



PLANNING COMMISSION MINUTES

April 18, 2011

7:00 p.m.

City Council Chambers

701 Laurel Street, Menlo Park, CA 94025

CALL TO ORDER – 7:00 p.m.

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

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

A. REPORTS AND ANNOUNCEMENTS

1. Update on Pending Planning Items

A. Planning Commissioner Appointment

Planner Chow said that Chair Bressler was reappointed to the Commission.

B. Drive Less Challenge Commission Team

Planner Chow said a flyer was distributed regarding a Drive Less Challenge sponsored by the City's Green Ribbons Task Force. She said the Commission was invited to participate either as individuals or as a team. She said the Challenge would begin on Earth Day and the name given to the Commission team was Planning Commission Dreamers.

C. Annual Satisfaction Survey due April 21, 2011 to the City Clerk's Office

Planner Chow said the City's Annual Satisfaction Survey was due by April 21, 2011 to the City Clerk's Office.

D. Commission Training - May 17, 2011

Planner Chow said there would be mandatory Commissioner training on May 17, 2011.

Commissioner Riggs asked how the Commission could provide input and select its own name for a team to participate in the Drive Less Challenge. Vice Chair Ferrick suggested that the Commissioners email their ideas for a name to her.

B. PUBLIC COMMENTS

There were none.

C. CONSENT

1. **Architectural Control/Pak Lee/869 Santa Cruz Avenue:** Request for approval of architectural control to remodel the front elevation of a commercial building in the C-3 (Central Commercial) zoning district.

Commissioner Riggs asked for the item to be pulled from the consent calendar. He said under the section on design and materials on page 2 of the staff report it was indicated that elements would be in clad to match the existing adjacent tenant space. He said the brick was unique and was called narrow brick, and he wanted to confirm the brick would match. Planner Rogers said it was matching. Commissioner Riggs said he could not approve if the new area has common brick rather than the narrow brick on the adjacent building. Planner Rogers said it would be the same brick as what was on the existing building.

Commission Action: M/S Riggs/Yu 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. 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.
3. Approve the architectural control request subject to the following **standard** conditions of approval:
 - a. Development of the project shall be substantially in conformance with the plans prepared by SEDES architecture, dated received April 1, 2011, consisting of four plan sheets and approved by the Planning Commission on April 18, 2011, except as modified by the conditions contained herein, subject to review and approval of the Planning Division.
 - b. The applicant shall comply with all West Bay 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. 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. Landscaping shall properly screen all utility equipment that is installed outside of a building and that cannot be placed underground. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.

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

D. STUDY SESSION

1. Study Session regarding application of the State Density Bonus Law, Government Code Section 65915, to housing projects in Menlo Park.

Deferred until the meeting of May 2, 2011.

E. PUBLIC HEARING

1. **Use Permit/Steve Simpson for SDG Architects/445 Cotton Street:** Request for a use permit for the construction of a new two-story, single-family residence and for an approximate two-foot, three-inch encroachment into the required 10-foot left side setback for the proposed basement located on a substandard lot with regard to lot width in the R-1-S (Single Family Suburban) zoning district.

Staff Comment: Planner Chow said there were corrections to the arborist report, attachment D2, in the "Summary" where it stated "redwood tree numbered 3" should read "redwood tree numbered 7," and sentence "trees numbered 8, 9, and 10 are small ornamentals," should just read "trees numbered 8 and 9," as tree numbered 10 was a heritage tree. She said a colors and materials sheet was being distributed to the Commission.

Public Comment: Mr. Steve Simpson, project architect, said they were asking for an encroachment for a desired light well. He said the property tapers toward the rear and the light well was to get light and ventilation in a basement area intended for use as an exercise room. He said the property owners had spoken with the neighbors, who supported the encroachment into the setback. He said the home would have large porches in the front and back and the second story would be articulated to mitigate mass and bulk.

Commissioner Kadvany said an email had been received asking about construction impacts from this project, and asked the applicant how long the excavation would take. Mr. Simpson said he was working on a similar sized project on Doris Street. He said there had been about four months of excavation and framing. He said the overall length of construction would be 12 months.

Commissioner O'Malley asked if there was one large garage door or two, independently opening, doors. Mr. Simpson said it was one door designed to look like two doors.

Commissioner Yu said Ms. Carol Grace in her letter suggested that Menlo Park require diesel equipment being used in the City to be retrofitted with exhaust abatement systems. Commissioner Yu said diesel exhaust abatement was a state requirement and asked whether

the City was taking action on that as it would reduce pollution. Planner Chow said that the City did not have such a regulation nor was it in the works but it was something the State was working on. Commissioner Yu asked which City agency this request should be made to. Planner Chow said that if the State made diesel exhaust abatement systems a requirement then owners of such equipment would need to comply. She said if Commissioner Yu wanted the City to apply greater restrictions, she (Planner Fisher) would need to find out which agency would have jurisdiction.

Commissioner Yu asked if the homeowners had had conversations with Ms. Grace about her concerns.

Mr. John Mueller, property owner, said they had met with neighbors and had spoken with Ms. Grace. He said they would do everything they could to minimize impacts to the neighbors.

Ms. Carol Grace, Menlo Park, said prior to numerous basements being constructed for nearby projects, she had had no problems with asthma, bronchitis, and vertigo. She said with all of the different excavation projects she now has to go elsewhere when they are occurring. She asked that there were basic measures such as contractors not starting before 8 a.m. that if enforced would enable her to manage her time so she was not impacted. She said that she was just asking for cooperation on very basic things that would make a difference.

Ms. Elizabeth Ambuhl, Menlo Park, said she supported the project. She said she had just noticed a proposed play structure planned for the rear yard and asked that its height be such that there would not be a view into her yard.

Vice Chair Ferrick closed the public hearing.

Commission Comment: Commissioner Yu said she appreciated what the architect had done to mitigate the mass, and how the porch wrapped which created a nice transition from the public to the private space. She said she also appreciated that the applicants had talked with their neighbors and for the collaborative spirit to work with Ms. Grace. She said it was a beautiful design.

Commissioner O'Malley said Ms. Grace had suggested having the house deconstructed rather than demolished. He asked if that would have impacts for the owner. Commissioner Riggs said there was a significant tax break for deconstruction, but it would take longer and cost more.

Commissioner O'Malley said he sympathized with Ms. Grace's breathing problems noting one of his family members also has the same medical condition. He said however that could not stop a person from exercising the right to build and agreed that there were ways to mitigate dust. He said he did not think the Commission could require of all applicants that any diesel equipment used on projects had to have the exhaust abatement retrofit. Planner Chow said diesel equipment exhaust abatement was a larger issue and it was not fair to impose on one applicant. Commissioner O'Malley said there were often complaints about contractors starting early. He suggested neighbors should call the police. He said he was pleased the fence issue was resolved. He said the backup alarms for large vehicles were probably required to be a certain decibel. He said he thought the drain should be monitored.

Commissioner Riggs said he had contacted the new Police Chief and gotten a commitment that officers would drive by this project several times a week at 7:45 a.m. to confirm that the contractors were not starting early and also occasionally to drive by around noon. He said that

Ms. Grace could contact him by email. He said regarding the play structure that if it was taller than six feet a building permit would be needed. He said the Doris Street project took four months to excavate and frame and asked if it had a basement. Mr. Simpson said it did.

Commissioner O'Malley asked Mr. Simpson about the difference between deconstruction and demolition. Mr. Simpson said it was significantly more expensive to do deconstruction and it would take about a month longer than demolition. He said there was some tax incentive currently. Commissioner O'Malley said he would like the applicant and owner to keep Ms. Grace informed. He said if they had time to do deconstruction, he encouraged it. Mr. Simpson said the Muellers had been particularly sensitive toward their neighbors, which had made his job much easier.

Vice Chair Ferrick thanked the applicants for working with the neighbors, and said the design was very nice.

Commissioner Kadvany moved to approve as recommended in the staff report. Commissioner Yu seconded the motion.

Commissioner O'Malley said the project was very beautiful and it would improve the town. He said the neighbors had already expressed their appreciation for the project.

Commission Action: M/S Kadvany/Yu 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 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 SDG Architects, consisting of 15 plan sheets, dated received April 7, 2011, and approved by the Planning Commission on April 18, 2011, 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. Prior to the building permit issuance, the applicant shall implement the tree protection and preservation measures identified in the arborist report.

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

- 2. **Use Permit/Ellen Ackerman for Kateeva, Inc./1430 O'Brien Dr, Suite A**: Request for a revision to a use permit, previously approved in January of 2009, for the indoor storage and use of hazardous materials for the research and development and prototype manufacturing of organic light emitting diode (OLED) displays in an existing building in the M-2 (General Industrial) zoning district. Kateeva also operates in Suite G, which received use permit approval for the use and storage of hazardous materials in November 2010. No changes to Suite G are proposed.

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

Questions of Staff: Commissioner O'Malley said it was hard to tell what was being revised. He said the report indicated there were different quantities of materials but did not make any comparisons. He requested in the future to include a chart showing what the changes were.

Vice Chair Ferrick asked how an application like this would be affected by the commercial streamlining process. Planning Technician Perata said the streamlining was in process and not yet defined fully but if quantities met the fire code then there might not have to be further review by the Commission but there were other factors of land use to be considered.

Commissioner Riggs asked when the request was made for the revision. Planning Technician Perata said it was made in February 2011.

Public Comment: Mr. Conor Madigan, co-founder and owner of Kateeva, said they were building large tools for the manufacture of this new type of TV display. He said the company was three years old and they now have 43 employees. He said they were making and sending out their first beta tools, and were building all their machines and production machines at this space. He said they do all their research and development at this location and they needed to increase the amounts of the chemicals they use for research by about 30 percent.

Vice Chair Ferrick closed the public hearing.

Commissioner Yu said the descriptions seemed to be small amounts of hazardous materials but asked what hazardous situations might occur that would require emergency response. Mr. Madigan said they have contracted with appropriate agencies for all of the hazardous waste handling and disposal. He said their internal procedures and plans were overseen by their environmental safety consultants, who also visit the site monthly. Mr. Mark Green, Green Environment, said because there were such low volumes of chemicals that if they were to release they would be contained within the building. He said there was a larger volume of liquid nitrogen which if released could be an asphyxiant in the building but would pose no threat outside the building.

Commissioner O'Malley asked about the request for flexibility to handle and store 100 grams of compressed gas, which gas was not identified. Mr. Green said the amount was very small but it was the nature of this operation that they would use a compressed gas but it was not known yet what. Commissioner O'Malley asked if the consultant was comfortable that it would not be poisonous. Mr. Green said he was but should it be there would be handling guidelines and emergency response plan developed. .

Commissioner Riggs said the Commission had previously indicated its discomfort with listing materials as "tbd" and he appreciated how the material Commissioner O'Malley just mentioned was described.

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

1. Make a finding that the project is categorically exempt under Class 1 (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 Architects/Engineers, consisting of 6 plan sheets, dated received April 4, 2011, and approved by the Planning Commission on April 18, 2011 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 Bressler not in attendance.

F. COMMISSION BUSINESS

There was none.

ADJOURNMENT

The meeting adjourned at 7:53 p.m.

Staff Liaison: Deanna Chow, Senior Planner

Recording Secretary: Brenda Bennett

Approved by Planning Commission on June 13, 2011