



## PLANNING COMMISSION MINUTES

July 26, 2010

7:00 p.m.

City Council Chambers

701 Laurel Street, Menlo Park, CA 94025

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Teleconference with participation by Commissioner Keith from:  
13073 Northwoods Blvd.  
Truckee, CA 96161  
(Posted July 21, 2010)

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**CALL TO ORDER** – 7:00 p.m.

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

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

### A. PUBLIC COMMENTS

There were none.

### B. CONSENT

1. Approval of minutes from the June 28, 2010 Planning Commission meeting.

Commission Action: M/S Riggs/Keith to approve the minutes as submitted

Motion carried 5-0 with Commissioners Bressler and Ferrick absent.

### C. PUBLIC HEARING

1. Use Permit Revision/Jason Osborne for Verizon Wireless/2005 Willow Road: Request for a use permit revision to modify an existing wireless facility, including the replacement of four panel antennas and four dish antennas, and the addition of two dish antennas on a 60-foot tower located on a Pacific Gas & Electric substation site.

Staff Comment: Planning Technician Perata said maps showing the existing and proposed coverage were being distributed to the Commission.

Commissioner Kadvany asked about what appeared to be debris in the background in some of the photos. Planning Technician Perata confirmed the photos in question were on pages D-1 and D-3. He said what was in the background was the Menlo Park Fire District's urban search and rescue training site.

Public Comment: Ms. Rosemary Burns, Petaluma, said she was representing the applicant rather than Mr. Jason Osborne as he was not able to attend. She said the proposed upgrade would significantly enhance the existing coverage area for both data and voice transmission.

Chair O'Malley closed the public hearing.

Commission Comment: Commissioner Keith moved to approve as recommended in the staff report. Commissioner Riggs seconded noting that there were numerous transmission poles at the PG&E substation and this project would not have an aesthetic impact beyond what was already at the site.

Commission Action: M/S Keith/Riggs 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 State CEQA Guidelines.
2. Make necessary findings, pursuant to 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 safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of the proposed use, and will not be detrimental to property and improvements in the neighborhood or general welfare of the City. *(Due to the Federal Communications Commission (FCC) preemption over local law regarding concerns over health where the proposed facility meets FCC requirements, staff has eliminated the standard finding for "health" with respect to the subject use permit.)*
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 Omni Design Group, dated July 15, 2010 consisting of five plan sheets and approved by the Planning Commission on July 26, 2010, except as modified by the conditions contained herein.
  - b. Prior to building permit issuance, the applicant shall comply with all County, State, and Federal 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 that are directly applicable to the new construction.
- d. Prior to building permit issuance, the applicant shall comply with all requirements of the Engineering Division that are directly applicable to the project.

Motion carried 5-0 with Commissioners Bressler and Ferrick absent.

- 2. **Use Permit/DNA2.0/1140 O'Brien Drive:** Request for a use permit for the indoor use and storage of hazardous materials in association with the manufacturing of synthetic genes in the M-2 (General Industrial) zoning district.

Staff Comment: Planning Technician said that the Engineering Division was examining what the base flood elevation was for this project location and whether or not the finished floor was above or below that elevation. He said that in any event all hazardous materials would have to be stored above the base flood elevation.

Mr. Claus Gustafson said he was one of the original founders and owners of the firm, which has operated in Menlo Park since 2003. He said the company was growing and profitable, which was why they were applying to move into a bigger and new place as they would need to use more materials and do more production. He said they ship synthetic genes globally.

Commissioner Riggs said the report indicated that about a ton of waste product was disposed of once a month, most of which seemed to be acetyl nitrate. He asked how that substance was disposed. Ms. Ellen Ackerman, environmental safety consultant, Green Environments, San Carlos, said disposal was based on the fuel content and that the waste might go for fuel blending or solidified for disposal in landfill. She said the disposal was up to the company licensed to take the waste for disposal.

Chair O'Malley said he suspected that acetyl nitrate could not be cleaned for reuse. Mr. Gustafson said for their process that the chemical had to be extremely pure. Chair O'Malley noted the company's growth and that there were now 35 employees. He asked if they would add employees. Mr. Gustafson said they expected to add about 10 employees per year.

Commissioner Keith said the report indicated the company would be generating sales tax revenue and asked how much that would be. Mr. Gustafson said the company had been generating sales tax since 2004; he suggested checking with the City's Finance Department for revenue received from that sales tax.

Commissioner Keith said the Fire District had attached a letter related to their review of the proposal but there was nothing attached from West Bay Sanitary District. Planning

Technician Perata said the District Manager for West Bay had included a comment that the District would inspect the site once operations commenced at this new site. He said this information had been conveyed to Ms. Ackerman.

Commissioner Eiref asked if the proposed natural gas backup generator would be self-contained. Mr. Gustafson said they were using natural gas and not electricity for that very reason. Commissioner Eiref noted there were numerous trade secret materials listed in the summary and whether those were bought and consumed or were generated. Mr. Gustafson said that generally these were very small volumes of materials that were bought and consumed at the site.

Commissioner Riggs asked about a generator on a trailer behind the building about 12 feet from the property line of an East Palo Alto residence and if the other tenant has a use permit for the generator's operation. Planning Technician Perata said there were no other tenants in the building and this was not the applicant's generator.

Mr. Dave Tarlton, Tarlton Properties, said they were happy to have DNA2.0 as a tenant. He said the equipment on the trailer referred to by Commissioner Riggs was an air conditioning chiller owned by the property managers. He said they would be glad to relocate it to any other site.

Chair O'Malley closed public hearing.

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

Chair O'Malley said that all of the amounts of chemicals other than the acetyl nitrate were minimal. He said that the company was providing an important service.

Commission Action: M/S Keith/Riggs 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 DES, consisting of five plan sheets, dated received July 14, 2010, and approved by the Planning Commission on July 26, 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 5-0 with Commissioners Bressler and Ferrick absent.

#### **D. REGULAR BUSINESS**

1. **Review of Substantial Conformance/418 Willow Road:** Review of an existing commercial building for substantial conformance with the City's architectural control approval.

Chair O'Malley said Commissioner Riggs would recuse himself from consideration of this review of substantial conformance due to a potential conflict of interest. Chair O'Malley said Commissioner Riggs' recusal and Commissioners Bressler and Ferrick's

absences created a lack of quorum for this item. He said the item was tabled until the next available meeting.

## **E. COMMISSION BUSINESS**

1. Update on pending planning items.

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

Planner Chow said the draft Environmental Impact Report was anticipated for release in late August and to be considered by the Planning Commission in September. She said there was no other specific additional information at this time.

Planner Chow said the August 9 meeting had been cancelled because there were not enough items to meet. She said there would be an August 23 Commission meeting and August 30 study session. Commissioner Kadvany said he might be absent on 30<sup>th</sup>.

## **F. REPORTS AND ANNOUNCEMENTS**

There were none.

## **ADJOURNMENT**

The meeting adjourned at 7:27 p.m.

Staff Liaison: Deanna Chow, Senior Planner

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on September 13, 2010