



PLANNING COMMISSION MINUTES

Regular Meeting
January 26, 2015 at 7:00 p.m.
City Council Chambers
701 Laurel Street, Menlo Park, CA 94025

CALL TO ORDER – 7:00 p.m.

ROLL CALL – Bressler, Combs, Eiref (Chair), Ferrick, Kadvany, Onken (Vice Chair), Strehl (arrived 7:02 p.m.)

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

A. REPORTS AND ANNOUNCEMENTS

A1. Update on Pending Planning Items

- a. 700 Oak Grove Avenue (Fire Station #6) – City Council (January 13 and 27, 2015)

Senior Planner Rogers relayed that the Fire Station #6 project, which the Planning Commission had previously reviewed, was approved by the City Council on January 13, with a required follow-up ordinance adoption scheduled to occur on January 27.

- b. Economic Development Goals – City Council (January 27, 2015)

Senior Planner Rogers stated that the City Council's review of the Economic Development goals, which had also been reviewed by the Planning Commission previously, were originally scheduled for January 13, but had been deferred to January 27.

- c. ConnectMenlo (General Plan Update) - GPAC Meeting #4 (January 28, 2015)

Senior Planner Rogers encouraged interested Commissioners and members of the public to attend the fourth General Plan Advisory Committee (GPAC) meeting, occurring this Wednesday, prior to the Housing Commission meeting.

B. PUBLIC COMMENTS #1

Mr. Don Tyler said he was representing the Homeowners Association for 970, 975, and 977 Santa Cruz Avenue. He said their residences were the only ones in Menlo Park directly impacted by the Connoisseur's Marketplace. He said the use permit for the activity was granted in 2000 and had not been reviewed since. He said their request was for an amendment to the western boundary of the Connoisseur's Marketplace to the boundary of Fremont Park so the event would not intrude into the residential area. He said discussion with the Chamber of Commerce had not provided a desirable solution. He said the event should stay within the boundaries of the commercial district.

C. CONSENT

- C1. Approval of minutes from the December 25, 2014 Planning Commission meeting (*Attachment*)

Commissioner Kadvany said on page 14, the 3rd paragraph, that it was Commissioner Bressler rather than he who asked about the housing allocation and St. Anton's. Senior Planner Rogers said his notes indicated that Commissioner Bressler's comments were summarized in the 3rd paragraph from the top of page 14 and that following those comments, he had written the initials JK and a note about the Housing Element. He said that staff was happy to review for accuracy. Commissioner Kadvany said that was not necessary.

Commission Action: M/S Strehl/Eiref to approve the minutes as submitted.

Motion carried 7-0.

D. PUBLIC HEARING

D1. Use Permit/Trellis Bioscience, LLC/1505 O'Brien Drive, Suite B: Request for a use permit for the storage and use of hazardous materials for the research and development of therapeutic antibodies, located within an existing building in the M-2 (General Industrial) zoning district. All hazardous materials would be used and stored within the building. *(Attachment)*

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

Public Comment: Mr. David Johnson, representing Menlo Business Park, said that Mr. Stephen Reiser, CEO of Trellis Bioscience and environmental consultant, Ellen Ackerman, Green Environment, were also present. He said the company was relocating from San Francisco and establishing their headquarters in Menlo Park. He said they would be occupying less than 10,000 square feet of the first floor of 1505 O'Brien Drive, Suite B.

Mr. Reiser said Trellis Bioscience was in its third year. He said they isolate antibodies from human blood including those for cancer from healthy donors. He said they were also a biology company and they cultivated blood cells. He said they used alcohol to make everything sterile as well as formaldehyde. He said their business was a good combination of a biology company and an IT firm. He said their staff was very well trained on handling hazardous materials.

Chair Eiref closed the public hearing.

Commission Comment: Commissioner Ferrick said everything seemed in order and approved by the appropriate authorities. She moved to approved as recommended in the staff report. Commissioner Strehl seconded the motion.

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 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 eight plan sheets, dated received January 15, 2015, and approved by the Planning Commission on January 26, 2015 except as modified by the conditions contained herein, subject to review and approval of the Planning Division.
- b. Prior to building permit issuance, the applicant shall comply with all sanitary district, Menlo Park Fire Protection District, and utility companies regulations that are directly applicable to the project.
- c. Prior to building permit issuance, the applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
- d. If there is an increase in the quantity of hazardous materials on the project site, a change in the location of the storage of the hazardous materials, or the use of additional hazardous materials after this use permit is granted, the applicant shall apply for a revision to the use permit.
- e. Any citation or notification of violation by the Menlo Park Fire Protection District, San Mateo County Environmental Health Department, West Bay Sanitary District, Menlo Park Building Division or other agency having responsibility to assure public health and safety for the use of hazardous materials will be grounds for considering revocation of the use permit.
- f. If the business discontinues operations at the premises, the use permit for hazardous materials shall expire unless a new business submits a new hazardous materials business plan to the Planning Division for review by the applicable agencies to determine whether the new hazardous materials business plan is in substantial compliance with the use permit.

Motion carried 7-0.

D2. General Plan Consistency Review/Sequoia Union High School District/150 Jefferson Drive: Consideration of whether a proposed public high school at 150 Jefferson Drive, in the M-2 (General Industrial) zoning district, would be consistent with the City of Menlo Park General Plan. This consistency review is required by Section 65402(c) of the California Government Code. The Planning Commission's review is restricted to the General Plan consistency topic, and will not involve any project approval actions.
(Attachment)

Staff Comment: Senior Planner Rogers said there was an additional correspondence received that had been forwarded to the Commission last Thursday and copies were available for the

public this evening. He said the letter was from Robert Battagin representing Exponent, 180 Constitution Drive, expressing opposition to the finding of consistency for the proposed use.

Questions of Staff: Commissioner Strehl asked if the Commission found the project was not consistent with the General Plan whether the project could still move forward and come before the Planning Commission. Senior Planner Rogers said the current review was something that had to be done, but that the City had no veto power of the project with this review.

Public Comment: Mr. Matthew Zito, Facility Officer, Sequoia Union High School District, said like other school districts, there had been significant student growth and they were expecting 1,500 more students by 2020. He said when enrollment was low the District closed schools and sold the land. He said now the challenge was to find a location for a school and a way to keep Menlo Atherton from growing 2,800 students. He said they would keep each existing school at a cap of 2,500 students. He said this fifth school would be a themed magnet school with a cap of about 435 students. He said the subject property was ideal as they would be able to draw students from the Fair Oaks, Friendly Acres, and Belle Haven neighborhoods and was also close to central East Palo Alto and Menlo Park. He said the first class in 2018 would be about 110 students. He said each subsequent year a grade level would be added until it was 9th through 12th grade.

Chair Eiref asked if they wanted the school to have a greater student population. Mr. Zito said the intent was to keep the grade size small or about 25 to 28 students per class. Chair Eiref asked keeping the student count at 2,500 for Menlo Atherton. Mr. Zito said that was because it was not really possible to build out further what he described as 1950s buildings. He said this school was proposed to be standalone noting with the small student population that sports teams would be challenging. He said there had been some discussion of having some level of exchange between this new school and Menlo Atherton such as use of their performing arts center.

Commissioner Bressler asked how the students would be selected. Mr. Zito said basically a blind lottery.

Commissioner Strehl asked about public transportation. Mr. Zito said there was not currently public transportation to the site, but SamTrans serves the Onetta Harris Center so they would work with SamTrans on extending public transportation and provide traffic safety options. Commissioner Strehl said he had indicated they hoped to work with local employers such as Facebook to provide real life linkage for students. Mr. Zito said they had started conversation with Facebook and would bring a proposal to that organization in April. He referred to a model with a local middle school in San Francisco that they would explore. Commissioner Strehl asked about using a school site near Menlo Oaks instead. Mr. Zito said that was part of Ravenswood School District and that District was doing a complete inventory of its schools to reconfigure the District considerably to include creating a middle school similar to Hillview. Commissioner Strehl noted the ongoing planning process for the M2 district and asked if they had met with neighbors in the area about this proposal. Mr. Zito said they would do three outreach meetings in March and early April.

Commissioner Kadvany said the Gateway project might start at the same time as this proposed project and Gateway would probably still be under construction when this school opened. Mr. Zito said they wanted to phase things appropriately and having a small first class would make

things more manageable even with surrounding construction. He said they did have buses that could be used as well. Commissioner Kadvany asked if Mr. Zito had looked at some of the suggested proposals under the General Plan. Mr. Zito said the move from the light industrial to knowledge industry and addition of housing was exciting.

Commissioner Combs asked about the amount of staff needed for 435 students when that was accomplished. Mr. Zito said about 35 employees including administration, teachers, maintenance and other services. Commissioner Combs asked about concern with locating the school in light industrial warehouse area. Mr. Zito said there was quite a bit until the Phase II environmental report. He said the property was a very clean property and ideally suited to draw a diverse mix from different areas. Commissioner Combs asked what the metric of success for themed magnet schools was. Mr. Zito said that the theme or focus was one that would draw interest and would serve some students who needed more personalization. He said he expected the graduation level would be higher than that of existing high schools and the hope was a higher college eligibility rate for four year universities.

Commissioner Strehl asked about facilities on the campus. Mr. Zito said there would be a cafeteria that would also be used for homework club after school. Commissioner Strehl asked about concerns with chemicals used in area. Mr. Zito said there had not been anything identified to cause any concern.

Mr. Rich Linkert, Executive Vice President, CFO and Corporate Secretary for Exponent, inc. said they were the adjacent neighbors as their business locations shared boundaries with most of this property. He said they were an engineering scientific consulting firm and had Class A offices but with labs in the back that would face this property. He said they had been there for over 20 years and in their labs were hazardous materials and waste, radiation activities and medical or bio-waste. He said the firm covers 90 some disciplines from medical issues to pipeline explosions. He said they were running tests and operations every day and serve 2, 000 clients, doing 6,000 to 7,000 projects per year. He said they did not see this project as a suitable use and that it was not consistent with the General Plan. He said there was no public transportation and this project would bring 400 students, their parents, and staff into the business park. He said there were no sidewalks in the area and if those were built that the streets would become so narrow as to create safety risks. He said there was no room for recreational facilities and students would be spilling out of the school and into the streets. He asked if the Public Resource Code Section 21151.2 study had been completed and provided to the District. He said his firm has concerns about pupil and community safety. He said as a leading firm in the investigation of accidents and failures they were storing equipment, machinery and vehicles that were not safe to operate. He said they were concerned with potential trespassing and injury to those trespassing. He said they were storing large pieces of pipeline. He said in addition to 435 students, 35 staff and visitors, there was also a proposal for a community college use in evenings which concerned them. He said they were also concerned with security as this use would draw more people to the area.

Mr. David Bohannon said he had made an appointment with the Sequoia Union High School District Superintendent. He said there were some reservations and concern was the proposal and mainly that all use should be kept on the site entirely including parking. He said there were CC&Rs attached to this property that require that. He said they had some long range plans and were collaborating with the City of Menlo Park on street and parking standards in response to the transition occurring within Bohannon Park from industrial park to high tech business park

and services location. He said that plan would include sidewalks and narrower streets as well. He said there should be no onsite street parking allowed. He said he did not see how they would accommodate 400 some students unless they demolished the entire existing structure and built structure parking. He said they would want the needs of the community balanced with those of the proposed school.

Chair Eiref asked Mr. Zito to address parking. Mr. Zito said they would use the CEQA process to address parking. He said Summit High School has 385 students on a one-acre parcel with parking underneath the building. He said not having on street parking would help by pushing students to use public and other alternative transportation.

Chair Eiref closed the public hearing.

Commission Comment: Chair Eiref asked about the reference to the Public Resource Code. Senior Planner Rogers said he was uncertain but that it might be something associated with the approval through the state.

Mr. Zito said they had done the pipeline and water safety assessment. He said they did not have to do the aeronautical assessment. He said the soils report had been done. He said most of the reports necessary for state approval had been done. He said he was unaware of what the referral was to the Public Resource Code.

Chair Eiref said the idea of having a small focused school located near Facebook and businesses was interesting and innovative. He said he had been concerned about parking but that would be addressed. He said regarding other companies in the area that have non-functioning equipment and vehicles stored and are concerned about security that they should take care of those things. He said regarding General Plan consistency about public and quasi-public use he found it encouraging that there were other schools in the area.

Commissioner Kadvany asked the role of CEQA in regard to traffic. Mr. Zito said a traffic engineer would be hired to do a traffic study and the District's governing board would be the lead agency for the CEQA process.

Commissioner Ferrick said she saw the use was compatible as a public or quasi-public use and consistent with the General Plan. She said applicants that come to the Commission for hazardous waste and materials use permits went to a lot of effort to confirm and assure the safety of their operation within the community, and she was concerned with what the speaker from Exponent had said about it being a dangerous place. She suggested they review their security. She said in an ideal world there would be playing fields and lots of space for schools.

Commissioner Onken asked about the entitlement process for the high school. He asked if the project was found to be nonconforming with the General Plan use designation whether they would need a variance or conditional use permit. Senior Planner Rogers said his understanding was the City would not have a direct role with the project and that would be under the District's purview. He said pre-emption for public schools was in state law. He said generally the question was whether a school use was consistent with the General Plan. He said staff found it was. He said the Commission could find it not consistent and cite with what it was inconsistent.

Commissioner Onken said he supported smaller-size high schools. He said that he did not think this was a public and quasi-public use for the light industrial use area and a public high school was not an appropriate use for this zone. He said he could not support the recommendation.

Commissioner Strehl said she had some sympathy for Exponent's position. She said from past experience there was concern with having a public school near an area with hazardous waste or materials and their storage. She asked if the City recommended there be no on street parking in this zone would the school be forced to put in below ground parking or would the City have any review. She asked if the City would review a permit application. Senior Planner Rogers said the City would not and this would go entirely through the District's governing body. He said the building permit, unless they chose to go through the City, would go through the state architect. Commissioner Strehl asked about changes to on street parking. Senior Planner Rogers said they would need to address parking on-site. Commissioner Strehl asked if all the structures on the subject property would be removed. Mr. Zito said they would be. He said regarding parking that it would be provided for full staff and visitor parking, and limited student parking. Commissioner Strehl said she was concerned that there were no sidewalks. Mr. Zito said students walk from Belle Haven and large parts of East Palo Alto along routes without sidewalks to campuses. He said ideally there would be sidewalks on the property and there would be an analysis of safe routes to school. Commissioner Strehl said even if the Commission found this use inconsistent with the City's General Plan and subsequently the City Council, this project could move forward anyway. She said she did not know what outreach had been done by the District with the M2 area. She said she was uncomfortable finding this use consistent with the General Plan.

Commissioner Combs said that the District would be wasting taxpayers' money if they went through hoops they did not have to go through. He said the concerns expressed in public comment and by letter were valid that this was not an area appropriate for a high school. He said this community however was in transition. He said he would defer to the staff's recommendation but he also understood his fellow commissioners' positions.

Commissioner Bressler said this was a public amenity that was needed and with increased business and residential development was important. He said there was nothing unusual with the proposition. He said he approved the language in the staff report. He said many of the public schools had been redone in the City and the City had no control over these.

Commissioner Kadvany said he agreed in the broad sense that this was public use but he also thought it was hard to be inconsistent with the General Plan. He said this area would be changing and was concerned with how they would get students in and out of the area. He said there was a need for more schools and there was better access to Belle Haven and East Palo Alto to this location than to Menlo Atherton and it was worth supporting.

Commissioner Onken said he went to the Belle Haven open house and noted the community expressed a desire for more than office buildings noting grocery stores, things to do in the evening, and training centers. He said he liked the diversity intent and this was the right thing to do.

Commissioner Ferrick moved to make a finding that the Sequoia Union High School District use for this area was consistent with the City's General Plan. Chair Eiref seconded the motion.

Commission Action: M/S Ferrick/Eiref to approve the recommendation in the staff report.

1. Make a finding that the General Plan conformance determination is not a “project” as defined by the California Environmental Quality Act (CEQA).
2. Adopt Resolution No. 2015-01 determining that a proposed high school at 150 Jefferson Drive is consistent with the General Plan (Attachment C).

Motion carried 5-2 with Commissioners Onken and Strehl in opposition.

F. COMMISSION BUSINESS

There was none.

G. INFORMATION ITEMS

G1. Planning Commission 2014 Attendance Report: Planning Commissioners may review the 2014 attendance report. The report was prepared by the City Clerk, and it (along with similar reports for other Commissions) will be submitted to the City Council as an information item on January 27, 2015. (*Attachment*)

Commissioner Ferrick said that in previous years there had been a synopsis indicating percentage of meeting absences. Commissioner Bressler said it was impressive that Commissioner Combs had had no absences although running a City Council campaign. Commissioner Ferrick said in the past the Planning Commission had the highest attendance record. Senior Planner Rogers said the Planning Commission had more meetings than any other City commission, and also that Planning Commissioner had not recently been formally warned regarding absences.

ADJOURNMENT

The meeting adjourned at 8:37 p.m.

Staff Liaison: Thomas Rogers, Senior Planner

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on February 23, 2015