



## PLANNING COMMISSION AGENDA

Regular Meeting  
May 20, 2013 at 7:00 p.m.  
City Council Chambers  
701 Laurel Street, Menlo Park, CA 94025

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**CALL TO ORDER** – 7:02 p.m.

**ROLL CALL** – Bressler (arrived 7:06 p.m.), Eiref (Vice Chair), Ferrick, Kadvany (Chair), Onken (absent), Riggs, Strehl

**INTRODUCTION OF STAFF** – Momoko Ishijima, Planner; Jean Lin, Associate Planner; Kyle Perata, Assistant Planner; Thomas Rogers, Senior Planner

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

#### **A1. Update on Pending Planning Items**

- a. 1273-1281 Laurel Street – City Council – May 7, 2013

Planner Rogers said the City Council approved the 1273-1281 Laurel Street project at their May 7, 2013 meeting. He said the Council added some specific but not substantive changes to the conditions of approval.

- b. Housing Element – City Council – May 21, 2013

Planner Rogers said the City Council would consider the Housing Element tomorrow night and should they take action, there would be a second reading of the ordinances at the following Council meeting.

### **B. PUBLIC COMMENTS**

There were none.

### **C. CONSENT**

#### **C1. Approval of minutes from the April 22, 2013 Planning Commission meeting**

Chair Kadvany said some changes to the April 22 and 29 meeting minutes had been emailed. Commissioner Riggs asked that the April 29 minutes be pulled as he had not had time to read them and would not vote on them. Chair Kadvany noted that the April 29 minutes were the Commission's second extensive meeting on the Housing Element. Planner Rogers said that because it was related to the Housing Element those minutes had been distributed to the City Council in draft form for their meeting tomorrow night on the Housing Element.

Commission Action: M/S Riggs/Kadvany to approve the minutes with the following modifications:

- Page 16, last paragraph, 2nd line: Replace “noting with Green requirements that window were framed with two by fours.” with “it works out with Green requirements that walls are framed in 2x6 but windows generally fit in 2x4 walls.”
- Page 16, last paragraph, 3rd line: Replace “He said they have effectively taken...” with “He said staff as effectively taken...”
- Page 16, last paragraph, 7th line: Replace “suggested up to 50% individually” with “suggested limit to 15% individually”
- Page 16, last paragraph, 9th line: Replace “these buildings were they have asked” to “these buildings were, the Plan asks”
- Page 17, top paragraph, 4th line: Replace “was that only one upper story is setback” with “was that there is only one setback to the upper stories.”

Motion carried 5-0 with Commissioner Strehl abstaining and Commissioner Onken absent:

**C2. Approval of minutes from the April 29, 2013 Planning Commission meeting**

Commission Action: M/S Ferrick/Kadvany to continue the April 29, 2013 Planning Commission minutes to the Planning Commission meeting of June 10, 2013.

Motion carried 5-0 with Commissioner Strehl abstaining and Commissioner Onken absent.

Chair Kadvany noted for the record that Commissioner Bressler had arrived and was included in the votes on the minutes.

**D. PUBLIC HEARING**

- D1. Use Permit and Variance/Richard A. Hartman/712 Partridge Avenue:** Request for a use permit to demolish two single-family dwelling units and an accessory building and to construct two two-story, single-family dwelling units and associated site improvements on a substandard lot with regard to lot width in the R-2 (Low Density Apartment) zoning district. Request for a variance to build an accessory structure in the front half of the property, 87.5 feet from the front property line where 94 feet would be required. An initial version of the proposal was reviewed by the Planning Commission at the meeting of March 4, 2013, and was continued with direction for redesign. The proposal has since been revised, with changes to the design from traditional to a craftsman style for more compatibility with the neighborhood character, more articulation and detail on bare walls to address massing, and addition of materials and detail to add higher integrity to the design.

Chair Kadvany noted that staff had informed the Commission this evening that this item would be continued to the Planning Commission meeting of June 10, 2013. He said if there were persons in the audience who wanted to speak on this item at this time they were welcome to do so.

Public Comment: Mr. Peter Colby, Menlo Park, said he lived next to the subject project. He was concerned that interest in increasing the housing stock in the community would weaken the

Heritage Tree Ordinance. He noted the benefits provided by heritage trees on the subject property. He said if the project was built according to the Arborist's recommendation, he would be very satisfied, but he did not see how that would be enforced, noting excavation that would need to occur. He said the corner of the back house would be just 14 feet from the Heritage tree's trunk. He said the Arborist's protection plan said that the tree roots should not be damaged or severed within 25 feet of the tree, but that would be in the middle of the proposed rear unit.

**D2. Use Permit and Variance/Kathleen and Greg Rice/624 Central Avenue:** Request for a use permit to determine the Floor Area Limit (FAL) of a lot with less than 5,000 square feet of area, associated with the construction of a second-story addition to an existing nonconforming single-story, single-family residence in the R-1-U (Single Family Urban) zoning district. In addition, the applicant is requesting a variance for additions to encroach approximately two feet into the five-foot right side setback.

Commissioner Ferrick said she had to recuse herself from consideration of this item.

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

Public Comment: Mr. Chris Kummerer, project architect, said the staff report was very complete. He said the property with an existing home was a very narrow lot, and the home did not run parallel with the property line. He said they crafted an addition to the second floor that would be attractive and respectful of the neighbors. He said they were pleased that six neighbors had written letters of support for the project and that staff was able to support the variance and use permit requests. He said they redid the design a couple of times to meet the 35% limit on building coverage, and that included removing an existing trellis from the rear of the house. He said they also reduced the depth of the front porch.

Chair Kadvany closed the public hearing.

Commission Comment: Commissioner Strehl said there was a determination in valuation of the new construction as exceeding 50% of the replacement cost and asked how that related to the flood zone finding that there was no valuation. Planner Ishijima said there were different valuations that were looked at, noting for the nonconformance portion staff looks at the square footage of the home. She said applying those values, should the new construction for a nonconforming home on the second story exceed 50% it required a use permit. She said flood zone valuation was done completely differently. Planner Rogers said both were percentages but were completely different valuations for different purposes and FEMA calculation was set by the federal government. Commissioner Strehl noted there had been permission for two adjacent properties to build one car garages using the alley. She asked if there was a requirement of the homeowners to maintain the alley. Planner Rogers said the 2005 approval for the garage change was done before the City implemented procedures to require properties using an alley for off street parking to both improve the surface of the alley and also record a maintenance agreement with obligations of the property owner(s) to maintain the alley in good condition. He said in this instance there was no change being made to the access alley and there were no requirements that those conditions be implemented.

Commissioner Strehl asked for clarification of how the roof line for the new addition fit with the previous addition. Mr. Kummerer said it was most clearly shown on the A3 sheet, drawing 3, and was the rear of the house. He said the new ridge would be five or six feet lower than the new ridge so there was no conflict.

Commissioner Bressler said this was the narrowest lot he had seen and asked if anyone knew the history. Planner Rogers said this had been part of the North Palo Alto subdivision in approximately the 1910s and believe it was annexed into the City later on. He said there were about five similar lots in the vicinity and in Belle Haven, but that this was still a fairly unusual condition for a lot.

Commissioner Riggs said this was a creative, low impact solution for an addition. He moved to make the findings and approve the use permit. Commissioner Eiref said he would second the motion noting that it would complement the neighboring two-story home.

Commission Action: M/S Riggs/Eiref to approve the item as recommended.

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. Make the following findings as per Section 16.82.340 of the Zoning Ordinance pertaining to the granting of the variances:
  - a. The hardship is based upon the unusually narrow lot width which limits the potential for rooms of typical sizes, the placement of the existing ground-floor walls and is particular to the property and not created by any act of the owner.
  - b. The proposed variance is necessary for the preservation and enjoyment of substantial property rights possessed by other conforming properties in the same vicinity, and the variance would not constitute a special privilege of the recipient not enjoyed by neighbors.
  - c. Except for the requested variance, the proposed construction will conform to all other requirements of the Zoning Ordinance. Granting of the variance will not be materially detrimental to the public health, safety, or welfare, and will not impair an adequate supply of light and air to adjacent property since the addition is set back farther to the rear than the adjacent left side neighbor and situated north of the adjacent right side neighbor and will not directly block the sunlight.
  - d. The conditions upon which the requested variance is based would not be applicable, generally, to other properties within the same zoning classification since the variance is unique based on the narrowness of the lot and placement of the existing ground floor walls.
  - e. The property is not within any Specific Plan area, and as such no finding

regarding an unusual factor is required to be made.

4. Approve the use permit and variances subject to the following ***standard*** conditions:
  - a. Development of the project shall be substantially in conformance with the plans prepared by Chris Kummerer Architect, consisting of nine plan sheets, dated received May 8, 2013, and approved by the Planning Commission on May 20, 2013, 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 Commissioner Ferrick recused and Commissioner Onken absent.

**D3. Use Permit and Variance/Miriam Huntley/334 McKendry Place:** Request for a use permit for a 454-square foot addition and remodel of an existing nonconforming, single-story, single-family residence on a substandard lot in the R-1-U (Single Family Urban Residential) zoning district. The project would also exceed 75 percent of the existing replacement value in a 12-month period and requires approval of a use permit by the Planning Commission. In addition, the applicant is requesting a variance to the corner side setback requirement to construct the addition at nine feet, nine inches from the property line, where 12 feet is required, as well as a variance to the front side setback requirement to construct a front porch post at 19 feet from the property line, where 20 feet is required.

Staff Comment: Planner Ishijima said there was a change to the interior side elevation on the bottom of sheet A3, which had been distributed to the Commission. She said the sliding glass

door had been revised to not have any grids. She said the applicant also has signatures of neighbors who support the project, which also had been provided to the Commission.

Questions of Staff: Commissioner Eiref asked why there were different valuations for one and two-story additions. Planner Ishijima said it was a threshold set by the City, and she suspected the City held second story additions to a higher standard and greater scrutiny. Commissioner Eiref asked about the determination of square foot value for replacement. Planner Rogers said that valuation was not meant to equate to what would be actual construction costs, but was a metric to be applied consistently on individual projects and determining if a project was large or small. He said the City has established a public hearing process for larger projects.

Chair Kadvany said staff was not recommending approval of the variance request for the front porch post, and asked what that entailed. Planner Ishijima said staff had added a condition at the end of the report to require the porch post be designed to be located behind the setback line. In response to a question from Commissioner Strehl, Planner Ishijima said that five findings have to be made for a variance request, and staff could not make all of those findings. Planner Rogers said they had considered the project carefully, but felt that the design should adhere to the front setback requirement, but if the Commission wanted to do something different, staff would assist in making findings. Commissioner Riggs said it appeared that the entire window bay was within the front setback. Planner Rogers noted the property line curved which put the window bay outside of the setback.

Commissioner Riggs asked about the side setback variance request. Planner Ishijima said staff felt that request was warranted as there was a large Heritage Oak tree that was protected and they could not build into that area. She said the applicant requested the variance to allow a usable living space that met the existing wall.

Public Comment: Ms. Miriam Huntley introduced her husband Tim, noting that they were the owners of the subject property. She also introduced the designer, Sarah Potter. She said the existing home was 980 square feet and wanted just 454 square feet more. She indicated they intended to raise their family there and then retire there. She said the lot has three challenges. She said on the McKendry Street side their home was setback nine-feet, nine-inches from the street. She said were on a cul de sac and all the setbacks curved as well. She said they have a beautiful Heritage Live Oak that anchored the tree line and provided benefit to them and the neighborhood. She said the construction plan was weighted to be as far away from the tree as possible. She said work on the tree side of the house was minimal and for storage, not living space. She said the request for the variance on the street side would allow them to have a truly functional living space. She said the other variance to have the post intrude was to balance the construction weighted away from the tree. She said not having that would make the work seem like an obvious addition.

Ms. Melody Pagee, Menlo Park, said she owned a home next to the subject property and another home across the street. She said she applauded the neighbors for doing a one-story expansion as that maintained the privacy of their adjacent neighbors in two directions, and would not create eyesores such as other two-story additions in the area had done in the past. She said while it might be unusual to grant a variance for a post this was not living area. She said the other variance would allow them to have livable space without going to a two story. She said there was approximately a 53-foot frontage on McKendry Drive where currently there

was a hedge. She said she would like to see that green continued as one of the conditions of approval. She said the existing home needed an upgrade and the proposed addition would be a beautiful enhancement for the neighborhood. She said as a McKendry Drive neighbor she recommended the Commission make the findings to approve the two variance requests.

Chair Kadvany closed the public hearing.

Commission Comment: Commissioner Eiref said he thought this was a holistic design and having a post in the front setback was minor compared to the potential of a second-story addition. He said he thought they could make the findings, noting that the project had received many support letters. Commissioner Ferrick said the letter provided by Mr. and Mrs. Huntley outlined the findings. She said making the findings was very supportable.

Ms. Huntley said Ms. Pagee had suggested continuation of the hedge. She said they would like to keep the hedge where it was but would provide a landscape plan and would grow heritage plants such as wisteria and jasmine, which would provide the architectural enhancement desired.

Commissioner Bressler moved to make the findings and approve the variances and use permit. Commissioner Strehl seconded the motion. Commissioner Ferrick suggested they weigh in on continuing the hedge or allowing for other green screening. She asked if the alternative plan for landscape screening presented by the applicant was acceptable to Ms. Pagee. Ms. Pagee indicated it was. Commissioners Bressler and Strehl as the maker of the motion and second accepted the friendly amendment.

Planner Rogers noted approval of the motion would remove condition 5.a related to moving the porch post out of the setback. He said there also needed to be findings made for that variance request. He said preservation of the Heritage tree was used to make the findings for the variance on the street side of the lot.

Commissioner Eiref said he thought the consideration for the front variance request was the holistic design, which was what the Commission was approving rather than just a post. Planner Rogers asked if that was described by overall design consistency and integrity. Commissioner Eiref said that was accurate. The undulation of the front setback was noted. Planner Rogers said with those two items and information embedded in the report, staff should be able to prepare detailed findings.

Commission Action: M/S Bressler/Strehl to make the findings for the variance requests and approve the item with the following modifications.

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. Make the following findings as per Section 16.82.340 of the Zoning Ordinance pertaining to the granting of the variance for the corner side setback:
  - a. The substandard lot width, depth, and size, and the location of the heritage oak tree, as well as the location of the existing detached garage, create a constraint to the design potential for the single-story expansion without approval of the requested variance.
  - b. The proposed variance is necessary for the preservation of the heritage oak tree and enjoyment of substantial property rights possessed by other conforming properties in the same vicinity, and the variance would not constitute a special privilege of the recipient not enjoyed by neighbors.
  - c. Except for the requested variance, the proposed construction will conform to all other requirements of the Zoning Ordinance. Granting of the variance will not be materially detrimental to the public health, safety, or welfare, and will not impair an adequate supply of light and air to adjacent properties, will allow a heritage tree to be preserved, and will meet the floor area limit, building coverage, and height per the R-1-U zoning district.
  - d. The conditions upon which the requested variance is based would not be applicable, generally, to other properties within the same zoning classification since the variance is based on characteristics unique to this property.
  - e. The property is not within any Specific Plan area, and as such no finding regarding an unusual factor is required to be made.
4. ***Make the following findings as per Section 16.82.340 of the Zoning Ordinance pertaining to the granting of the variance for the front setback:***
  - a. ***The substandard lot width, depth, and size, and the unusual shape of the front property line create a constraint to the design potential for the front porch post without approval of the requested variance.***
  - b. ***The proposed variance is necessary for the preservation of consistency in design with the neighborhood, and enjoyment of substantial property rights possessed by other conforming properties in the same vicinity, and the variance would not constitute a special privilege of the recipient not enjoyed by neighbors.***
  - c. ***Except for the requested variance, the proposed construction will conform to all other requirements of the Zoning Ordinance. Granting of the variance will not be materially detrimental to the public health, safety, or welfare, and will not impair an adequate supply of light and air to adjacent properties, and will meet the floor area limit, building coverage, and height per the R-1-U zoning district.***
  - d. ***The conditions upon which the requested variance is based would not be applicable, generally, to other properties within the same zoning***



***classification since the variance is based on characteristics unique to this property.***

***e. The property is not within any Specific Plan area, and as such no finding regarding an unusual factor is required to be made.***

5. 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 Green Cottage Homes, Inc., consisting of five plan sheets, dated received May 6, 2013, and approved by the Planning Commission on May 20, 2013, 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.

6. Approve the use permit subject to the following ***project-specific*** conditions:

- a. Simultaneous with the submittal of a complete building permit application, the applicants shall submit a revised site plan implementing the recommendations provided by The Davey Tree Expert Company, dated April 29, 2013, for the preservation of the heritage oak tree related to the new sewer lateral and water supply line, subject to review and approval of the Planning Division. An arborist should be present during this process.
- ~~b. Simultaneous with the submittal of a complete building permit application, the applicants shall submit revised plans with the porch post intrusion removed,~~

~~subject to the review and approval of the Planning Division for overall design consistency.~~ ***Simultaneous with the submittal of a complete building permit application, the applicants shall submit a landscape plan with proposed landscape design for the street side elevation, subject to review and approval of the Planning Division***

Motion carried 6-0 with Commissioner Onken absent.

- D4. Use Permit/Paaras Mehta/272 Santa Margarita Avenue:** Request for a use permit to remodel and construct a second story addition to an existing nonconforming single-story, single-family residence on a substandard lot with respect to lot width in the R-1-U (Single Family Urban) zoning district. The proposed remodeling and expansion 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.

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

Public Comment: Mr. Andrew Young, project architect, said the approach to the design was to keep the character of the existing home. He noted that the rear yard was very deep and would provide yard space for the family. He said the existing home was at the property lines so they set back the second story. He said the property owner had notified neighbors and gotten support from seven of the eight neighbors.

Mr. Martyn Lawson, Menlo Park, noted his property was adjacent to his home. He said he had concerns with a two-story element in a primarily one-story neighborhood. He thought there would be a loss of light noting that already in the winter, the one side of their home facing 272 Santa Margarita did not get enough sun, and they had to deal with mold growth there. He said also there was only 10 feet between the homes so if there was a second story it needed to be set back. He said all of their bedrooms and bathrooms were on the one side closest to 272 Santa Margarita, which raised privacy concerns. He said the second story would also block the view of trees that they have enjoyed. He noted they have three large trees in their yard that already provide shade and a second story would create more shade. He said his hope was they could keep the addition to one story.

Ms. Kathy Lawson, Menlo Park, said they have lived at their property for 30 years. She said the property at 272 Santa Margarita has been worked on by different owners over the years. She said the homes in the neighborhood were quaint and well maintained. She said their concern was this would be a huge house affecting their privacy, views and sunlight. She said the subject property was a double lot and the property owner when he moved there had indicated that he would build to the back, but now was going to build a second story.

Ms. Sally Spicer said she was Mr. Ona Merritt's daughter, and that her father lives at 281 Santa Margarita, which was across the street from the subject property. She said her father asked her to speak for him. She said his concerns were with not having as much light, noting big trees that already filter the light, and the impact of a second story on that. She said the other issue was crowding due to the addition of a second story.

Commission Comment: Commissioner Bressler said that the proposal was well within the buildable envelope, and could have been much bigger than what was being proposed.

Commissioner Ferrick said change was challenging to neighborhoods. She said the plans showed the daylight plane and how having the building stay within that addressed some of the concerns expressed. She said the height was four feet below the daylight plane and the second story was setback on all sides. She said the design and architecture were attractive, noting the carriage style garage and front doors, and the divided light windows.

Commissioner Riggs said the proposed second story was within the rules and the details consistent with the existing building. He said the front and side elevations however were unfortunate and the garage was the most dominant feature. He indicated he could not support the project.

Chair Kadvany said the neighbor has a short rear yard and most of the proposal's second story would be next to that yard, which changed their sense of space.

Commissioner Ferrick asked about the height of the windows on the north elevation. Mr. Young said that was the stairwell and they would be happy to raise the sill height to five feet to mitigate some of the neighbors' concerns. Planner Lin said the sill height in the stair well was five-foot nine-inches and was measured from the stair landing. Mr. Young said they did their best to keep the plate height and roof pitch down.

Commissioner Ferrick moved to approve the item as recommended in the staff report noting the applicant's willingness to keep the sill height of the window in the stair well at five-foot nine inches.

Commissioner Bressler asked if there were any suggestions about the design. Commissioner Ferrick said because they were using the existing footprint to construct the second story that she made some allowance. She said she was fine with the front elevation although the side elevation felt choppy to her. Commissioner Riggs said the second floor gables seemed to relate to the first floor, with the first floor gables set well forward, but they did not line up, particularly on the right side as the City tended to recommend that the second floor wall be setback from the first floor wall. He said this almost always created massing issues. He noted that this solution appeared on numerous second story additions that did not have to come before the Commission, so he was reticent to target this project.

Commissioner Kadvany reopened the public comment.

Mr. Lawson said there was a claim that eight out of nine neighbors supported this project but he had spoken with neighbors and had not found the support that was indicated. He said the neighborhood here was primarily one-story.

Ms. Spicer said that second stories were intrusive in this neighborhood because the lots were so narrow.

Chair Kadvany closed the public comment.

Commission Action: M/S Ferrick/Strehl 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 Young and Borlik Architects, consisting of 15 plan sheets, dated received on May 13, 2013, and approved by the Planning Commission on May 20, 2013, 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. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance.

Motion carried 5-0 with Commissioner Riggs abstaining and Commissioner Onken absent.

**D5. Use Permit/Kateeva, Inc./1430 O'Brien Drive, Suites D and E:** Request for a use permit for the indoor storage and use of hazardous materials for the research and development and prototype manufacturing of organic light emitting diode (OLED) displays in an existing building in the M-2 (General Industrial) zoning district. Kateeva also operates in Suites A and G, which received use permit approval for the use and storage of hazardous materials in April 2011 and November 2010 respectively. No changes to Suites A and G are proposed.

Staff Comment: Planner Perata said there were no additions to the written staff report.

Mr. John Tarlton, Menlo Business Park, said Kateeva needed the expansion to take their research work to the next level.

Ms. Michael Harburn, Kateeva, Senior Director of Operations, thanked Mr. Tarlton for his comments, and said he was available for questions.

Chair Kadvany closed the public hearing.

Commission Comment: Commissioner Ferrick asked if the application factored in growth. Mr. Harburn said they factored up to two years of expected growth. Commissioner Ferrick noted that the outside agencies that oversaw hazardous materials had signed off on the application. She noted on the chemical inventory, page F7 that the flammable liquids quantities over two years was up to eight gallons. She said in comparing that to fuel in her van that was about half a tank of gas stored Mr. Harburn said that was a good estimate.

Commission Action: M/S Riggs/Bressler 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 nine plan sheets, dated received April 29, 2013, and approved by the Planning Commission on May 20, 2013 except as modified by the conditions contained herein, subject to review and approval of the Planning Division.
  - b. Prior to building permit issuance, the applicant shall comply with all sanitary district, Menlo Park Fire Protection District, and utility companies regulations that are directly applicable to the project.
  - c. Prior to building permit issuance, the applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
  - d. If there is an increase in the quantity of hazardous materials on the project site, a change in the location of the storage of the hazardous materials, or the use of

additional hazardous materials after this use permit is granted, the applicant shall apply for a revision to the use permit.

- e. Any citation or notification of violation by the Menlo Park Fire Protection District, San Mateo County Environmental Health Department, West Bay Sanitary District, Menlo Park Building Division or other agency having responsibility to assure public health and safety for the use of hazardous materials will be grounds for considering revocation of the use permit.
- f. If the business discontinues operations at the premises, the use permit for hazardous materials shall expire unless a new business submits a new hazardous materials business plan to the Planning Division for review by the applicable agencies to determine whether the new hazardous materials business plan is in substantial compliance with the use permit.

Motion carried 6-0 with Commissioner Onken absent

**D6. Use Permit Revision/Pall ForteBio Corporation/1360 Willow Road:** Request for a use permit revision to modify the types and quantities, and location of hazardous materials associated with a life sciences company developing analytical systems, within 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 additions to the staff report.

Public Comment: Mr. Bob Collier, Director of Instrument Manufacturing, said their work supports the development of therapeutic drugs. He said the request for a use permit was to revise the original use permit issued in 2007. He said materials in the revision were substantially the same as the original permit. He said the new permit would define new storage locations in the building and revise the quantities of materials permitted. He noted that Mr. Tim Barnaby, Senior Director of Operations, was also present.

Chair Kadvany closed the public hearing.

Commission Comment: Commissioner Ferrick asked about the cryogenic liquid mentioned. Mr. Collier said that was nitrogen, and described how it was contained and pumped through a line. Commissioner Ferrick asked about its effect should it leak. Mr. Collier said it would deplete oxygen; thus, the container was stored in a locked room with ventilation to the outside. Commissioner Ferrick asked about what seemed a sharp increase in flammable liquids. Mr. Collier said that similar to the question posed to the previous applicant, they calculated growth and had increased current need by a factor of four. He noted there were different types of flammable liquids, and noted those were stored in a flammable cabinet that closed to cut off oxygen in the event of fire.

Commissioner Ferrick noted that the inspecting agencies had signed off on the application.

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

1. Make a finding that the project is categorically exempt under Class 1 (Section 15301, "Existing Facilities") of the current CEQA Guidelines.
2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
3. Approve the use permit subject to the following **standard** conditions:
  - a. Development of the project shall be substantially in conformance with the plans provided by Dennis Kobza & Associates, consisting of 11 plan sheets, dated received May 10, 2013, and approved by the Planning Commission on May 20, 2013 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 within 90 days, for review by the applicable agencies to determine whether the new hazardous materials business plan is in substantial compliance with the use permit.

Motion carried 6-0 with Commissioner Onken absent

## **E. COMMISSION BUSINESS**

There was none.

## **ADJOURNMENT**

The meeting adjourned at 8:48 p.m.

Staff Liaison: Thomas Rogers, Senior Planner

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on June 24, 2013