



PLANNING COMMISSION MINUTES

Regular Meeting
July 23, 2012 at 7:00 p.m.
City Council Chambers
701 Laurel Street, Menlo Park, CA 94025

CALL TO ORDER – 7:02 p.m.

ROLL CALL – Bressler (absent), Eiref, Ferrick (Chair - absent), Kadvany (Vice Chair – served as Chair), O'Malley, Riggs, Yu (left meeting at 9:23 p.m.)

INTRODUCTION OF STAFF – Rachel Grossman, Associate Planner; Momoko Ishijima, Planner; Kyle Perata, Assistant Planner; Thomas Rogers, Senior Planner

A. REPORTS AND ANNOUNCEMENTS

1. Update on Pending Planning Items

a. Housing Element – Steering Committee, July 17, 2012

Commission O'Malley said the Committee reviewed trends and that the two most pertinent to housing in Menlo Park was over the next 10 years one-third of households being one-person households would increase to almost half of households being one-person. He said the aging population was also discussed. He said they discussed housing needs in Menlo Park, focusing on four income categories related to the types of housing units to be accommodated in Menlo Park to satisfy the new Housing Element. He said development of the Housing Element was also part of the Steering Committee's responsibility. He said they looked at very low and low income categories which were determined at a percentage of the median income for Menlo Park. He said they looked at moderate income which was somewhat below and above the median income of Menlo Park, and above moderate income. He said this helped determine the below market rate housing needed if the trends had been accurately analyzed. He said with the Downtown Specific Plan which provided for a number of high density housing developments or at least locations where those could be built, there was still a need for 993 housing units of which 389 would need to be below market rate housing. He said the Steering Committee needed to locate sites able to accommodate those housing needs. He said they also reviewed the Housing Element as currently written with emphasis on new sites, second units and infill locations outside of the Specific Plan. He said they reviewed the criteria for the selection of sites. He said the highest standard was proximity to transportation and services provided in the downtown. He said they reviewed 25 sites that staff and the consultant had identified and removed some sites and added some. He said they would present these proposed sites to the public and

stakeholders, and there would be two public meetings: August 15 and August 23. He said the next Committee meeting would be August 27, a draft Housing Element was due by September 3, and the new Housing Element needed to be submitted to the California Department of Housing by October 31 and adopted by March 15, 2013

b. 389 El Camino Real – City Council, July 31, 2012

Planner Rogers noted the Commission had recommended approval of this project to the City Council.

c. 50 Terminal Avenue and 1467 Chilco Street – City Council, July 31 and August 21, 2012

Planner Rogers said this item would have a second action on August 21, 2012 related to adoption of an ordinance for the change in zoning.

d. Downtown Parking Management Plan Advisory Task Force – City Council, July 31, 2012

Planner Rogers said the Department of Public Works in conjunction with the Planning Division would take a recommendation for a Downtown Parking Management Plan Advisory Task Force to the City Council on July 31, 2012. He said that action was requested by the City Council when it approved the Downtown Specific Plan. He said this group would focus specifically on the parking management plan for the Specific Plan area. He said there would be recommendations for the composition of the Task Force, tasks the group would be charged with, and a time schedule.

Commissioner Riggs asked staff to report on any activity on El Camino Real projects previously approved but pending. Planner Rogers said the project referred to as the Beltramo's Project at 1435 El Camino Real, a mixed use with office and underground parking and residential units fronting onto San Antonio at the rear of the property, had been originally approved around 2006 and then received a couple of extensions because of the economic downturn. He said the City had now received application for permits for the office and residential portions and existing structures have been demolished. He said there were strong indications the project was moving forward as approved by the Commission.

Commissioner Riggs said the lot which had been the Cadillac dealership seemed to have been cleaned up. Planner Rogers said the original developer for the site sold the property and there was a new interest in the site perhaps with a request for a revision to incorporate the Specific Plan elements in the site development. He said nothing had been submitted yet.

B. PUBLIC COMMENTS

There was none.

C. CONSENT

1. Approval of minutes from the June 25, 2012 Planning Commission meeting.

Commission Action: M/S Riggs/Kadvany to approve the June 25 minutes (with Riggs/Kadvany changes distributed in advance).

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

D. PUBLIC HEARING

1. **Use Permit/Reynaldo Quintana/1040 Wallea Drive:** Request for a Use Permit for the modification of the first floor, and the construction of a new second story to an existing single-story, nonconforming single-family residence on a substandard lot with regard to lot width in the R-1-S (Single Family Suburban) zoning district. The proposed work would exceed 50 percent of the existing floor area, and is considered equivalent to a new structure. The project would also exceed 50 percent of the existing replacement value in a 12-month period and requires approval of a use permit by the Planning Commission. As part of the proposed development, one heritage magnolia tree (18 inches) in poor condition in the front of the property would be removed. ***Continued from the meeting of July 9, 2012***

Staff Comment: Planner Ishijima said a letter of support was submitted by a neighbor and had been made available to the Commission.

Public Comment: Mr. Reynaldo Quintana, property owner, said five neighbors had signed support letters for the project. He said one neighbor had written anonymously to the City objecting to the project. He said another neighbor had had concerns but they had met and discussed, and now the neighbor supported the project. He said the anonymous letter writer asked that he change the architectural style of the house. He said he made changes to the floor plan in response to this neighbor, but he was very fond of the proposed architectural style and would prefer not to change it. He said the City requested that he simplify materials and design on the front façade and to make window shapes on the front elevation more consistent. He said the front elevation materials were stucco, concrete, shingle, stone and trim. He said the details of the front elevation had been carefully selected to provide an interesting feel to the house. He said he believed changing these would detract from the aesthetic flow of the house. He said that all of the windows on the front elevation were rectangular except for the second floor center window deliberately chosen as an arched window to maintain consistency with the arched opening over the entry way and the barrel roof. He said he has considered the changes requested, but could not see how to accommodate those

without changing the cohesiveness of the design or the interesting style of the house. He requested that the Commission approve the project with the changes he incorporated in response to his neighbor's request, and provided color renderings of the proposed design.

Commissioner Riggs said in the project description the colors were a light brown stucco with a very pale blue trim, but the color rendering indicated a cream stucco with a light brown trim. Mr. Quintano said the color in the project description would be what they used. Commissioner Riggs asked if they had brought color samples. Mr. Quintano said he had not brought those to the meeting but had submitted color chips with the application.

Vice Chair Kadvany asked about the texture of the proposed stucco finish. Mr. Quintano said it would be continuous, smooth and would not be broken into panels. Vice Chair Kadvany asked if he had designed the home. Mr. Quintano said he had been an engineer and used to design commercial buildings and HVAC installations. He said he had worked closely with the building designer on the project.

Commissioner Yu asked what the neighbor's concerns had been. Mr. Quintano said the issue that the neighbor and the anonymous letter writer had was that Wallea Drive was mostly single-story ranch style homes and that his project would introduce a radically different style and open the flood gate to future changes.

Commissioner Eiref asked if the home would be for the applicant. Mr. Quintano said it would.

Vice Chair Kadvany closed the public hearing.

Commission Comment: Commissioner Yu said the massing and second story setback seemed big. She said she did not have issues with the archway and found the project met City regulations.

Commissioner Riggs said for the record that the applicant might have misrepresented the neighbor's support letter attached to the packet as in the last paragraph, the writer urged the Commission to require a slight re-design of the project with the aim of reducing the size of the second story, perhaps increasing the size of the lower story, reducing the roof pitch and setting back the second story front wall so it did not seem to go up straight for two stories. He said the letter writer also said those modest changes should make the project a better fit for the neighborhood, noting that Wallea Drive was primarily single-story ranch homes. He said he visited Wallea Drive and was amazed at the predominance of ranch style one-story homes. He said there was a corner house that was a partial two-story and well set back and within three blocks, he found only one other two-story building. He said he did not have an issue with two-story homes, but when the neighborhood was so integrated in building form it put pressure on the first large building to try to fit in. He said this building was essentially what was termed a

McMansion or mini-mansion. He said that style home was accepted and even popular in some areas. He said the proposed design had elements of Americanized French Chateau, elements of a builder pattern to throw expensive material at the entry door and nowhere else. He said at least one city has architectural guidelines prohibiting arched entry ways. He said he could understand the owner would like the proposed home but it would have quite an impact on the street.

Commission O'Malley said he understood the concerns of the anonymous letter writer. He said he did not feel comfortable with the proposed design but the applicant had reached out to the neighbors and had five or six support letters. He said he would move to approve as recommended by staff.

Commissioner Eiref said he lived a few blocks away, and had visited the area noting there were few two-story homes and those had generous setbacks. He asked if the applicant had considered using more stone then just near the entryway. Mr. Quintana said they had considered using more stone but thought that would make the home too loud. Commissioner Eiref said he thought the applicant had considering setting the second story back further. Mr. Quintano said he had not said that but noted that one of the letters and a neighbor's initial concern was that the first and second floors aligned, and had asked for a break. He said the second story was not setback two feet behind the first story. He said there was a narrow front to the lot. He said they wanted to limit the amount of demolition and to reuse the garage slab.

Commissioner Yu seconded Commissioner O'Malley's motion. She said her preference was not the McMansion style but did not see any rules to deny the project.

Commissioner Kadvany said the applicant was not an architect and did not have experience with materials and form. He said the garage appeared to stick out, and he thought the project would look garish and inexpertly executed. He said the choice of finish and use of stucco did not seem well thought out. He said the anonymous letter writer was concerned that the applicant did something that would work within the neighborhood. He said he would like to request a change to the motion to require that garage doors be broken into two doors rather than one large door. He also requested that more attention be paid to the stucco finish.

Commissioner Yu said generally she preferred the two doors for the garage but in this case the garage was 18 feet and she did not know if they had enough space to do create two doors. She said she thought it would look funny having two very narrow garage doors and a massive wall.

Commissioner O'Malley said the design and the renderings did not flatter what the applicant was proposing to do. He said improving the appearance of the garage door would help and he could accept Commissioner Kadvany's modification to his motion. Commissioner Yu suggested the direction could be to break up the massing but she hesitated to tell the applicant exactly what to do.

Commissioner Riggs said this was basically a new house for which the right side wall was being kept and that this was not a small project. He said it was a McMansion being called a remodel so the garage could remain nonconforming in width and intrude into the side setback without challenge. He said the proposed light brown color and a very light blue trim on the only two-story for blocks would make them hard to ignore. He said he was very concerned about the massing and that the building was an awkward shape. He said he could not support the project.

Commissioner Eiref said that the applicant had referred to a project on Windsor. He said that project had nice landscaping and interesting pathways and asked if that was proposed for this project. Mr. Quintano said he had not gotten that far into the front landscaping. Ms. Linda Butler, project designer, said they would be happy to follow any of the recommendations about landscaping. Commissioner Eiref said there were concerns about the massing, and the style of the windows.

Commissioner Riggs said that the window shape on the left façade was from the 70s. He said the pared roof was not an unworkable concept but was stacked directly on a rather awkward two-foot setback. He said he hoped the applicant would redesign. He noted that the two projects being used for comparison had much more generous front landscaping buffer. He said the problems were massing, materials and the proposed colors.

Commissioner Yu said the colors and massing were not preferable. She said as an applicant it must be very frustrating that the City did not have design guidelines. She said it was not a design she preferred but the applicant was following regulations.

Vice Chair Kadvany said that this project would not fit within the neighborhood. He said the project needed more thought put into it.

Commissioner O'Malley noted that two Commissioners were not in attendance but good points had been made. He said he had moved to approve but was not impressed with the proposed design, and was now withdrawing his motion. He said he would rather see an amended plan presented to the full Commission.

Commissioner Eiref moved to continue the item with specific direction to consider landscaping to soften the front façade and reducing the mass.

Commissioner Riggs said the Commission had indicated the massing and the juxtaposition of forms and materials needed further work. He said that perhaps they should also ask for a consistent style that would be recognizable by the community as something cohesive. He said also the applicant should provide a colors and materials board when he brought back his redesign.

Mr. Quintano said that he had worked with architect Dennis O'Connor previously on the design and that Ms. Butler with him he was now working was a professional designer. He said the comment about him putting the project together was unfair. He said he needed some guidance as to what it would make the project more cohesive.

Commissioner Yu asked if the project designer had enough guidance. Ms. Butler said she would look at letting go of the setback intrusion, push the garage back, and clarify the colors.

Commissioner Yu seconded the motion to continue.

Commissioner Riggs asked if staff could read back the various directions. Planner Ishijima said that Commissioner Eiref had talked about materials and design for the front entry and windows and the use of landscaping to soften the front façade. She said Commissioner Riggs had raised concerns about massing, position of form, consistency of style, and the color scheme. Planner Rogers said there were also comments on the windows and the garage door.

Commission Action: M/S Eiref/Yu to continue the item with the following direction.

- Explore alternative materials and/or design for the front entry, windows, and garage door
- Provide additional details on landscaping to soften views of the front façade
- Revise the massing of the structure, in particular the relationship of the garage to the main structure and the size of the second floor relative to the first
- Provide additional details on the proposed colors

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

2. **Use Permit/Mable Pope/1411 Hill Avenue:** Request for a use permit for interior and exterior modifications and an addition to the left side and rear of an existing nonconforming residence that would exceed 75 percent of the replacement value of the existing structure located in the R-1-U (Single Family Urban) zoning district.

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

Public Comment: Mr. Rolando Noriega, project designer, said this project would add a new bathroom and bedroom to a small structure, and include a remodel of the kitchen and a new dining area. He said they would also increase the width of the garage to allow for a larger vehicle. He said the style was similar to the homes in the neighborhood but with some modern touches.

Commissioner Riggs asked if the windows would be single light. Mr. Noriega said they would like to use a casement style window and they would all be single light.

Commissioner Eiref asked if they had considered adding an attic. Mr. Noriega said that was not within the budget. He said they were creating a light well over the dining facility and were designing with trusses to minimize the cost.

Commissioner Riggs asked whether the light well would be a skylight. Mr. Noriega said there would be a skylight in it. Commissioner Riggs asked if it would be consistent to allow the skylight with approval as that did not show on the current plans. Planner Perata said that was correct.

Commissioner Yu asked about color choices. Mr. Noriega said the house would be tan with a dark gray roof and smooth finish stucco. He said stones used in the front façade would complement the roof and walls with a tan and gray mixture. Commissioner Yu said the entryway and garage windows seemed to have more detail. Mr. Noriega said the entryway would be solid core door with two sidelights with indented molding that matched and the windows were stained glass. Commissioner Riggs asked about the trim color. Mr. Noriega said the trim color was dark brown to complement the tan.

Vice Chair Kadvany closed the public hearing.

Commission Comment: Commissioner Yu said the front door, the windows on the side and the garage door windows did not seem to fit the rest with the windows of the house. Mr. Noriega provided Commissioner Yu with his full set drawings.

Commissioner Riggs said he thought the project was a straightforward good solution and converted what was essentially a flat roofed box into something more attractive. He said he was not a fan of applied stone particularly in the front, but this was particularly low and it did not try to tie-in with an illogical stone entry. He said widening the garage made sense. He moved to make the findings and approve the use permit. Commissioner Yu seconded the motion.

Vice Chair Kadvany said he thought this was an attractive home, and very much in keeping with the neighborhood.

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

1. Make a finding that the project is categorically exempt under Class 1 (Section 15301, "Existing Facilities") of the current CEQA guidelines.

2. 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 Rolando Noriega Design, consisting of eight plan sheets, dated received July 5, 2012, and approved by the Planning Commission on July 23, 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, 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 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 of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
 - e. Simultaneous with the submittal of a complete building permit application, the applicant shall submit plans indicating that the applicant shall remove and replace any damaged and significantly worn sections of frontage improvements. The plans shall be submitted for the review and approval of the Engineering Division.
 - f. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a Grading and Drainage Plan for review and approval of the Engineering Division. The Grading and Drainage Plan shall be approved prior to issuance of a grading, demolition or building permit.
 - g. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance.

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

3. **Use Permit/David Crouch/1425 Bay Laurel Drive:** Request for a use permit to demolish an existing one-story single-family residence and subsequently

construct a two-story single-family residence that includes a basement with light wells that encroach into the required right side yard setback, on a substandard lot, with regard to lot width in the R-1-S (Single-Family Suburban) zoning district.

Staff Comment: Planner Grossman said three pieces of correspondence had been received since the weekend and were provided to the Commission and for the public.

Public Comment: Mr. David Crouch, project designer and builder, said there were a number of new and other two-story homes on this street as well as the traditional ranch style homes. He said next door to the project site was a 8,000 square foot home that was nearly constructed. He said the project site was a large lot, just less than 13,000 square feet, but was shaped like an hourglass. He said this lot would need 10-foot side setbacks as opposed to five-foot setbacks required for lots under 6,000 square feet. He said with the setbacks the home could only be 48-feet wide at the narrowest width. He said there was a large Oak tree on the front left of the property and because of that he had to put the garage on the right hand side. He said the house on the left that was nearly complete had a lot of windows on the right hand side facing the project site. He said other houses nearby were situated slightly higher than this property. He said the home would have a low pitch roof in the front and the second story was designed set back to increase privacy and lessen massing. He said their goal was to create a beautiful home that suited the area. He said the house on the left was 8,000 square foot and set at the 20-foot front setback and was 27 to 28 feet tall. He said the house on the right was 27.5 feet tall and just less than 7,000 square feet. He said the owners of those homes did not want at two-story looking into their rear outdoor living spaces. He said however one neighbor across the street had expressed concern because the house would be built at the 20-foot front setback.

Ms. Monica Young, Menlo Park, said as adjacent neighbor to the proposed building, she was very pleased to have worked with Mr. Crouch and that his construction sites are always very clean and with very few cars present. She said she was concerned that the neighbor across the street wanted the house pushed back. She said if that were to occur that would squeeze the house and there would then be a sight line into both hers and the other adjacent neighbor's yard. She said they were happy with the height, massing and window placement with the proposed project. She said her two concerns were air conditioning units and the storm drain easement. She said she hoped the air condition units could be moved to the other side opposite to the other neighbor's pool house. She said the Oak tree in the rear was totally unmaintained and she would like that tree removed and another planted with a root barrier. She said they had granted the City an easement for a storm drain that ran on their property, and if the Oak tree roots intruded into that line causing problems on her property, she would sue the City.

Vice Chair Kadvany closed the public hearing.

Commission Comment: Vice Chair Kadvany asked Mr. Crouch to talk about this neighbor outreach. Mr. Crouch said he had spent most time with the adjacent neighbors as they could be the most impacted.

Commissioner Eiref asked how the height of this home compared to the height of the neighbors' homes. Mr. Crouch said the first floor elevation would be same height as that of the neighbor's house to the right.

Vice Chair Kadvany said that the neighbor with the home across the street might be concerned that the view would be lost. Mr. Crouch said the second story setback would be at least 107 feet away from that neighbor.

Vice Chair Kadvany asked about the Oak tree in the rear. Mr. Crouch said he supported having it removed as he wanted to help a neighbor who had helped him.

Commissioner Yu asked about the air conditioning units. Crouch said those could be moved to the left side between the light wells. Vice Chair Kadvany suggested working with two neighbors. Mr. Crouch said also that the air conditioning units would be very quiet.

Commissioner Riggs said he did not always agree with the applicant's massing solutions but thought that this was an attractive home. He said his one remaining concern was the Oak tree in the front as it was healthy and prominent. He said it had been planted originally closer to the house than it should have been but it had thrived. He said this project would have a house even closer to the tree and there would be a deep foundation rather than the slab foundation. He said there was usually over-excavation to place forms which would cause a dramatic change to the tree's root structure. He said he understood the arborist was following a rule that one-third of the roots and/or canopy of an Oak tree could be trimmed without harm to the tree but it all of that occurred on just one side of the tree, the tree could die back on that side. He said prior Commissions were stringent in the protection of oak trees and other heritage trees and that to build within six and a half feet of heritage tree had been pretty rare.

Mr. Crouch said the foundation near the tree was not basement but was single story. He said the existing foundation was not slab but had footings around it. He said that he had done this same project elsewhere and protected the Oak tree for that project. He said this Oak tree was an important part of his plan. Commissioner Riggs said this Oak tree would keep growing and eventually have twice the diameter. Mr. Crouch said it would depend upon how the tree was maintained. Commissioner Riggs said he liked the design and could support if there was more room for the Oak tree.

Commissioner Yu said the basement was set back and the developer had done similar projects so she was not particularly concerned about the Oak tree. She said she would like the applicant to talk to the neighbors about the location of the air conditioning units.

Vice Chair Kadvany asked if the air conditioning question could be addressed administratively. Planner Grossman said that could occur through the building permit process.

Commission Action: M/S Eiref/Yu to approve the item as recommended in the staff report.

1. Make a finding that the project is categorically exempt under Class 3 (Section 15303, "New Construction or Conversion of Small Structures") of the current 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 David Crouch Custom Homes, Inc., consisting of 17 plan sheets, dated received July 17, 2012, and approved by the Planning Commission on July 23, 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, 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 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 of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
 - e. Simultaneous with the submittal of a complete building permit application, the applicant shall submit plans indicating that the applicant shall remove and replace any damaged and significantly worn sections of frontage improvements. The plans shall be submitted for review and approval of the Engineering Division.

- f. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a Grading and Drainage Plan for review and approval of the Engineering Division. The Grading and Drainage Plan shall be approved prior to the issuance of grading, demolition or building permits.
- g. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance.

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

Commissioner Yu left the meeting.

- 4. **Use Permit Revision/ZeaChem, Inc./1490 O'Brien Drive, Suite D:** Request for a revision to a use permit, previously approved in February 2007, for the 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 and stored within the building.

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

Public Comment: Mr. Ron Krietemeyer, Vice President of Construction Projects for Tarlton Properties, said they were pleased that ZeaChem, a five year tenant, was expanding their operations. He introduced Mr. Dan Verser, Executive Vice President and one of the founders of ZeaChem.

Mr. Verser said this was his second start up in Menlo Park. He said they wanted to expand their research and build a small pilot line as a test unit. He said their client was Proctor & Gamble and would fund this development. He said they use natural organisms that are a very low hazard. He said the few chemicals listed as dangerous were minor ingredients in the fermentations. He said they were well within the building code limitations on solvent use and storage.

Vice Chair Kadvany said there was an increase in flammable materials. Mr. Verser said the inventory has been modified and reviewed and approved administratively by the Fire Marshal. He said they have a small unit now that was approved by the Fire Marshal. He said it was a volume of activity that was increasing and that they would have a 200 liter fermenter.

Commissioner O'Malley asked about the numerous reagents. Mr. Verser said there were about 20 to 30 ingredients and recipes were intricate.

Vice Chair Kadvany closed the public hearing.

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

1. Make a finding that the project is categorically exempt under Class 1 (Section 15301, "Existing Facilities") of the current CEQA Guidelines.
2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
3. Approve the use permit subject to the following **standard** conditions:
 - a. Development of the project shall be substantially in conformance with the plans provided by DES Architects/Engineers, consisting of seven plan sheets, dated received July 18, 2012, and approved by the Planning Commission on July 23, 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 4-0 with Commissioners Bressler, Ferrick, and Yu absent.

5. **Use Permit/Avellino Lab USA, Inc./1505 Adams Drive:** Request for a use permit for the storage and use of hazardous materials for commercial gene diagnostic services and research and development of commercial products for ophthalmic diseases, within an existing building in the M-2 (General Industrial) zoning district. All hazardous materials would be used and stored within the building.

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

Questions of Staff: Commissioner O'Malley said there were no reagents listed in the information he received, and the only hazardous material listed was ethanol.

Mr. Ron Krietemeyer, Vice President of Construction and Operations for Tarlton Properties, noted the list was on page E-1 and that there were six chemicals.

Mr. Scott Korney, CEO of Avellino Lab USA, said the actual chemical usage was quite low. He said they were replicating a process done quite successfully in Japan and Korea to test for a gene mutation linked to the overproduction of protein in the eye after Lasik surgery that can cause blindness.

Vice Chair Kadvany closed the public hearing.

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

1. Make a finding that the project is categorically exempt under Class 1 (Section 15301, "Existing Facilities") of the current CEQA Guidelines.
2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
3. Approve the use permit subject to the following **standard** conditions:
 - a. Development of the project shall be substantially in conformance with the plans provided by DES, consisting of six plan sheets, dated received July 9, 2012, and approved by the Planning Commission on July 23, 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 4-0 with Commissioners Bressler, Ferrick, and Yu absent.

The Commission recessed for five minutes.

Vice Chair Kadvany reconvened the meeting at 9:44 p.m.

E. STUDY SESSION ITEMS

1. **Request for a Study Session/Young and Borlik Architects/742 Live Oak Avenue:** Request for a study session for a use permit to construct two single-family dwelling units and associated site improvements, on a lot that is substandard with regard to lot width, located in the R-3 (Apartment) zoning district. As part of this proposal, two heritage size trees (30-inch diameter oak and 25-inch diameter cherry) in poor condition are proposed to be removed. The two heritage size liquidambar street trees (19.5 and 18.7 inches in diameter), in fair condition, are proposed to be retained. The proposal is a revision of an earlier application for a use permit and variance, which was reviewed and denied by the Planning Commission on June 25, 2012. The revised proposal does not require approval of a variance, and the study session is intended to allow the

Planning Commission and the public to provide input to inform a potential future full application.

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

Public Comment: Mr. Bill McNair, property owner, said he had provided handouts on the history of the project. He said they had applied for a use permit, variance and removal of the liquidambar street trees and were heard by the Commission for that proposed project on June 25, 2012. He said their variance request to allow covered parking four feet into the side setback had been denied. He said they then tried to solve the variance request and the proposed removal of the liquidambar street trees. He said they developed a plan that has no variance requests and would not require removal of the liquidambar street trees. He said they had examined many different designs to accommodate the lot constraints and were presenting tonight several schemes for discussion.

Mr. McNair said Scheme A placed the garage at the rear of the property with a front entry rather than side entry and leaving the front unit as originally designed. He said the problem was that in applying the turnaround template from a two-car garage they would cross over the uncovered parking, with which the Transportation Division was not comfortable. He said Scheme B had only one-car garages for both units and two uncovered parking spots in the center of the lot. He said the issue there was it required a four-point multiple turn to come out of the driveway forward facing and the Transportation Division felt uncomfortable with that because of the shared use of the driveway. He said Scheme C met all the setback requirements and they would not need any variance or removal of the street trees. He said this had a one-car garage and an uncovered parking space next to the rear unit, and a forward two-car garage for the front unit. He said this had the same turnaround template but the driveway was not shared. He said the Transportation Division was comfortable with the four-point multiple turn with this layout. He said they also reduced the width of the curb cut so the liquidambar street tree to the right and closest to the driveway could be retained. He said Planner Perata had a conversation with the Transportation Division and they were comfortable with that change and Mr. Rhoads, Borlik and Young, discussed this with the Fire District, and they were also comfortable with that change. He said their latest plan tried to minimize any impact from the street view. He said there would be a direct connection between the street and the front of the unit. They would have a private garden entry with landscaping, meandering pathway, a gate and trellis that would continue across the garage.

Commissioner O'Malley said he had liked the previous design but could not make the variance request. He said the applicant's previous design was appealing and noted that the Council might think differently about the variance request. Mr. McNair said if this proposed plan was supported that they would not proceed with the appeal.

Commissioner Riggs said there were three alternative designs in the handout. He said Alternative B had two uncovered spaces in the center of the lot which Transportation did not support because of the shared driveway. He said the Commission had considered another project with two uncovered spaces and shared driveway that had been allowed to intrude two feet into the setback. He asked if there was likelihood that Scheme B might have been received more favorably if there was some more space for the uncovered parking spaces. Planner Perata said it was the need for the rear unit tenants to be able to back out and turn around. He said he did not think moving the uncovered spaces over would provide the radius needed. He said the concern was conflict with different users.

Vice Chair Kadvany asked if there was a difficulty marketing the units if the parking radii was less. Mr. McNair said their first proposal would not have needed a variance if there had been some flexibility about the turnaround radius. He said he did not think homeowners would consider the multiple point turns an inconvenience but thought that was more a City concern.

Vice Chair Kadvany closed the public comment period.

Commission Comment: Commissioner Riggs said this proposal met what was needed to avoid the variance request and noted he really liked the trellis. He said that Scheme B could be argued for if the applicants wanted to pursue it. He said an appeal to City Council targeting the turning radius was informative and those were not required by the State. He said he would volunteer to support Scheme B if they chose to pursue it.

Commissioner Eiref said he would support arguing for Scheme B. Mr. McNair said his preference was Scheme C.

Commissioner O'Malley said he supported Scheme C.

Commissioner Eiref said he recalled the liquidambar street tree roots were pushing up but there was a nice colonnade of tree canopy. He said he was grateful that the trees were being kept.

Vice Chair Kadvany suggested minimizing hardscape. Mr. McNair said that they would use pavers.

As a study session item, the Commission did not take action on the item.

Commissioners provided the following general comments:

- Generally positive feedback on the proposed revision.
- The proposed front trellis helped the aesthetics.
- Scheme B had some positive attributes, but the applicant's preferred Scheme C was likely to be supported

- Retention of the street trees was appreciated
- Additional details on the driveway materials (e.g., pavers) should be provided with a full submittal.

F. REGULAR BUSINESS

1. **Review of Substantial Conformance/ABC Type 86 License:** Review of proposed business modifications for substantial conformance with existing approvals/operations, for three alcohol retailers at 1540 El Camino Real, 525 El Camino Real, and 60 Middlefield Road. *Requested for full Commission consideration by Commissioner Kadvany.*

Vice Chair Kadvany said he had requested the Commission consider this as there had been controversy over some of the more recent alcohol license applications. He said he had a question about one of the applicants' letters as it indicated there was a fee for sampling. He said his understanding was that for this ABC license there could not be any fee charged. Planner Rogers said the Willows Market letter had indicated imposition of a modest fee but that was preempted by the ABC's limits on a Type 86 license.

Nick, Willows Market, said they had originally planned to apply for a permit for just wine tasting. He said they then decided to go with an 86 license. He said they were happy to change their letter to indicate no fee would be charged.

Vice Chair Kadvany said there were food trucks some evenings at the Market and asked staff if there were any difficulties with simultaneous activities. Planner Rogers said staff was not aware of any conflict with the ABC license and noted the food trucks were occasional and that was not a conflict for the Market's existing use permit. He said if the food trucks became more regular that could require a revised use permit. He said he did not see a direct conflict between the tastings and food trucks.

Commissioner Riggs asked if tasting was in a corralled area in each location. Planner Rogers said it must be separated from the rest of the premises by a barrier.

Commissioner Riggs said these were to be managed by a wholesaler or outside entity and what that management entailed. Planner Rogers said the person had to be at the event and manage it but did not necessarily have to do everything associated with the event. Commissioner Riggs asked if distributors were qualified in instruction. Planner Rogers said these were designated agents for a manufacturer and that alcohol should be restricted to provide information on how different wines and beers taste to promote sales. Commissioner Riggs asked if the type 86 license was only for beer and wine. Planner Rogers said it was based on what the underlying type business was. He said all three of these businesses sold beer, wine and distilled alcohols.

Vice Chair Kadvany asked if Diana or Dan Beltramo wanted to speak but they declined.

Mr. Steve Berndt, Vice President of Real Estate for Safeway, said that they had this license at several different stores. He said it was about 90% beer and wine, and very limited presentations of distilled spirits. He said also it was an opportunity to pair food with wines and it was relationship building between manufacturers and the customers. He said the area was typically roped off, and no one under 21 years was allowed inside.

Commissioner Riggs asked if it would be on different nights for adjacent Safeway's. Mr. Berndt said he thought it was typically on the weekends and at the biggest stores.

Planner Rogers said that no action was needed for the Commission to uphold staff's action. He said the Commission could close the item and the action would remain with the one change to have the Willows Market fee reference removed from its letter.

Commission Action: Commissioners asked questions of staff and the applicants, and discussed the proposed license type. The Commission did not act to reverse or amend the staff determination that the Type 86 license was in substantial conformance with existing approvals/operations; as a result, the staff determination is effective.

G. COMMISSION BUSINESS

There was none.

ADJOURNMENT

The meeting adjourned at 10:34 p.m.

Staff Liaison: Thomas Rogers, Senior Planner

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on August 20, 2012