



PLANNING COMMISSION MINUTES

November 7, 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), Eiref, Ferrick (Vice Chair), Kadvany, O'Malley, Riggs, Yu

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

A. REPORTS AND ANNOUNCEMENTS

1. Update on Pending Planning Items

A. Gross Floor Area Review – City Council November 15, 2011

Planner Chow said the City Council would hold the second annual review of Gross Floor Area at its November 15, 2011 meeting.

B. PUBLIC COMMENTS

Ms. Fran Dehn, Menlo Park Chamber of Commerce, said she could not stay for the entire meeting and wanted to draw the Commission's attention to the Chamber's letter of support for Summit Travel's request for a use permit at 825 Santa Cruz Avenue. She said the business would also have a separate retail component and would pay an in-lieu tax sale fee. She said a banking institution that was previously there had not paid an in-lieu sales tax fee. She said the property had been vacant for over two years which created visual degradation in the retail area. She said similarly that Bridgepoint Music was requesting office use space for music lessons and that would enhance their retail component. She encouraged the Commission's approval of the two use permit requests.

C. CONSENT

Chair Bressler noted modifications for both sets of minutes had been emailed.

Commission Action: Commission consensus to approve with the modifications as submitted by email.

1. Approval of minutes from the August 22, 2011 Planning Commission meeting
2. Approval of minutes from the September 12, 2011 Planning Commission meeting

Action carried 7-0.

Commissioner Riggs noted the delay in the Commission receiving minutes and asked if the Commission had received action minutes for the August 22, 2011 meeting previously. Planner Chow said they had not and said that due to the increased number of meetings for the Specific Plan the minutes had gotten delayed but were now being brought current.

D. PUBLIC HEARING

1. **Use Permit/Summit Travel Group LLC/825 Santa Cruz Avenue:** Request for a use permit for a travel agency on the ground floor of an existing commercial building in the C-3 (Central Commercial) zoning district.

Staff Comment: Planner Rogers said in addition to the written report there was the letter of support dated November 4 from the Chamber of Commerce that Ms. Dehn had just referred to. He said copies of the letter were provided to the Commissioners and available for the public.

Questions of Staff: Commissioner O'Malley asked if the in-lieu sales tax fee was paid monthly. Planner Rogers said it was charged annually. He said the applicant had asked that actual sales tax be applied against the in-lieu sales tax fee levied.

Commissioner Riggs noted that he had worked on a project that was 500 feet within this subject property, recused himself and left the building.

Commissioner Kadvany asked if the applicant wanted to reconfigure the retail and office space whether they would have to return for a use permit revision. Planner Rogers said it depended on what was changed as there was the potential to approve at a staff level, through email with the Commission, or for a use permit revision request to be brought back to the Commission.

Public Comment: Mr. Ed Phillips, Managing Director of Summit Travel Group, said this business had been in the community for 40 years and brought customers in from the peninsula north of Menlo Park. He said it was important for them to be in a retail area, noting they had negotiated a 10-year lease. He said a retail company, Flight 001, would partner with them and provide luggage and travel accessories for retail sale.

Commissioner Kadvany expressed concern that there was more desk space than he thought could be filled for eight hours a day and asked about the configuration of office and retail. Mr. Phillips said they worked with a group that had designed a Boston store

similar to this proposal. He said this store was about 200 feet larger than their existing store. He said there was a need to have much larger employee break rooms for the franchise part of the business.

Commissioner Eiref asked how the number of employees compared to the existing employee numbers. Mr. Phillips said some of the travel counselors would be moved virtually. Commissioner Eiref said there would be six employees in the morning and 11 in the afternoon which he thought was quite a bit. Mr. Phillips said staff size was about the same. Commissioner Eiref asked about the demographics of their customer base. Mr. Phillips said that their business clients were equally business and private individuals.

Mr. Michael Berube said he was a resident of Portola Valley. He said there were 14 vacancies downtown and many of them had been empty over two years. He said landlords had lowered rents and much of the vacancies were a result of fiscal obsolescence. He said the proposed office use would support a retail use in the same space. He said from the street this would appear as a retail shop. He said eight of the employees were residents of Menlo Park. He said this space has not been retail for over 35 years and the client would pay the in-lieu sales tax fee. He asked the Commission to support the project.

Mr. Lawrence Zaro, property owner, said he supported this application, and thought this would be a plus to the community. He said in this area there were five other vacant spaces.

Ms. Penelope Huang, Menlo Park, said that two and a half years ago she applied for the same space for a real estate office and the Commission had approved the use permit request and waived the in-lieu sales tax fee. She said however that the project was appealed so she chose to move her business to a non-retail area. She said the City should not apply an in-lieu sales tax fee and approve the request.

Commission Comment: Commissioner O'Malley moved, and Commissioner Yu seconded, to approve as recommended in the staff report.

Commissioner Eiref said he thought the project was interesting but there was ambiguity about the in-lieu sales tax fee. Commissioner Ferrick asked about the rationale for the application of an in-lieu sales tax fee. Planner Rogers said he had done research and found that it was actually called an in-lieu sales tax contribution and not a fee and had arisen as a way for an applicant to be able to negotiate a proposal that was not exactly as zoned.

Commissioner Kadvany said he would like to see additional space in the site for retail.

Commission Action: M/S O'Malley/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. 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 Hagman Associates Architects, consisting of five plan sheets, dated received August 24, 2011, and approved by the Planning Commission on November 7, 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.
4. Approve the use permit subject to the following **ongoing, project-specific** condition:
 - a. As long as the use permit is active, the applicant or property owner shall pay a contribution (plus applicable yearly Business License fees) to the City in lieu of sales tax for the 2,438 square feet of area leased by the applicant. The contribution shall be set initially at \$2.00 per square foot and paid annually. The contribution for each year thereafter shall be adjusted annually according to the percentage change in the All Urban Consumer Price Index (CPI) for the San Francisco-Oakland-San Jose area. Any annual sales tax generated for the City by the retail use would offset this sales tax in-lieu contribution. The procedure for collecting the in-lieu contribution shall be established by the Finance Division.

Motion carried 7-0.

2. **Use Permit/ Carrie Boesch for Bridgepoint Music/657 Oak Grove Avenue:**
Request for a use permit to add instrument training rooms for instruction and private practicing to an existing instrument retail and repair shop on the ground floor of an existing building in the C-3 (Central Commercial) zoning district.

Staff Comment: Assistant Planner Perata said there was one correction to condition 3.a, which was to change “PPV Associates” to “Walter and Springs Construction.”

Public Comment: Mr. Charles Manganaso, applicant, said he and his son had opened this music store, which had been well received by the community. He said the proposal was for e would be soundproof rooms in the back of the store to allow musicians space to practice and for instructors to give lessons. He said music stores had challenges in that much of their inventory was available online and often cheaper. He said this proposal would provide a space for parents and students to meet with instructors and have a space that was convenient to provide music instructions. He said they were not starting a school but providing soundproof rooms, the use of which they hoped would help market their musical inventory.

Commissioner Eiref asked if the applicant wanted to offer musical lessons. Mr. Manganaso said they would prefer not to as their goal was not to be a school. He said every other music store on the peninsula used this business model.

Commissioner Yu asked if the rooms would have instruments such as pianos provided. Mr. Manganaso said that they planned to have two of the rooms equipped with pianos. He said the rooms would be large enough for a practice room for an ensemble. Commissioner Yu asked if the neighbors had any concerns about potential noise. Mr. Manganaso said they had talked with their upstairs neighbor and they were comfortable with the proposal.

Commission Action: M/S Ferrick/Riggs to approve as recommended in the staff report and with the modification noted by staff.

1. Make a finding that the project is categorically exempt under Class 1 (Section 15301, “Existing Facilities”) of the 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 ~~PPV Associates~~ **Walter and Springs Construction**, consisting of 4 plan sheets, dated received October 26, 2011, and approved by the Planning Commission on November 7, 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.

Motion carried 7-0.

Commissioner Riggs noted the excellence of the soundproofing material being used.

- 3. **Use Permit/Sand Hill Foods/1140 O'Brien Drive, Suite A:** Request for a use permit for the indoor use and storage of hazardous materials for the research and development of new ingredients and food formulations, within an existing building in the M-2 (General Industrial) zoning district.

Staff Comment: Assistant Planner Perata said staff had no additions to the report.

Public Comment: Mr. John Tarlton, representing O'Brien Drive Portfolio, the owners of the property, said they were pleased to present another innovative business for Menlo Park. Mr. Patrick Brown said he was representing Sand Hill Foods, a new startup, which was intending to be the most disruptive startup to ever come out of Silicon Valley. He said their intent was to create great tasting foods based on cheap abundant plant sources that would compete directly with the mainstream consumers of meat, eggs and dairy products. He said this was a market based strategy to address the terrible environmental impact of animal farming, to improve global food security and public health by offering consumers a more appealing choice.

Chair Bressler asked about the number of calories to produce a calorie of food. Mr. Brown said in the four major crop plants produced worldwide there were more calories and protein and amino acid than the entire world needed.

Commissioner Kadvany asked about the 20 gallons per day of waste stream. Ms. Ellen Ackerman, Green Environment, San Carlos, said this was an information sheet provided to the Fire District and County Environmental Health. She said this was actually the maximum daily waste that might be onsite any given day but it was not being generated every day.

Mr. Nathan Lloyd said he was a scientist and safety officer at Sand Hill Foods. Chair Bressler asked about the chloroform use. Mr. Brown said it was a reagent that they might conceivably use to extract DNA from complex mixtures.

Chair Bressler closed the public hearing.

Commission Comment: Commissioner Riggs said the proposal was very exciting and an easy decision. Commissioner O'Malley said he supported the proposal.

Commissioner Yu asked in a worst case scenario what could be the impact to the neighboring area. Ms. Ackerman said the materials used were in very small quantities. She said they would use compressed gases and if anything occurred it would be contained within building. She said because the materials being used were such small quantities, it was most unlikely there would be any release outside of the building.

Commissioner Ferrick asked about the safety training for employees. Mr. Lloyd said training was provided on the safe handling and storage of materials used in experiments, where fire and spill equipment was located, procedures for notifying authorities, and provision of personal protective equipment.

Commission Action: M/S Kadvany/O'Malley to make the findings and approve the use permit request 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 October 31, 2011, and approved by the Planning Commission on November 7, 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.

4. Use Permit/Daniel Turrini for Abbott Vascular, Inc./3885 Bohannon Drive:

Request for a use permit for the indoor and outdoor use and storage of hazardous materials associated with a medical device company that develops and manufactures products to address vascular diseases. The outdoor use and storage of hazardous materials would be limited to diesel for the proposed generator, which would be located adjacent to an existing building in the M-2 (General Industrial) zoning district.

Staff Comment: Assistant Planner Perata said staff had no additional comments.

Commissioner Riggs said he was recusing himself as he owns property within 500 feet of the subject property. He said he had reviewed the proposed 2012 meeting schedule and had no issues with it.

Public Comment: Mr. Alex Johnson, Matrix CM, project consultant for Abbott Vascular, said the generator was a standby generator only to be used in case of power failure with a start up once a month. He said this conditional use was an expansion of the business for manufacturing operations.

Chair Bressler asked if this site was for the manufacturing of the valve itself. Mr. Johnson said that was correct.

Commission Action: M/S O'Malley/Eiref 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. 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 DGA, consisting of five plan sheets, dated received October 28, 2011 and approved by the Planning Commission on November 7, 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 Riggs recused.

E. REGULAR BUSINESS

1. Review of Draft 2012 Planning Commission Meeting Dates

Commissioner Ferrick noted that April 2 was the week of spring break for Menlo Park elementary schools. She said she might be traveling in July but could participate by teleconference.

F. COMMISSION BUSINESS

There was none.

ADJOURNMENT

The meeting adjourned at 8:08 p.m.

Commission Liaison: Deanna Chow, Senior Planner

Recording Secretary: Brenda Bennett

Approved by Planning Commission on December 5, 2011