



PLANNING COMMISSION MINUTES

May 2, 2011

7:00 p.m.

City Council Chambers

701 Laurel Street, Menlo Park, CA 94025

CALL TO ORDER – 7:02 p.m.

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

INTRODUCTION OF STAFF – Deanna Chow, Senior Planner; Megan Fisher, Associate Planner; Bill McClure, City Attorney; Kyle Perata, Planning Technician; Leigh Prince, Assistant City Attorney; Thomas Rogers, Associate Planner

A. REPORTS AND ANNOUNCEMENTS

1. Update on Pending Planning Items

A. El Camino Real/Downtown Specific Plan

Planner Chow said the Draft EIR for the Plan was released and available online. She said paper copies were available at the Planning Department and City Library and the deadline for the public to submit comments was June 20, 2011.

B. Sustainable Communities Strategy – City Council May 3, 2011

Planner Chow said the Council would review the Bay Area Sustainable Communities Strategy or “SCS” required by State law and managed locally by the Metropolitan Transportation Commission (MTC) and Association of Bay Area Governments (ABAG) at its May 3 meeting. She said that the SCS is required to provide a 25-year land use strategy that identified areas to accommodate all of the region’s population and forecast a land use pattern that would reduce greenhouse gas emissions. She said the Council would consider the Initial Vision Scenario and send approved comments to MTC and ABAG. She said this process would occur throughout the year as the SCS was refined with next meeting target dates of July and December.

C. State Density Bonus Law Information Item – City Council May 10, 2011

Planner Chow said the Council at their May 10, 2011 meeting would have an informational item on the State Density Bonus Law similar to the Study Session

on the topic for the Commission this evening and would also include a summary of the Planning Commission's comments and questions.

D. Planning Commissioner Training – May 17, 2011

Planner Chow said the May 17, 2011 training for Planning Commissioners was mandatory and would be presented by the City Attorney's Office. She said for Commissioners unable to attend there would be a video of the training that they would be able to view.

E. Planning Commission Meeting – June 6, 2011

Planner Chow said an additional Planning Commission meeting had been scheduled on June 6, 2011 for the Commission and public to provide comments on the Draft EIR for the Specific Plan.

Commissioner O'Malley asked if the Housing Commission had reviewed and commented on the State Density Bonus Law. Planner Chow said they had not.

B. PUBLIC COMMENTS

There was no public comment.

C. CONSENT

Chair Bressler noted that there were three pieces of correspondence from Commissioners with recommended changes to the April 4, 2011 minutes.

1. Approval of minutes from the March 21, 2011 Planning Commission meeting.

Commission Action: M/S Ferrick/Yu to approve the minutes as submitted

Motion carried 7-0.

2. Approval of minutes from the April 4, 2011 Planning Commission meeting.

Commission Action: M/S Ferrick/Yu to approve the minutes with the following modifications as provided previously by Commissioners' email correspondence.

- Page 1, 1st paragraph under consent, last line: Replace "with sentence before to indicate" with "with a change to indicate."
- Page 2, 1st paragraph, 6th line: Add "for one day at different times and similarly on the weekend" at the end of the sentence.
- Page 2, 1st paragraph, last line: Replace "and one week end day and who was parking as well as re-parking." with "and one weekend day, permit parking, and re-parking."

- Page 2, 2nd paragraph, 5th line: Replace “He said Plaza 4 was next to Draeger’s and was unusual as it did not allow for permit parking as in the other plazas.” with “He said Plaza 4 next to Draeger’s differs as it does not allow for permit parking as in the other plazas.”
- Page 2, 3rd paragraph, 1st line: Replace “usage and how many cars were there by permits” with “usage by cars with permits.”
- Page 2, 3rd paragraph, 3rd line: “He said 50 percent of the parking in Plaza 2 was permitted parking. He said Plaza 7 had about 20 percent permitted parking.” with “He said about 50 percent of parking in Plaza 2 was vehicles with permits. In contrast, he said Plaza 7 had about 20 percent permitted parking.”
- Page 2, 3rd paragraph, 6th line: Replace “license plates on one study plazas.” with “license plates to estimate re-parking.”
- Page 2, 4th paragraph, 2nd line: Replace “information as to what might be done downtown.” with “information as to how parking could be managed downtown.”
- Page 2, 4th paragraph, 5th line: Replace “shorter time parking and allow longer time on the core streets, improve the signage, consider the options for parking longer at some plazas, consider moving around the permits and parking and distributing better.” with “shorter time parking; allow longer time on the core streets; improve signage; consider options for parking longer at some plazas; and consider changing permit allotments for some plazas.”
- Page 4, 2nd full paragraph, 14th line: Replace “decided to purchase” with “decided not to purchase.”
- Page 5, 2nd full paragraph, 1st line: Replace “which she did not think was the priority” with “which she said has been done but has been ineffective due to drainage issues.”

Motion carried 6-0 with Commissioner O’Malley abstaining.

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 from the meeting of April 18, 2011.**

The item was taken out of order and discussed after the Public Hearing items.

City Attorney McClure said the City had at least one project whose applicant would seek to apply the State Density Bonus Law for certain incentives and development waivers. He said that this evening’s presentation was to provide the Commission with an overview of this law and an opportunity to ask general questions. He said there would not be any consideration or discussion on a specific project proposal. He said that he agreed with Commissioner O’Malley that it was a good idea to provide the information being presented in this study session to the Housing Commission. He said the distinction was that the Planning Commission and City Council were the bodies that would have to apply

the law and make decisions, whereas the Housing Commission could provide comments but would not make recommendations under the law. He introduced the Assistant City Attorney Leigh Prince noting her background in municipal law land use and that she had experience applying the State Density Bonus Law to a project in Los Altos.

Assistant City Attorney Prince said the purpose of the State Density Bonus Law was to encourage and provide incentives to developers to include lower income housing units (very low, low and moderate income) in their developments. She said after determining that a project was asking for incentives under state law 65915, the Commission would then want to determine if the project met or exceeded the City's inclusionary ordinance that required developers of housing to include a certain number of below market rate units in their project or pay an in-lieu fee as under the provisions of 65915 there was language that the developer would need to meet a city's inclusionary ordinance. She said one question asked was whether Menlo Park's inclusionary ordinance was preempted by State law. She said to the extent that the City's inclusionary housing ordinance met or exceeded state law the City's ordinance would apply but in instances where the City's ordinance fell below state minimums, it would be preempted and state law applied. She said the third question the City would ask was whether the project would meet the thresholds under the law which she reviewed for the Commission and directed their attention to more detailed tables in her report.

Assistant City Attorney Prince said after determining the density bonus, the developer would then make a proposal for incentives. She reviewed the number of incentives a developer was entitled to, noting these depended upon the percentage of low, very-low or moderate income units and that there were no incentives for the provision of non-income restricted senior units. She said for an applicant to request an incentive that they had to provide density bonus. She said an applicant's proposal for incentive(s) could include reductions in site development standards that result in identifiable, financially sufficient and actual costs reductions such as modification of the zoning code requirements, modification of an architectural design requirement, approval of mixed use zoning or some other incentive the applicant can propose that would result in identifiable, financially sufficient and actual cost reduction. She said a fee waiver might be proposed as an incentive but the law did not mandate that a fee waiver be given as an incentive. She said a subsection of that question was whether the proposed incentive met one of the definitions and if it was identifiable, financially sufficient and would result in actual cost reduction. She said it was a reasonable interpretation that the City could require the developer to provide information that established the incentive being requested would result in an identifiable, financially sufficient and actual cost reduction. She said however there was nothing in the law to indicate what financially sufficient means or does not mean and no guidance as to what is an appropriate profit margin would be. She said that a developer was unlikely to build a project that included lower income housing if it was not profitable. She said it was reasonable to conclude that development costs would have to be reduced so that the loss for

constructing lower income units was sufficiently offset so the developer would build the project. She said that land cost was highly relevant. She said how to appraise the value of an incentive was an open question, noting that it was hard to appraise the financial benefit of a reduction in setback. She said although 65915 was established in 1979 there was very little case law as how to apply it.

Assistant City Attorney Prince said the law states that a developer proposing incentives may request a meeting with the city and suggests that there be collaboration between the applicant and the city. She said on the other hand an applicant might press forward with a proposed project without working with the city and its stakeholders with the belief that a city must approve the project under the law if no findings against the use of the density bonus could be made. She said because there was little case law any challenge as to the application of this law or denial of proposals for incentives was entering an unknown course which indicated that it would behoove all, the applicant, the city, the stakeholders, to work together cooperatively on a mutually agreeable solution.

Assistant City Attorney Prince said regarding discretionary approvals that if the base project did not require a use permit the granting of an incentive would not trigger the requirement to approve a use permit. She said if the project required discretionary approval such as a use permit, the Commission would need to review the findings. She said there was a theory of "by right" that through incentives the use permit requirement could be removed. She said the law did not seem to indicate that the discretionary process could be circumvented. She said to deny requests for incentives a city had to make specific findings, which were listed in her report. She said a question was asked whether it was possible to approve a project and deny an incentive. She said the project in Los Altos she had worked on was a low income senior housing project for which the applicant had requested a certain percentage of lot coverage. She said that City approved the project with an allowance for a smaller percentage in lot coverage. She said if a waiver was required for the project then denying the waiver would pretty much deny the project.

Assistant City Attorney Prince said regarding development standard waivers that there were no limits to what the developer could request. She said the City's inclusionary ordinance would permit a developer to increase the floor area ratio by an amount that corresponded to the increase in allowable density. She said staff's historical interpretation of this provision was that it is reasonable for a developer to request exceptions in accordance with the percentage of density bonus granted. She said to deny a waiver a city would have to find that the waiver would have a specific adverse impact as defined in Government Code Section 65589.5(d)(2), which was more fully detailed in her report. She said both an incentive and a waiver could be a reduction in development standards with the difference between them being that a waiver was necessary for the physical development of project but that was not the case with an incentive. She encouraged the Commission to not think of an incentive or waiver as a variance as that would tend to cloud the definition of a variance under city code and state

law. She said the last question asked was about parking and if the law's parking requirements trumped the City's parking requirements.

Commissioner Ferrick asked about the cost thresholds for very low, low, and moderate income housing. Assistant City Attorney Prince said those were probably available on San Mateo County's website but she did not have the information with her. City Attorney McClure said the City's Housing Department has the information as well.

Commissioner Ferrick asked which entity, the city or the developer, decided to propose a project under the density bonus law. Assistant City Attorney Prince said usually a developer would bring a proposal forward. Commissioner Ferrick asked if there was an odd number of units and talking about 20 percent bonus, whether that figure would be rounded round up or down. Assistant City Attorney Prince said the figure would be rounded up.

Commissioner O'Malley said it appeared that the City could give more but not less than what was under the state law. He said that the Planning Commission would be called upon to apply the density bonus law at some point and it was complicated. He confirmed that the City Attorney's Office would provide guidance. City Attorney McClure said that either Ms. Prince or he would attend the Planning Commission meeting the first time a project under this law came forward to answer questions. He said ultimately the Planning Commission and City Council would need to interpret any proposal under this law within their decision making processes.

Commissioner Yu asked about deed restrictions and the resale process for below market rate housing. Assistant City Attorney Prince said usually very low or low income units might be limited to low or very low income for 30 years. She said that the restriction for moderate income units applied only to the initial buyers. She said senior housing was different and the restriction might be a certain age.

Commissioner Kadvany asked, related to projects under the Density Bonus law, what the Commission's role would be for architectural control. Assistant City Attorney Prince said the Commission has architectural control approval authority for such projects. City Attorney McClure said the Commission could deny a project with incentives and development waivers if the architectural control review was not affecting development waivers or incentives. He said if architectural control was part of the waiver or incentive requests, the Commission might have some input into finishes and materials but it would be more limited as too much change to it would mean denial of the project, and in which case the Commission would have to make the findings for the denial.

Commissioner Kadvany asked about waivers proposed for driveway width and if those would be possible. City Attorney McClure said if it was a standard established by the Fire District, and if they did not agree then the answer would be no, but if the standard was set by the City the answer could be yes. He said

the City needs the Fire District to sign off on anything below the District's requirements.

Commissioner Ferrick said she hoped any applicant bringing forth a project requesting incentives and waivers under this law to the Commission would work collaboratively with the City and stakeholders rather than trying to push something that would lead to lawsuits or legal costs. She asked if the owner or tenant of the lower income units have to qualify again. City Attorney McClure said they did not but they were limited on what price they could ask for the unit if they wanted to sell. Commissioner Ferrick asked about the genesis of this law. Assistant City Attorney Prince said the law which was passed in 1979 has been revised over the years and was intended to address the need for low income housing in California.

Commissioner Riggs said the staff report listed incentives in three categories and that development waivers were not limited in number. He asked what if the project asked for 50-foot height to provide 10-foot ceilings, would the Commission be able to say that 10-foot ceilings were unnecessary. Assistant City Attorney Prince said in a case in Berkeley case, a neighbor said the project did not need the pool or other amenities and the Court found that if the project met all the thresholds in 65915 that it was acceptable as is. Commissioner Riggs asked if the Commission could ask the applicant to put 50 percent of the first floor underground to get the height for the 10-foot ceilings if there was cost savings that could be had there. Assistant City Attorney Prince said if the City could put forth an alternative that would provide the same amenity and what was being asked would not affect costs, then the incentive might be denied.

Commissioner Eiref asked when the City's inclusionary ordinance and whether it had been defined in terms of the State Density Bonus Law. City Attorney McClure said the City's ordinance was established in the 1970s and the current iteration of the state law was not the same iteration as what was adopted in 1979. He said there had been an instance some years before wherein a developer wanted to build a project using the Density Bonus law which evolved to doing an X-zone project. He said the City's ordinance allowed for more for moderate income units than the state law did and that there had not been any projects that had tried to apply very low or low income units.

Commissioner Yu asked if the law required that the lower income units be substantially the same as the other units. City Attorney McClure said the City's ordinance required that below market rate units be of the same general quality as the other units but were not required to have luxurious finishes and that those units be distributed throughout a development and not segregated from the other units.

Chair Bressler asked about the City's responsibility for housing units at Menlo Station. City Attorney McClure said the City acquired one unit when the property owner defaulted and the City resold it as a below market rate unit. Chair Bressler asked if a developer could ask for an incentive to have the City purchase a unit.

City Attorney McClure said there was nothing in the state law to require that. Chair Bressler asked if the below market rate units have to be owner occupied. City Attorney McClure said that was correct and annual reporting and certification were required.

Commissioner Riggs asked if the pricing for moderate income units were mandated for the developer. City Attorney McClure said that was correct. Commissioner Riggs asked if a developer could ask for a waiver of that required sales price. City Attorney McClure said that request could be one or two of the incentives but would have to fall under someone's definition of low or lower income housing.

Commissioner Eiref asked about the typical background of the 300 people on the waiting lists to buy below market rate units. City Attorney McClure said they have to work or live in Menlo Park for at least a year before signing up for the list and must be live or work in the City should an opportunity come up for them to buy a below market rate unit. Commissioner Eiref asked if there was filtering for groups done to provide incentives for teachers or city employees. City Attorney McClure said there was not and noted a development on Hamilton Avenue and Willow Road that had provide for preferred categories but there were very few from those categories that purchased the homes.

Ms. Annie Berlin, Allied Arts neighborhood, said she was a member of the College and Partridge Avenues Neighborhood Task Force and they have been working with a developer related to a project asking for density bonus. She said it was a complicated process and they were pushing for collaboration and partnership so that what was developed was something everyone could agree upon.

Ms. Margie Riggins said she was also part of the neighborhood task force meeting together and with developers. She said there were a lot of great ideas in the City's Visioning Plan but she was frustrated by the proposed development's deviation from those ideas.

E. PUBLIC HEARING

1. Use Permit/Brandon H. Le (Absolutely Nails)/1149 Chestnut Street:

Request for a use permit to authorize an existing personal services use within a tenant space previously approved for retail, and to expand the personal services use into an adjacent vacant tenant space in the C-3 (Central Commercial) zoning district. Concurrent with the expansion, the business would add hair care services to the existing nail care.

Staff Comment: Planner Rogers said on page 1 of the staff report in the analysis under other addresses, that it should read 1155 Chestnut and not 1151 Chestnut Street for DJ's Hair Design (personal services).

Public Comment: Mr. Brandon Le, property owner, said he had applied for a use

permit to expand his nail service to include hair care services.

Commissioner O'Malley asked about retail sales. Mr. Le said they had offered various products such as nail and beauty supplies as well as sandals but business for those items has been slow and not profitable.

Commissioner Riggs said they were going to add one full-time and two part-time employees and asked if Mr. Le would provide parking permits for them. Mr. Le said that the full-time employee would purchase his parking permit.

Chair Bressler closed the public hearing.

Commission Comment: Commissioner Ferrick moved to approve the use permit as recommended in the staff report. Commissioner Yu seconded the motion.

Commissioner Riggs said the project description under the original use permit was for an operation that was 60 percent sales and 40 percent services. He said in the future if there was such a condition on a use permit that was not met whether that would trigger the fines recently established for violation of use permit conditions. Planner Rogers said the original approval for this permit was an administrative business permit but with the revised fee schedule that a project such as Commissioner Riggs described could trigger fines for noncompliance to the use permit conditions. Commissioner Riggs said the project description indicated the use of services would help generate patronage of restaurants and stores before and after hair appointments. He said for that to occur the parking regulations of Menlo Park would need to change.

Commission Action: M/S Ferrick/Yu to approve 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. Approve the use permit request subject to the following **standard** conditions of approval:
 - a. Development of the project shall be substantially in conformance with the plans prepared by the applicant, dated received April 19, 2011, consisting of seven plan sheets and approved by the Planning Commission on May 2, 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 7-0.

- 2. **Use Permit/Lawrence McNeil (Bulldog Sports and Fitness)/1610A El Camino Real**: Request for a use permit to locate a private recreational use consisting of individual and small group training sessions of approximately three people within an existing building in the C-4 ECR (General Commercial, Applicable to El Camino Real) zoning district, where the subject site is nonconforming with regard to parking.

Staff Comment: Planning Technician Perata said staff received an email from the owner of the hair salon at 1610B El Camino Real, which had been distributed to the Commission and provided for the public at the table in the rear of the room. He said the business owner made comments about the proposed use permit application related to concerns of potential traffic through the parking lot to Stone Pine Lane and children being present, concerns with parking noting that their salon business has exclusive use of parking for eight spaces at the office building lot and that this project would have three administrative staff people and three students, and that it was questionable that the prior tenant a pharmacy would have had less parking demand than this application. Planning Technician Perata said the three administrative staff persons were one full time employee and two part time interns from Menlo College. He said to determine parking demand comparisons between the proposed use and the prior pharmacy use, staff had use the Institute of Engineering standards for standard trip rates to make that comparison.

Commissioner Eiref asked if parking had been an issue in this area. Planning Technician Perata said previous staff reports for the site had not indicated any history of parking complaints for the site.

Public Comment: Mr. Lawrence McNeil, business owner, said that his business was primarily a mobile sports program and this space would mainly serve as his office, except during the rainy season when he would conduct one-on-one trainings. He described his qualifications as an athlete and trainer and noted his partnership with Menlo College for students there learn the business as interns.

Commissioner Yu asked if he had talked to the neighbor about his project. Mr. McNeil said he has sent an extensive email to that neighbor and all the others regarding his business. Commissioner Yu asked about the parking. Mr. McNeil said it was clear there were only five spaces for his business. He said he intended to mark the Bulldog spaces, and he did not think his business would use more than five spaces.

Commission Comment: Commissioner Riggs said there had not been complaints about parking at this location but asked if staff had looked at the site. Planning Technician Perata said he visited in the afternoon and there were only three cars parked.

Commissioner Ferrick said the business model described by Mr. McNeil was commendable noting he had reviewed the site and what number of parking spaces the business would need. She moved to approve as recommended in the staff report. Commissioner Yu seconded the motion and commented that she appreciated the applicant's efforts to reach out to the neighbors, and that she also thought the business model was commendable.

Chair Bressler encouraged the applicant to mark his parking spaces. Planner Chow said staff would not support marking the parking spaces as it would be better that the spaces could be cross-used so that there was not overflow parking into the neighborhood. Commissioner O'Malley said that none of the spaces have designated signs at this time and he agreed with staff that it would be better without signs. Mr. McNeil said that he would leave it to the decision of the property owner who owns the four buildings. He said also there was public parking across the street at Menlo College.

Commission Action: M/S Ferrick/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. 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 five plan sheets, dated received April 20, 2011, and approved by the Planning Commission on May 2, 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 7-0.

3. Use Permit Revision/Tom Huynh (Rennovia)/1080 Hamilton Avenue:

Request for a revision to a use permit, previously approved in April 2010, for the indoor and outdoor storage and use of hazardous materials for the research and development (R&D) of renewable chemicals at an existing building located in the M-2 (General Industrial) zoning district. All hazardous materials would be used within the building.

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

Commissioner O'Malley said he had commented previously that it would be useful for the Commission to see before and after chemical inventories when a revision was being requested. He thanked staff for doing so with this use permit revision request.

Questions of Staff: Commissioner Kadvany noted climate change and the determination of base flood elevation and asked the last time that was assessed for this area.

Commissioner Kadvany asked about the determination of base flood elevation and the last time that was assessed for this area. Planning Technician Perata said staff uses numbers provided by FEMA and that information comes from the Engineering Division.

Public Comment: Mr. Tom Huynh, Environmental Health and Safety Manager, Rennovia, said they currently have 27 employees with an anticipated growth to over 30 employees by year end. He said that they use the facilities specifically

for research and development and offices for corporate staff. He said they use robotics and high screening techniques to develop new processes using biodegradable materials to create specialty chemicals. He noted that the previous year they had made a public announcement marketing adipic acid made from sugar glucose. He said adipic acid is presently an oil or petroleum product. He said their request to revise their use permit was to increase chemical onsite to further develop process and demonstrate the commercial viability of the technology. He said the amount of chemicals would still be under established limits set by state fire code.

Chair Bressler closed the public hearing.

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 Dennis Kobza & Associates, consisting of four plan sheets, dated received April 21, 2011, and approved by the Planning Commission on May 2, 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 7-0.

F. COMMISSION BUSINESS

There was none.

ADJOURNMENT

The meeting adjourned at 9:04 p.m.

Staff Liaison: Deanna Chow, Senior Planner

Recording Secretary: Brenda Bennett

Approved by Planning Commission on August 8, 2011