see if driveway width could be reduced. Commissioner Kadvany said that there had been other similar projects and there would be more in the future. He said the driveway width should be resolved.

At the request of the Chair, Commissioner Riggs discussed driveway widths noting the minimum width for this project to be acceptable to the Fire District was 20 feet. Chair O'Malley confirmed with Commissioner Keith that she was comfortable with 20-foot being the desired width under her motion.

The Commission voted 6-0 to approve the project.

Commissioner Kadvany asked the applicant if they would like a narrower driveway. Mr. Kirik said that they would like a narrower driveway and that they would use the extra space for additional landscaping.

Commission Action: M/S Keith/Riggs to approve the item as recommended in the staff report with the following modifications.

1. Make a finding that the project is categorically exempt under Class 3 (Section 15303, "New Construction or Conversion of Small Structures") 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. Adopt 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 requests subject to the following **standard** conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by Pacific Peninsula Architecture, consisting of 22 plan sheets, dated received on May 5, 2010, and approved by the Planning Commission on May 17, 2010, 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. Concurrent with the submittal of a complete building permit application, 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. Concurrent 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 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. The Grading and Drainage Plan shall be approved prior to issuance of a building permit.
 - f. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance.
 - g. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a detailed landscape and irrigation plan showing all proposed and existing trees, plants and shrubs based on the preliminary landscape plan. The landscape plan shall meet the Water Efficient Landscape Ordinance as verified by a certified or authorized professional as defined in the Ordinance, and is subject to review and approval of the Planning and Engineering Divisions.
5. ***Approve the use permit and architectural requests subject to the following specific conditions.***
- a. ***Prior to building permit submittal, the applicant shall work with staff to determine whether the driveway width can be reduced from 24 feet to 20 feet. Should the driveway width be reduced, additional landscaping shall be added to compliment the proposed landscaping plan. The revised plans shall be submitted simultaneous with the building permit application.***
 - b. ***The development shall not include signage (e.g., as shown on the street view rendering).***

Motion carried 6-0 with Commissioner Eiref absent:

Commissioner Riggs said that it might be helpful to have the Commission meet jointly with the Transportation Division to review the driveway guidelines. Planner Chow said the guidelines had been approved by the City Council, but she would discuss the Commission's comments with Transportation Division staff.

3. **Use Permit/Anatole Zelkin/1923-1929 Menalto Avenue**: Request for a use permit to operate a yoga studio (private recreational facility) and beauty salon (personal services) and to modify previous conditions of approval for a café in an existing commercial building on a property that is substandard with regard to parking in the C-2 (Neighborhood Shopping) zoning district.

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

Questions of Staff: Commissioner Ferrick said the petitions presented in the packet were dated September 2008. Planner Rogers said that originally the application for a yoga studio, café and an office had been submitted in 2008. He said during the review process the tenants in the office space had vacated and it had taken longer than anticipated for a new office tenant.

Public Comment: Mr. Anatole Zelkin, property owner, said the existing businesses were supported by the surrounding community. He said he would like the business owners to talk about their goals.

Commissioner Kadvany asked who owned the parking lot in the rear and who maintained it, noting that it was gravel. Mr. Zelkin said he owned the parking lot but the easement was held by the neighbor and it was the easement owner who was responsible for the easement.

Ms. Kathleen Daly, Redwood City, said she was the owner of Café Zoe. She said she had not realized that adding tables was a change to the use. She said the Menalto Station was a unique area that needed to serve the neighborhood to be successful. She said that the business owners meet and work together on any issues related to the use of their businesses.

Chair O'Malley asked about the added entertainment feature. Ms. Daley said when she took over the business she had asked people what they wanted the Café to offer and music on Friday nights for a couple of hours was one of the responses. Commissioner Kadvany asked about the parking on the evenings when there was music. Ms. Daley said most of the other businesses were closed on Friday nights so parking was available.

Ms. Lisa Haley said she was the owner of the yoga studio. She said she was also a naïve business owner and had not realized she needed a use permit. She said the studio's employees were asked to not park in the lot. She said a number of her students bike from Stanford University.

Ms. Marie Garcia said that she and her husband owned the salon business. Mr. Lee Garcia said that they loved the community and had not needed to advertise for business. He said their two employees park in the alley. He said their customers who would be longer than 30 minutes were encouraged to park on the street.

Mr. Gazy Smith, the owner of Menalto Cleaners, said he had been in this location for 21 years. He said he wanted to support his neighbors and encourage the Commission to approve the project as proposed. He said that he was very pleased at the improvements at the business center and in the neighborhood. He said if there was any concern about the parking the business owners were very communicative and would work together on a daily basis to make sure parking needs were met.

Mr. Patrick Farris said he was the owner of the building at 1990 Menalto Avenue with six tenants, two of whom walk to work and two others who live nearby. He urged the Commission to approve the use permit. He said that there seemed to be more foot and bike traffic to the site over the past few years. He commended the business owners on their energy and contribution to the community.

Chair O'Malley closed the public hearing.

Commission Comment: Commissioner Keith moved to approve as recommended in the staff report. She said the businesses were well-used by the community. She said she would love it if the Café got a beer and wine license. She said there were adequate bike racks and the parking had never seemed to be a problem. Commissioner Ferrick seconded the motion.

Commissioner Bressler said the point that the businesses self-regulate because they serve the community was well made. He said he supported the project.

Commissioner Kadvany asked if there was a simple way that the parking might be monitored or problems reported to the City in reference to several bulleted options in the staff report. Planner Rogers said those ideas had been noted for the Commission's possible consideration but were not staff's recommendation.

Commissioner Riggs said cars park on Gilbert Street for this business strip and confirmed with staff that those residents were notified of the use permit application and that there were no complaints from those residents.

Commission Action: M/S Keith/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 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 seven plan sheets, dated received April 26, 2010, and approved by the Planning Commission on May 17, 2010, except as modified by the conditions contained herein, subject to review and approval of the Planning Division.
4. Approve the use permit subject to the following **project-specific** conditions:
 - a. All tenants are responsible for daily pick up of trash and refuse in the immediate vicinity of the subject property, including the portion of the alley directly behind the property.
 - b. The yoga studio shall have a maximum class size of 18 students, and classes shall be separated by a minimum interval of 15 minutes in order to allow departing patrons to free up car and bicycle parking spaces for arriving patrons.
 - c. The café use shall have the following unique conditions:
 - i. Service at the café shall be limited to non-alcoholic beverages and food items including but not limited to baked goods and sandwiches, but excluding cooked meals. Beverages shall include, but not be limited to, coffee and espresso drinks.
 - ii. The café shall primarily operate as a sit down establishment as opposed to a fast food outlet that focuses on take out business.
 - iii. The café shall be limited to a maximum of 28 seats for customers, including eight outdoor seats (four in front, four in rear).
 - iv. The hours of operation for the café shall be limited to between 7:00 A.M. and 8:00 P.M., Sunday through Thursday, and between 7:00 A.M. and 9:00 P.M. on Friday.
 - v. Live music is permitted on Friday evenings and Sunday afternoons. Performances shall take place indoors.

Motion carried 6-0 with Commissioner Eiref absent.

4. **Use Permit/Laurie Carvill/1098 Hamilton Avenue:** Request for a use permit for indoor storage and use of hazardous materials for the research and development (R&D) of ocular drug delivery systems for the treatment of vision related

conditions at an existing building located in the M-2 (General Industrial) zoning district.

Staff Comment: Planning Technician Perata said staff had no additional comments.

Questions of Staff: Commissioner Ferrick said that the Commission had seen applications for the storage and use of hazardous materials from other tenants in this building and asked about potential cumulative impacts. Planner Chow said the Commission was currently looking at one of the three suites in this building and had considered the two others recently. She said the Fire District has the oversight and controls for the three businesses and with County Environmental Health monitors these businesses annually. She said the City looks to these agencies for additional safeguards that would be needed. She said with this property there was no cumulative concern because of the small quantities of hazardous materials used or stored.

Ms. Laurie Carvill said she was the Environmental Health and Safety consultant with QPD. Mr. Tim Daynard said he was the Senior Director of Research for QPD. He said their small company was researching delivery systems for ocular drugs to the eyes using a plug device in the tear ducts to deliver eye drops as one instance.

Commissioner Keith asked how long this would be effective. Mr. Daynard said they were looking at as long as three months but it was dependent on the type of treatment. Commissioner Keith asked why they had marked number five of the business plan as non-applicable. Ms. Carvill said they had no equipment that required isolation or shutdown. Commissioner Keith asked about the employee training. Ms. Carvill said the training was one-hour. She said a refresher training was given annually that was one-hour but done like a game show, such as Jeopardy.

Commissioner Bressler asked if the plugs would be tested on site. Mr. Daynard said they were doing the research and the development work would be done at another site. He said that other business would produce clinical samples to be used at ophthalmology sites for clinical tests.

Chair O'Malley closed the public hearing.

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

Commissioner Kadvany said he would like the Fire District to provide a semi-annual report for the Commission on sites which could potentially have cumulative impacts from hazardous material use and storage. He said that would help the Commission and give assurance to the community.

Chair O'Malley said there were three or four of the liquids that exceeded one gallon but he could not understand why there were not an even number of bottles. Ms. Carvill said

it was one gallon of raw chemical and hazardous wastes were typically stored in five gallon containers. Chair O'Malley referred to D-16 and asked where the fractions came from in reference to bottles. Ms. Carvill said there were different sized bottles none of which exceeded one gallon and some which were less than one gallon.

Chair O'Malley said with these applications that he generally looked to see if the four independent agencies had checked off on the application, for emergency response plans, record keeping and appropriate equipment to handle spills, and the amount and variety of chemicals. He said he found this application very satisfactory.

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 (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 ten plan sheets, dated received April 30, 2010, and approved by the Planning Commission on May 17, 2010 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 Eiref absent.

D. REGULAR BUSINESS

1. 2010-11 Capital Improvement Program/General Plan Consistency:

Consideration of consistency of the 2010-2011 projects of the Five-Year Capital Improvement Plan with the General Plan.

Staff Comment: Mr. Matt Oskimo, Engineering Division, said staff had no additional comments.

Questions of Staff: Commissioner Kadvany asked about the High Speed Rail Coordination project and what that included. Mr. Oskimo said that Transportation Division staff and the Deputy City Manager were attending the regional meetings on behalf of the City. Commissioner Kadvany asked about the lawsuit, the EIR and other elements. Mr. Oskimo said he did not have details but the project was listed so that all of the associated details might be considered. Commissioner Kadvany asked if that fit within the General Plan and if there were any high speed rail activities that were being funded outside of this budget item. Mr. Oskimo said the City was not funding the EIR or the planning. He said the City's involvement was to insure that its goals and needs were represented.

Commissioner Riggs asked if analysis of the proposed photovoltaic panels (PVs) at the Corporation Yard had been done at the same level as staff's analysis of the PVs for the gym. Mr. Oskimo said the Maintenance Department had used a consulting firm to determine the best solar system for this existing structure. He said this solar system was less expensive than the one for the gymnasium project. Commissioner Riggs asked if the systems were comparable. Mr. Oskimos said they were.

Commissioner Ferrick asked about the location of the parking plaza seven renovation. Mr. Oskimo said the specific streets were not identified in this Plan and he would have to get back to the Commission. Commissioner Riggs said he hoped the parking spaces

in this parking plaza would remain diagonal. Mr. Oskimo said more details would be forthcoming when the project was further developed.

Commissioner Keith asked about the Phase I project for sidewalks on Santa Cruz Avenue. Mr. Oskimo said that Transportation had nearly completed determinations on the locations of sidewalks, after which construction would begin on one segment. Commissioner Keith asked if the sidewalks would be near businesses or near residential. Mr. Oskimo said that it was intended from University Avenue in the downtown toward the west and that the first phase would be either end of this road segment. Commissioner Keith confirmed with staff that this project would not conflict with the Downtown Specific Plan.

Commissioner Ferrick questioned the proposed 60 foot of sidewalk for Bay Road and Greenwood Avenue as there was already sidewalk. She said there was a bike path but no sidewalk on Bay Road, but that was not near Greenwood. Mr. Oskimo said the intent was to have continuous pedestrian and bicycle access.

Chair O'Malley said there was a discussion on page 1 related to synthetic turf for Tinker Park, yet it was not clear what the Parks and Recreation Commission had decided. Planner Chow said it appeared that there had not been a formal vote but the Parks and Recreation Commission had indicated general support of the project. Commissioner Keith said parents protested the use of synthetic turf at Encinal School. Chair O'Malley asked if they could vote on the whole Program but request that the use of synthetic turf be reviewed to determine if the Parks and Recreation Commission had recommended it.

Mr. Oskimo said the Commission was being asked find whether the proposed projects generally conformed to the General Plan. He said the Hillview School and Tinker Park project would have to be considered in depth by the Parks and Recreation Commission once specifics were developed. Commissioner Riggs said this project had not yet had a final presentation to the Parks and Recreation Commission. Commissioner Keith said that the Commission could state that this project did not conform to the General Plan. Commissioner Kadvany asked if there was General Plan language related to how projects were introduced and passed along. He suggested that some language could be formulated for this project that would address the concerns.

Commissioner Keith said the November 18, 2009 minutes of the Parks and Recreation Commission meeting indicated Mr. Nino updated that Commission on the Hillview School Fields Renovation/Tinker Park Replacement Project but there had been no vote. Commissioner Bressler suggested they either find the project in conformance with the General Plan, or not.

Commissioner Riggs moved to make the findings that the FY 2010-11 Capital Improvement Plan projects were consistent with the General Plan but did not approve details of the individual projects. The motion died for a lack of second.

Commissioner Keith moved to make the findings that the FY 2010-11 Capital Improvement Plan projects were consistent with the General Plan except for the one item. Commissioner Ferrick said that the words “synthetic turf” might be removed and then the project was conforming with the General Plan. Commissioner Keith moved to make the findings and to include the project with the addition of “grass or” before “synthetic turf.” Mr. Oskimo said that this was school property and ultimately the playing field specifics would be the school’s decision. Commissioner Ferrick said this change to the language would not preclude the use of grass turf. Commissioner Riggs seconded the motion.

Commission Action: M/S Keith/Riggs to find the FY2010-11 Capital Improvement Plan projects consistent with the General Plan with the following modification.

Modify Hillview School Fields Renovation/Tinker Park Replacement Project:

This project will provide funding for the grass or synthetic turf athletic field renovation and Tinker Park replacement that will occur with the Hillview School reconstruction project.

Motion carried 6-0 with Commissioner Eiref absent:

E. COMMISSION BUSINESS

1. Update on pending planning items.

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

Planner Chow said the City Council had recently approved the consultant services and work plan to modify the EIR for a water supply assessment. She said the new targeted release date for the EIR would be mid-July. She said the final review of the draft Specific Plan was expected to occur in November for the Commission and then the City Council.

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

Planner Chow said the City Council met on May 11 for an update on the terms of the development agreement. The Council gave additional direction to staff for the Negotiation Committee to consider additional opportunities for a revenue sharing agreement on the office portion of the project. She said if the project was adopted on June 15, the second reading would be June 22.

C. Appeal of Use Permit for 277A Willow Road

Planner Chow said the City Council would review the appeal of the use permit for 277A Willow Road at the May 18, 2010 meeting.

F. REPORTS AND ANNOUNCEMENTS

There were no reports or announcements.

ADJOURNMENT

The meeting adjourned at 9:30 p.m.

Staff Liaison: Deanna Chow, Senior Planner

Recording Secretary: Brenda Bennett

Approved by Planning Commission on June 28, 2010