



## **PLANNING COMMISSION MINUTES**

**Regular Meeting**  
**February 27, 2012 at 7:00 p.m.**  
**City Council Chambers**  
**701 Laurel Street, Menlo Park, CA 94025**

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Teleconference with participation by Commissioner Kadvany from:  
3334 E 1<sup>st</sup> Street  
Long Beach, CA 90803  
(Posted February 22, 2012)

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**CALL TO ORDER** – 7:00 p.m.

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

**INTRODUCTION OF STAFF** – Deanna Chow, Senior Planner; Kyle Perata, Assistant Planner

### **A. REPORTS AND ANNOUNCEMENTS**

#### 1. Update on Pending Planning Items

- A. Facebook – February 14, 2012 City Council Meetings
- B. 116 O'Connor Street Appeal – February 14, 2012 City Council Meeting
- C. 920 Sharon Park Drive – February 14, 2012 City Council Meeting

Planner Chow reported on the three planning projects the City Council had considered at its February 14 meeting. She said the Council had given individual input as to the parameters for the development agreement for Facebook for staff's consideration. She said the Council also considered the appeal of a staff decision regarding a request for designation of a secondary dwelling unit at 116 O'Connor Street. She said the Commission had upheld staff's determination that the accessory structure was not a secondary dwelling unit. She said the Council however made the finding that it was a secondary dwelling unit and the Commission would be asked to consider that determination at the March 13 meeting. She said the Sharon Heights Pump Station project was approved by the Council without the Commission's condition to redesign the project to save the tree as the City arborist determined the tree could not be saved.

### **B. PUBLIC COMMENTS**

There were none.

## C. CONSENT

1. Approval of minutes from the December 12, 2011 Planning Commission meeting.

Commission Action: Unanimous consent to approve as submitted.

Motion carried 6-0 with Commissioner Yu absent.

2. Approval of the minutes from the January 23, 2012 Planning Commission meeting.

Commission Action: Unanimous consent to approve with the changes previously emailed by Commissioner Kadvany.

Motion carried 5-0 with Commissioner O'Malley abstaining and Commissioner Yu absent.

## D. REGULAR BUSINESS

1. Architectural Control Revision/John Clarke for SusieCakes/642 Santa Cruz Avenue: Request for a revision to a previously approved architectural control permit to modify the paint colors of the exterior façade of a commercial building in the C-3 (Central Commercial) zoning district.

Staff Comment: Planner Perata said the applicant was requesting the use of Susie Blue and not the color shown on the rendering previously approved by the Commission.

Public Comment: Ms. Susie Sarich, owner of SusieCakes, said the Susie Blue color was important noting that it was the blue which brands her business and was the same color of her grandmothers' Pyrex mixing bowls.

Chair Bressler closed the public hearing.

Commission Comment: Commissioner Riggs said at some point the City should hold facades to a higher standard. He said painting a stucco surface powder blue would create an unattractive façade that would make the shop look cheap. He said the color was inappropriate for the downtown. He said it would be appropriate if used in the signage.

Chair Bressler asked if the applicant would be interested in a different façade surface. Ms. Sarich said she would need to confer with her contractor about the cost of that.

Commissioner Eiref said there were a lot of different shades of blue and green in the facades and signage of buildings in the same block of Santa Cruz Avenue as the applicant's. He said the color desired was unusual but he would not block the use of the color.

Commissioner Action: M/S Bressler/Ferrick to approve the revision as recommended by staff.

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 John Clarke Architects, dated received December 1, 2011, consisting of four plan sheets and approved by the Planning Commission on December 12, 2011, and shall be substantially in conformance with the color and materials board, dated received December 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.

Motion carried 4-1 with Commissioners Riggs opposed, Commissioner Kadvany abstaining, and Commissioner Yu not in attendance.

#### **E. PUBLIC HEARING**

1. **Use Permit/Sam Patel (I Bar Inc.)/725 Santa Cruz Avenue:** Request for a use permit for personal services on the ground floor of an existing commercial building in the C-3 (Central Commercial) zoning district. ***Continued from the meeting of February 6, 2012.***

Staff Comment: Planner Chow said staff had no additional comments but would pass around the petition referenced in the staff report.

Public Comment: Mr. Sam Patel, applicant, said that his business had relocated from Stanford Mall in 2011, and provided the service of threading.

Chair Bressler closed the public hearing.

Commission Comment: Chair Bressler said staff was recommending denial. He said this business would bring people into the downtown where hopefully they would use other retail and food businesses. He said in contrast a real estate office would not bring people into the downtown in such a way. He said this business has a nice retail look to the front window and if the applicant paid a sales tax in-lieu fee that he could approve the use permit request.

Planner Chow said that the application did not include the payment of an in-lieu fee.

Mr. Patel said he was willing to pay a 2 percent in-lieu fee.

Chair Bressler said the Commission had seen \$2.00 per square foot in-lieu fee from which any sales tax earned by a business was deducted. Planner Chow said that was generally correct but staff would need to work with the City's Finance Director to determine what the fee should be. She said that any sales tax revenue generated by the business would be deducted from the amount of fee owed annually. Chair Bressler asked if a condition for payment of an in-lieu fee could be handled administratively. Planner Chow said it could.

Commissioner Ferrick said the application had a retail component and asked why there was an issue. Planner Chow said the primary use was personal service and the retail portion was considered an ancillary use as it did not meet the definition for retail use in the City's code.

Commissioner Eiref said the staff report had indicated reluctance by the applicant to pay an in-lieu fee but it appeared that in fact the applicant was willing to pay in-lieu fee.

Commissioner Riggs said the storefront was attractive and he considered the shop a nice addition to Menlo Park. He said that he thought persons using services there would use other services around town. He said it was troubling however that this was an enforcement issue. He said he could support Chair Bressler's suggestion that the applicant pay an in-lieu fee.

Commissioner Kadvany asked if the Commission might make a proviso that the personal services use not be grandfathered into future uses. Planner Chow said typically a time limit could be set. Commissioner Kadvany asked how long the business was in violation of the requirement for a use permit. Planner Chow said it had been last August that staff had noted that personal services were being provided in a retail space. Commissioner Kadvany asked if there was a way to assess the in-lieu fee retroactively to the time when there was evidence personal services were being provided. Planner Chow said there were only a few instances in which a sales tax in-lieu fee was imposed and none had been done retroactively to her knowledge.

Commissioner O'Malley said there had been a code enforcement hearing on November 3, 2011 and asked if a fine was imposed. Planner Chow said the applicant had submitted an application for the use permit at the end of November so the fine was not assessed.

Chair Bressler recognized Mr. Patel. Mr. Patel said they had paid a \$1,000 fine to the City as well as a \$1,500 application fee. Planner Chow said the \$1,000 was not a fine for a code enforcement violation but for operating without a use permit. Commissioner O'Malley said there needed to be punishment when laws were not followed or there was no reason for people to follow the laws.

Commissioner Eiref said the applicant had paid a fine for operating without a use permit. He said there had not been a pattern of such violations and he would not favor draconian measures. Commissioner Riggs noted there had been several violations in a neighborhood the previous year noting it was in the Menalto area. Planner Chow said that had been longer ago than one year.

Commissioner Kadvany said there were six bullet points on page 2 of the staff report characterizing exceptions. He said the next to last was whether the applicant was willing to pay an in-lieu fee and the last one was whether the applicant had strong support from neighbors and the Chamber of Commerce. He said the applicant had gotten support from their consumer base but the neighboring businesses and Chamber had not commented one way or the other.

Commissioner Ferrick asked if the landlord had been aware that a use permit was needed when the applicant had moved into the space. Mr. Patel said when they had moved into the space the broker had indicated they should move in and then apply for a business license. He said they were told by the City that they had 90 days to apply for a business license, and when they had applied for a business license they had discovered that more was required. Planner Chow said that Planning staff advises brokers that they should find out what types of uses are permitted. She said it's clear that only retail was permitted in the C-3 district.

Commissioner Riggs said he supported the application for a use permit and the imposition of an in-lieu fee but he had doubts that Duca and Hanley and any retail brokers were not aware that a use permit was needed. Commissioner Ferrick asked if it was appropriate that the landlord and brokers should be held responsible for the excess fees incurred by the applicant. Commissioner Riggs said he thought that was appropriate but not within the Commission's purview.

Responding to a previous question from Commissioner O'Malley regarding how sales tax in-lieu fees were calculated, Planner Chow said there were about 4 examples as of November 2011. She said the fees change on an annual basis. She said they ranged from about \$.70 per square foot and that was for the private recreation use at 555 Ravenswood Avenue to the highest of \$2.36 per square foot for the Menlo Park Presbyterian Church's social hall on Santa Cruz Avenue. Commissioner O'Malley said the fee seemed to be based on location and square footage but asked whether there was also a determination as to how much sales tax might be expected if the use was retail. Planner Chow said there was intent with the in-lieu fee to receive what the City would have received if there had been a full retail use instead. She said the Finance Department calculated the fee and collected annually and noted an annual cost of living increase.

Commissioner O'Malley said the enforcement issues had been taken care of and the evidence was that the proposed use was desired. He said he could support the use permit request. He moved to approve the use permit application with the calculation of an appropriate in-lieu fee. Chair Bressler asked if Commissioner O'Malley supported also a time limit of five years on the

use. Commissioner O'Malley agreed and Chair Bressler seconded the motion as modified. Commissioner Riggs said he wanted to consider applying the in-lieu fee retroactively to the date of the opening of the store. Planner Chow said she would check with the Finance Department on doing that. Commissioner O'Malley said he agreed and to leave to staff to determine whether that could be done or not. Chair Bressler said as the maker of the second that he could support the modification.

Chair Bressler said the motion and second were to approve the use permit subject to a term of five years, establishment of an in-lieu fee somewhere in the \$2 per square foot range annually with the deduction of actual sales tax revenue deducted, and for the fee to be applied retroactively to when the business opened.

Planner Chow said if the Specific Plan was adopted that any nonconforming uses could be grandfathered in as the same kind of use, but any use that was non-retail in the Santa Cruz Avenue corridor that was operating with a term limit on the use permit would not be able to reapply for that use under the Specific Plan if it was adopted as now proposed.

Commissioner Ferrick suggested removing the term limit noting that if the business flourished she would not want it to have to go away under the conditions of the Specific Plan. Commissioner O'Malley and Chair Bressler agreed as the maker of the motion and the maker of the second to remove the term limit from the use permit.

Commission Action: M/S O'Malley/Bressler to approve the use permit with conditions to require the payment of an in-lieu fee and to do so retroactively to the opening of the business.

**Condition 4a:** 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 2,500 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. The first installment shall be retroactive from October 1, 2011.

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

2. **Use Permit/Gary Ahern for the Menlo Park Academy of Dance/562-564 Oak Grove Avenue:** Request for a use permit to allow a dance academy (private recreation) to occupy an existing commercial building that is nonconforming with regard to parking, in the C-4-ECR (General Commercial, Applicable to El Camino Real) zoning district.

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

Public Comment: Mr. Gary Ahern, project architect, said he was working with the Menlo Park Academy of Dance to develop a new location in a warehouse on Oak Grove Avenue. He said they would remove years of tenant improvements and install ADA compliant bathrooms and a small waiting area. He said the main part of the building would be open for the dance studio. He said they would clean up the façade and clean up along Derry Lane and add storefront

doors there. He said traffic circulation would go from Oak Grove Avenue to Derry Lane and back to Oak Grove Avenue.

Commissioner Kadvany said he understood the back drop off area but questioned the building not having an entry and exit in the front except in emergencies. Mr. Ahern said the dance floors would be in the front and there was no entry or exit there as the floors needed protection from street shoes. He said the intent was to have an open attractive storefront without exiting and entering. Commissioner Kadvany said it appeared that the only way to access the building was by car noting there was no bicycle racks. He asked if instructors would use onsite spaces. Mr. Ahern said there were three parking spaces with one of those being ADA compliant, and that the other two would be for dance instructors.

Mr. Andy Duncan, Menlo Park Academy of Dance, said the Academy had been in its current location since 1949. He said the rent there had increased and the space had grown too small for their needs. He said they could put the entry and exit along Oak Grove Avenue but the Transportation Division had indicated it would be better at the back because of the circulation needed for cars and people to come in and out and reducing traffic on Oak Grove Avenue.

Ms. Lenore Hennen said she was a resident in the Menlo Square project across the street and noted her bedroom window on the second floor that would overlook the entry. She said she was concerned with noise, safety and traffic. She said parking was a big issue for the recitals and it was a congested area for on street parking. She said there was no light at Merrill and there was a lot of congestion. She said that traffic noise did not bother her but cars honking and people yelling did, and she would not be quiet if that happened.

Chair Bressler closed the public hearing.

Commission Comment: Commissioner Riggs said the classes included ballroom and hip hop dance. He asked if these were for adults and that if the classes were after work whether that would be a parking issue. He said a worse case would be 30 cars in the parking lot. He suggested a Plan B particularly for dance recitals. Mr. Duncan said they have six dedicated spaces along the side of the building next to the Foster Freeze, and three spaces behind the building with one dedicated to disabled parking. He said they have all the parking along Derry Lane. He said for most of the dance classes parents dropped off students. He said they would not use this area for recitals but lease local performing arts centers. He said the solution for the student drop off was developed between Mr. Ahern and the City's Transportation Division and was very safe.

Chair Bressler said the speaker had concerns with the times described as generally 9:30 a.m. until 8:15 p.m. Mr. Duncan said most of the classes were between 3 and 8 p.m. Chair Bressler asked about noise levels. Mr. Duncan said that the music would be located in the center of the building. Chair Bressler confirmed with staff that there was an objective way to measure noise.

Commission Action: M/S Riggs/Ferrick 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 Focal Point Design, consisting of six plan sheets, dated received February 16, 2012, and approved by the Planning Commission on February 27, 2012, 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.
4. Approve the use permit subject to the following **project-specific** conditions:
  - a. Simultaneous with the submittal of a complete building permit application, the applicant shall submit deed restrictions and/or easements for the six parking spaces on the 580 Oak Grove Avenue parcel, subject to review and approval of the Planning and Engineering Divisions. Prior to issuance of a building permit, the applicant shall submit proof that the documents have been recorded with the County of San Mateo Recorder's Office. If this parking arrangement ceases in the future, the use permit may be subject to review by the Planning Commission

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

3. **Use Permit and Architectural Control/Studio G Architects Inc./200 Middlefield Road:** Request for a use permit and architectural control for interior and exterior remodeling of a nonconforming building with regard to its right side setback that would exceed 50 percent of the replacement cost in a 12-month period, for establishing the total number of parking stalls per the use-based guidelines rather than the zoning district requirements, and for exterior building modifications and site improvements, including changes to the driveway configuration along Santa Margarita Avenue, removal of the existing exterior balconies, and installation of new windows, doors, roof, stucco finish and color, and new enclosures for trash and mechanical equipment for an existing building located in the C-1 (Administrative and Professional District, Restrictive) zoning district. As part of the proposal, four heritage trees, one Monterey Pine, one olive, and two eucalyptuses, in fair to good health are proposed to be removed.



Staff Comment: Planner Chow said color renderings of the proposed building and improvements, a set of the existing conditions, and a large material and colors board were being circulated for the Commission's review. She said staff had received two pieces of additional correspondence that day that were being circulated. She said one from Mr. Joshua Jaffee, Santa Margarita Avenue, was a follow up to correspondence provided in the agenda packet in which he stated that the exit stairwell along Santa Margarita Avenue had been addressed and the design was preferable to the safety rail version; he also expressed appreciation that the trash enclosure was redesigned away from Santa Margarita Avenue to the opposite side of the building. She said the second piece of correspondence was from L. Pieter Deutsch, Santa Margarita Avenue, expressing concern about pedestrian access in the area where there was parking. She said staff had spoken with Mr. Deutsch to explain that this was a parking strip and was not intended to be a sidewalk. She said the project would make improvements to the parking strip including widening it to seven feet but it was a parking strip and not a sidewalk. She said Mr. Deutsch said he preferred existing Spanish type architecture over what was being proposed, and he asked the Planning Commission to include elements of the Spanish type citing material used at 250 Middlefield Road such as wrought iron, faux adobe stucco walls and dark trim for the balconies.

Public Comment: Ms. Jane Vaughan said she was a partner with Menlo Equities, a Palo Alto based real estate and investment firm. She said she would not repeat her written comments that were included in the agenda packet. She said when they acquired the property it was 16% leased with 17 different tenants. She said their vision was to have two or three tenants for the entire building, which was why they wanted to remodel the building interior and exterior, and improve the landscaping. She said they wanted the building and site attractive to very low intensity type users meaning a lower people count per square foot and for high image tenants such as legal or venture capital firms. She said they had given the architect their vision for the building based on what they know about the type of tenant they want to bring to the site. She said while they wanted to maintain some traditional flavor in the building they wanted to update that with a contemporary flair. She said there needed to be a more prominent entry and more light in the building. She said they needed a higher profile for the lobby and to break up the sea of asphalt in the rear parking lot. She said they gave that direction to the architect, who they felt had come up with a very good plan. She said based on that design Summit, a Palo Alto based venture capital firm, wanted to lease the second floor based on getting approval of this use permit request. She said they also wanted to be good neighbors and to keep some of the residential design elements and pay more attention to the landscaping on the side facing the Santa Margarita Avenue side. She said they developed that plan and held an open house and were working with four of those neighbors, and had made alterations in response. She said she wanted to clarify to that they only wanted the trees along the property line of one neighbor to be kept to a 12 foot height. She said one neighbor wanted Spanish elements retained. She said there was no wrought iron now and the existing balcony was not to code and blocked light into the interior.

Ms. Kelly Simcox, Studio G Architect, said the existing architecture was a 1960s interpretation of a Spanish style building. She said this particular design had dark interiors and limited curb appeal. She said they tried to keep as much of the existing building as possible and the general fenestration patterns of it but would bring a new materials palette to update and make the space elegant while keeping elements of the existing architecture and have it fit with the surrounding neighborhood. She said their design removed the roof overhang element and the balconies as those both dated the buildings and blocked light to the interiors. She said they added

architectural details to both sides of the entry way to make it more prominent. She said they were proposing richly stained custom hardwood doors framed and accentuated with an overhang canopy. She said the entry would be approached by a wide walkway of stone pavers and bounded on the right by a large granite, infinity edge fountain and on the left by granite sculptures with a new landscaping plan for the entire front of the building. She said those features would continue into the interior where they planned a grander, two-story design in the lobby that then opened to two-story glass that would look out onto a newly landscaped existing interior courtyard. She said the balconies had created an architectural top and base to the building, but felt top heavy. She said they were suggesting sandstone materials for the base to provide a traditional look that gave weight to the building but was subtle and understated. She said all of the windows would be replaced and made somewhat taller and all would be simulate divided lights with mullions and frames as would be seen in a high end residential project. She said to keep the appearance compatible with the neighborhood they had chosen a cedar shingle roof. She said the rear parking lot was a problem as there were no plantings. She said they were able to layout the parking and reduce the number of driveways from three to two onto Santa Margarita Avenue, and create a green buffer for the neighbors.

Chair Bressler asked how certain they were about their tenant. Ms. Vaughan said the lease was signed but they needed to have their work done by the end of the year.

Commissioner Eiref asked if the underground parking was in good shape. Ms. Vaughan said the structural engineer had found it sound but in need of cleaning.

Mr. David Howell said he was the property owner of a home on Santa Margarita directly across the street from the project. He said he and his wife were supportive of the project and thought it would be an improvement for the neighborhood, noting in particular the removal of the balconies and the improvements to the rear parking lot.

Chair Bressler closed the public hearing.

Commission Comment: Commissioner Riggs noted he was good friends with one of the partners in Studio G. He said this was an adaptive reuse project which they should brag about and asked if they could recycle the wood from the balconies. Mr. Evan Quinn with OPI Commercial Builders said the demolition contractor had every intention to recycle all of the wood possible depending on the condition of the wood. He said that contractor also owned a recycling company so they would recycle whatever could not be sold into landscape products.

Commissioner Riggs said that the existing roof material was very rustic looking. Ms. Simcox said that the existing roof was cedar shake. She said they would replace that with cedar shingle which had a thinner profile and a more refined look but that would maintain the color properties. Commissioner Riggs said the façade shown on the materials board was honed stone and smooth stucco and asked if there was any relief other than the window penetrations. Ms. Simcox said the stone was sandstone finish and had texture. She said at the base and to the right it would have a heavily tooled texture. She said they were trying through the stone itself to get textural release. She said they would use the same sandstone treatment at the base of the building to the rear but do that more cost effectively with light sand color finished stucco. She said the windows would be recessed into the wall and in some cases into the building to create shadow lights. She said they would have architectural joints within the stucco to create space

lines and vertical columns at the side doors to break up the existing façade. She said they were trying to treat all four sides and create variety with as much relief as possible.

Commissioner Ferrick noted the water efficient landscaping and lighting to reduce glare. She asked if there were other energy efficient goals they had. Ms. Vaughan said on their projects they attempt to reach LEED silver at a minimum. She said they were keeping so much of the existing building that there was not a clear LEED category for what they were proposing but their goal was to bring in materials that were sustainable and practical. She said they would install a completely new HVAC system that was top of the line and would replace plumbing and electrical as well.

Commissioner Ferrick asked how the water drainage would be kept on the project. Ms. Vaughan said they would do a French drain at the entrance of the underground parking and bring drainage across the parking lot.

Commissioner Eiref said he liked what was being proposed, and moved to approve. Commissioner Ferrick seconded the motion.

Commission Action: M/S Eiref/Ferrick to approve was 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. 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 conditions:
  - a. Development of the project shall be substantially in conformance with the plans prepared by Studio G Architects, consisting of 30 plan sheets, dated received February 21, 2012, except as modified by the conditions contained herein subject to review and approval by the Planning Division.
  - b. Prior to building permit issuance, the applicants shall comply with all Sanitary District, Menlo Park Fire Protection District, Recology, 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 Group that are directly applicable to the project.
  - d. Prior to building permit issuance for removal of the exterior of the building, the applicant shall submit a heritage tree preservation plan, detailing the location of and methods for all tree protection measures, as described in the arborist report. The project arborist shall submit a letter confirming adequate installation of the tree protection measures. The project sponsor shall retain an arborist throughout the term of the project, and the project arborist shall submit periodic inspection reports to the Building Division. The heritage tree preservation plan shall be subject to review and approval by the Planning Division.
  - e. 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 by 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, dimensions, and colors of all meters, transformers, junction boxes, relay boxes, and other equipment boxes. The utility plans shall also show backflow and Double Check Detector Assembly (DCDA) devices.
  - f. As part of a complete building permit application submittal, the applicant shall submit a detailed landscape and irrigation plan prepared by a licensed landscape architect subject to review and approval of the Planning Division. The landscaping plan shall comply with the Water Efficient Landscape Ordinance (Chapter 12.44) and shall provide details of the proposed sculptures and water features. The landscaping shall be installed prior to final building inspection.
  - g. Concurrent with the submittal of a complete building permit application, the applicant shall submit a lighting plan, providing the location, architectural details and specifications for all exterior lighting subject to review and approval by the Planning Division. The lighting plan shall minimize glare and confirm that there is no spillover onto adjacent properties and the public right-of-way.

5. Approve the use permit and architectural control subject to the following **project-specific** conditions:
- a. Administrative and Professional Office uses (except medical office) are the only permitted uses within the building. All other uses would require a revision to the Use Permit for the parking reduction.
  - b. As part of a complete building permit application, the applicant shall update the garage plan to label the existing room underneath the ramp to the garage as storage, which was a previously permitted use in the garage, subject to the review and approval of the Planning Division.
  - c. As part of a complete building permit application, the applicant shall submit revised plans to relocate the mechanical equipment in the garage into the previously used mechanical room. In no case shall the mechanical room be converted into a storage room as this would increase the gross floor area for the site. The revised plans are subject to review and approval of the Planning and Building Divisions.
  - d. As part of a complete building permit application, the applicant shall submit a complete application for a public access easement for the proposed sidewalk along Middlefield Road, subject to the review of the Planning and Engineering Divisions. Prior to finalizing the building permit, the easement shall be approved by the City Council and documentation showing proof of recordation with the San Mateo County Recorder's Office shall be provided.
  - e. As part of a complete building permit application, the applicant shall submit an updated site plan that relocates the first accessible parking stall as accessed from Middlefield Road, so no parking space encroaches into the front setback, subject to the review and approval of the Planning Division. The relocation of the space shall not reduce the total number of parking spaces (162).
  - f. As part of a complete building permit application, the applicant shall submit plans showing a relocated and/or redesigned trash enclosure that is intended to minimize the impacts to the 55-inch heritage redwood tree (tree #10). As part of the submittal, the applicant shall obtain an updated arborist report that analyzes the impacts of the trash enclosure to tree #10, and identify tree protection and preservation measures for the tree during and after construction, subject to the review of the Planning Division and City Arborist.

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

Commissioner Kadvany who was attending the meeting by teleconference left the meeting.

4. **Use Permit/Christian Hill for AT&T/314 Constitution Drive:** Request for the renewal and modification of a use permit for existing wireless telecommunications panel antennas mounted on a PG&E tower and an associated equipment enclosure under the tower. Three new panel antennas and six new Remote Radio Units (RRU) are proposed

to be added to the existing tower containing three AT&T antennas at the site in the M-2 (General Industrial) zoning district.

***Continued to the meeting of March 5, 2012.***

5. **Use Permit Revision/DNA2.0/1140 O'Brien Drive, Suite A:** Request for a revision to a use permit, previously approved in July 2010, to modify the types and quantities of hazardous materials used and stored at the site. The subject property is located in the M-2 (General Industrial) zoning district and the hazardous materials are used in association with the manufacturing of synthetic genes.

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

Public Comment: Mr. Jeremy Minshull, CEO of DNA 2.0, said his company manufactured synthetic genes and sold those to customers locally, nationally and internationally. He said the company was founded in 2003 and in 2011 moved to their third Menlo Park location noting they had started with four people and now employed 58 people. He said they moved to 1140 O'Brien Drive to accommodate their growth but found they had expanded more than was expected and now needed to increase and modify the chemicals they have onsite.

Commissioner Riggs said it appeared that a lot of hydrogen was being added. Mr. Minshull said they were increasing quantities of hydrogen and carbon.

Commissioner O'Malley said he was very pleased with the comparison of what was previously approved and what was being requested now and that the complete Hazardous Materials Business Plan was included. He said he assumed that the latter was probably not much different than what was previously prepared.

Ms. Ellen Ackerman, Green Environment, said the Hazardous Materials Business Plan was changed to show the addition of the hydrogen. She noted that the addition of the other chemicals was minor and the Plan did not need to be adjusted for them.

Chair Bressler closed the public hearing.

Commission Action: M/S Bressler/O'Malley 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 revision 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 February 21, 2012, and approved by the Planning Commission on February 27, 2012 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 Kadvany and Yu not in attendance.

#### **F. COMMISSION BUSINESS**

There were none.

#### **ADJOURNMENT**

Staff Liaison: Deanna Chow, Senior Planner

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on April 2, 2012