



PLANNING COMMISSION MINUTES

Regular Meeting
March 9, 2015 at 7:00 p.m.
City Council Chambers
701 Laurel Street, Menlo Park, CA 94025

CALL TO ORDER – 7:01 p.m.

ROLL CALL – Bressler, Combs, Eiref (Chair), Ferrick, Kadvany, Onken (Vice Chair), Strehl

INTRODUCTION OF STAFF – Jean Lin, Associate Planner; Michele Morris, Assistant Planner; Stephen O'Connell, Contract Planner; Thomas Rogers, Senior Planner; Corinna Sandmeier, Associate Planner

A. REPORTS AND ANNOUNCEMENTS

- A1.** Update on Pending Planning Items
- a. ConnectMenlo (General Plan Update)
 - i. Workshop #3 (March 12, 2015)
 - ii. Open House #3 (March 19, 2015)

Senior Planner Rogers reported on upcoming ConnectMenlo meetings as noted on the agenda. He said the focus of the Workshop #3 would be the draft Preferred Land Use Alternative, which would then go to the City Council for review. He said the Open House #3 would look at the same topic and was primarily aimed at the Belle Haven community.

- b. City Council
 - i. 1400 El Camino Real Study Session (February 24, 2015)
 - ii. 1300 El Camino Real Status Report (February 24, 2015)

Senior Planner Rogers said the City Council at their February 24 meeting held a study session on the 1400 El Camino Real site (former Shell Station at the corner of Glenwood Avenue and El Camino Real). He said the proposal for the site was a hotel and the property owner wanted to present their proposal to the Council and get feedback on any potential revenue sharing options. He said the Council indicated they were interested in continuing the conversation.

Senior Planner Rogers said the Council last September had approved the Environmental Impact Report (EIR) budget for 1300 El Camino Real, and also at their February 24 meeting received an update on the report structure and how different land use alternatives were being analyzed. He said the most intense alternative in regard to traffic would be analyzed and within that there was a different range of outcomes. He said the likely next step for the proposal would be a Planning Commission study session on the public benefit bonus topic.

Chair Eiref asked if there were any updates on 500 El Camino Real or Greenheart. Senior Planner Rogers said Greenheart was the applicant for 1300 El Camino Real, which had just been discussed. He said the 500 El Camino Real proposal had been quiet since the election and he understood the applicant was looking at some different design directions. He said the

next procedural step would likely be an EIR and scoping session as traffic would need a different analysis.

B. PUBLIC COMMENTS #1

There was none.

C. CONSENT

C1. Approval of minutes from the February 9, 2015 Planning Commission meeting ([Attachment](#))

Commission Onken said he needed to be recused for item C2. He moved to approve the minutes from the February 9, 2015 Planning Commission meeting as submitted. Commissioner Strehl seconded the motion.

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

Motion carried 7-0.

C2. Architectural Control/Helen Peters/131 Forest Lane: Request for architectural control to remove and replace exterior trim and stucco, remove and repair the underside and overhang of the balcony, and replace the front door on the front elevation of a townhouse located in the R-3 (Apartment) zoning district. ([Attachment](#))

Commission Action: M/S Eiref/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 16.68.020 of the Zoning Ordinance, pertaining to architectural control approval:
 - a. The general appearance of the structure is in keeping with the character of the neighborhood.
 - b. The development will not be detrimental to the harmonious and orderly growth of the City.
 - c. The development will not impair the desirability of investment or occupation in the neighborhood.
 - d. The development provides adequate parking as required in all applicable City Ordinances and has made adequate provisions for access to such parking.
 - e. The property is not within any Specific Plan area, and as such no finding regarding consistency is required to be made.
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 Helen Peters, consisting of four (4) plan sheets, dated received February 25, 2015, and approved by the Planning Commission on March 9, 2015 except as modified by the conditions contained herein, subject to review and approval by the Planning Division.
- b. Prior to building permit issuance, the applicant shall comply with all Sanitary District, Menlo Park Fire Protection District, San Mateo County Health Department, 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. 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.

Motion carried 6-0 with Commissioner Onken recused.

D. PUBLIC HEARING

D1. Use Permit and Variance/Jeanne Moeschler/1029 Ringwood Avenue: Request for a use permit to construct single-story additions and conduct interior modifications to a single-story, single-family residence that would exceed 75 percent of the replacement value of the existing nonconforming structure in a 12-month period. The proposal includes a request for a variance for an addition to encroach approximately three feet into the required 20-foot front setback. The subject parcel is located in the R-1-U (Single-Family Urban) zoning district. ([Attachment](#))

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

Public Comment: Ms. Jeanne Moeschler said she and her husband had bought the property seven years prior with the intent to stay three years. She said they love the neighborhood and want to stay in the home but needed more space for their family, which had grown. She said their variance request was actually a reduction of non-conformity. She said in the 1980s the previous owners had added a master bath that encroached about eight feet into the front setback. She said their proposal would reduce that encroachment to three feet. She said they would retain the single-story bungalow style and use modernizing materials.

Commissioner Ferrick asked if the Commission had to detail their findings regarding the variance request. Planner Sandmeier said that if the Commission agreed with staff's recommendation on the variance request that an action to approve per the recommendation would suffice.

Chair Eiref closed the public hearing.

Commission Comment: Commissioner Kadvany said the unusual lot shape as described in the staff finding for the variance request was a hardship intrinsic to the property. He said he liked the siding and the profile of the proposal, and that the project would reduce the nonconformance. He moved move to approve the item as recommended in the staff report. Commissioner Onken seconded the motion.

Commission Action: M/S Kadvany/Onken 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. Make the following findings as per Section 16.82.340 of the Zoning Ordinance pertaining to the granting of variance:
 - a. Relative to other properties in the vicinity, the subject parcel is unusually oddly-shaped. The three-sided nature of the parcel, in combination with the Zoning Ordinance's lot line definitions and setback requirements, create a uniquely small area for the permitted building footprint. These hardships are unique to the property, and have not been created by an act of the owner.
 - b. With the proposed additions, the building would occupy almost the entire area outside the setbacks as well as portions within the front setback. However, the proposed building coverage is well below the maximum permitted coverage. The variance would thus be necessary for the preservation and enjoyment of substantial property rights possessed by other conforming property. Given that other properties in the vicinity do not have similar constraints with regard to the length of the front setback, the requested variance would not represent a special privilege.
 - c. The proposed addition would intrude into the front setback along the left side of the house. This element of the project would effectively represent the reduction of an existing nonconformity, but the reconstruction of structural elements within the required setback cannot be permitted without a variance. If the lot was a typical corner lot, the area where the intrusion is proposed would be considered a side yard with a setback of 12 feet. The closest point of the proposed addition to the street would be 17 feet, resulting in very limited impacts on the adjacent residential parcels. The proposed project would be below the maximum allowed building coverage and all other Zoning Ordinance standards would be met. As such, granting of the variance would 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.

- d. The prevailing neighborhood standard is of R-1-U lots with a rectangular shape and an area of approximately 6,500 square feet. The subject parcel is uniquely oddly-shaped relative to this standard. As such, the conditions on which the variance is based are not generally applicable to other property in the same zoning classification.
 - 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 variance subject to the following **standard** conditions:
- a. Development of the project shall be substantially in conformance with the plans prepared by l'oro, consisting of 14 plan sheets, dated received February 18, 2015 and approved by the Planning Commission on March 9, 2015, 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 7-0.

D2. Use Permit/Natalie Hylund/810 University Drive: Request for a use permit to demolish an existing single-story, single-family residence and detached accessory buildings, and construct a new two-story, single-family residence on a substandard lot with regard to lot width and lot area in the R-3 (Apartment) zoning district. ([Attachment](#))

Staff Comment: Planner O'Connell said staff had no additions to the written report.

Questions of Staff: Commissioner Onken confirmed with Planner O'Connell that in the R-3 zone there was no side daylight plane required as in the R-1 zone.

Public Comment: Ms. Natalie Hylund, Hylund Design Group, said she was the lead designer and applicant for the proposed project. She said this site was situated among multi-family units and was close to the downtown. She said the client wanted something contemporary. She provided the Commission with a color rendering. She said a wood roof would wrap around the front and left side elevation to break up the upper and lower floors for a front covered porch. She said the garage with wood stain doors was recessed. She said there were also some nice recessed corner windows. She said they tried to articulate the front as much as possible. She said they moved the house back an additional five feet to be in line with the neighbor's home.

Commissioner Kadvany asked if there was a significant oak tree in the rear. Ms. Hylund said there was a very large pine tree on the neighboring property.

Chair Eiref said the homes in the neighborhood were primarily bungalow. He asked if there was a consideration of designing the home more in character with the surrounding architecture. Ms. Hylund said the house was for resale and the client felt the demographic of buyers were looking for more contemporary design homes.

Commissioner Onken asked if there was a material missing at the very top of the stucco wall where it met the roof. Ms. Hylund said it was supposed to be a parapet stucco wall.

Ms. Lydia Cooper, University Drive, said her home was across the street from the project site. She said she was not opposed to new development. She said the houses between Santa Cruz Avenue to Creek Drive for the most part maintained the same character. She said some were different but none were as stark and straight lined as this proposal. She said newer homes on Roble Avenue had contemporary features yet connected to the neighborhood character. She said the neighborhood character in this area should be preserved. She disagreed that the younger demographic liked more modern architecture. She said she met the woman who bought a home on Live Oak a year ago who loves the 1930s style. She said three modern contemporary homes recently built on Live Oak were in her opinion eyesores. She asked that the character of the area in downtown Menlo Park be maintained.

Mr. Carl Bianchini, Menlo Park, said he owned the home at 890 Roble Avenue around the corner from the subject property. He said the existing home on that property had been built by his grandfather. He said his home had apartments on both sides and he was concerned that the height of the proposed structure would block the sun in his backyard. He said that the proposed home was out of character with the two structures on either side of it.

Chair Eiref closed the public hearing.

Commission Comment: Commissioner Kadvany said he liked the curb cut of the project and the recessing of the garage. He noted that the side elevations were expanses of stucco and except for the wood band so was the front elevation. He suggested more articulation and architectural detail were needed. He said he did not think it was the style that people objected to but the way it was executed.

Commissioner Onken said this was a single-family residential development in an R-3 zone, which was unusual. He said the project benefited from the larger setback requirement of the R-3 zone but suffered from the loss of the daylight plane requirement of the R-1 zone. He noted that the proposed project had less square footage than the existing home. He said he thought the designers were mimicking architectural features of several quaint, art-deco, boxy houses with corner windows on Crane and University Drives. He said he would like to see more detailing that would pick up more of the art deco details in other nearby houses. He said the project generally conformed.

Commissioner Ferrick said she heard the neighbors' concerns noting that there were not residential development guidelines. She said she was impressed that the front setback was greater than it needed to be, the rear setback was almost double what it needed to be, and the side setbacks were much better than existing. She said the maximum height allowed was 35-feet but the project was 24.5 feet only. She said she understood the sentiment of maintaining the history and character of the neighborhood but that did not preclude this proposal.

Commissioner Bressler said the reason for residential design guidelines was so there were no surprises. He said that they did not have guidelines shouldn't mean that they just approve any design. He said the mitigating factor for this project for him was that it was located in the apartment district. He said he would like more architectural detail required.

Commissioner Strehl said she appreciated that the second story had been designed to minimize the views into the neighbors on either side. She said the materials seemed to be good. She said that this design type of home was appearing all over the City, including in her neighborhood, which was mainly bungalows.

Commissioner Combs said he understood the neighbors' concerns as this proposal would stand out and look different from other homes. He said similarly as noted by Commissioner Strehl this style of home was appearing in other neighborhoods and was different from existing homes.

Chair Eiref said this proposal did not fit into the neighborhood context as there was a row of bungalows and then this big, square solid structure. He said it was completely out of style with a couple of blocks of the surrounding neighborhood. He noted they had pushed back on other designs that did not fit well with the neighborhood context. He said he was surprised they were removing the basement. He said he was not in favor of the project and would like to see more thought given to the neighborhood feel.

Commissioner Kadvany said there seemed two options: one to redesign in a bungalow style or two to take this basic structure and decorate and detail it so it referenced the other buildings that were this square style with different types of windows.

Commissioner Ferrick said she thought it was the execution of the design that was the issue.

Commissioner Onken said if the item was continued, he would recommend to the architect to expand the ground floor, which might allow for a smaller second story. He said he didn't agree that all designs proposed had to be Craftsman, bungalow-style.

Chair Eiref said he would support the proposal to continue the item. He said he would like to see the massing and space changed so the home would fit better with the other homes in the neighborhood.

Commission Action: M/S Onken/Eiref to continue the item.

Motion carried 6-1 with Commissioner Strehl in opposition.

D3. Use Permit Revision and Architectural Control/Sharon Heights Golf and Country Club/2900 Sand Hill Road: Request for a use permit revision and architectural control to allow an expansion of the clubhouse facilities, including an addition to the existing clubhouse building, demolition of an existing pool building, construction of a new pool building with indoor and outdoor dining areas, and construction of a new movement building for fitness classes and wellness activities at an existing golf and country club in the OSC (Open Space and Conservation) zoning district. As part of the proposed expansion, 10 regular parking stalls would be eliminated and replaced with 13 new tandem parking spaces. No changes are proposed to site's existing membership cap of 680 members. ***Continued from the meeting of February 23, 2015.*** ([Attachment](#))

Staff Comment: Planner Lin said there were no additions to the written report. She said color chips were being circulated.

Public Comment: Mr. Steve Zales, Menlo Park, said he was the past President of the Sharon Heights Club Board. He said staff did a good job on the summary of the project. He said compared to 25 or 55 years ago when the Club was started, their members were now busier, golfing had declined in popularity, and their members were more interested in fitness, dining and family activities. He said to retain and attract new members they had to evolve in response to these types of changes. He said they would like to add 5,200 square feet to the existing clubhouse for fitness and casual dining use. He said the expansion was one-story and for the most part secluded from view. He said the Floor Area Ratio (FAR) was well within the maximum allowed. He noted they were in frequent communication with their many neighbors and had a good relationship with them. He said none of the Homeowners Association or the office building owners wanted to meet to discuss the project.

Chair Eiref closed the public hearing.

Commission Comment: Commissioner Onken said the project was readily approvable as it did not increase parking, was not seen by anyone else, and would not increase water usage at the golf course.

Commissioner Ferrick moved to approve as recommended in the staff report. Chair Eiref seconded the motion.

Commissioner Kadvany said he liked the use of tandem parking.

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

1. Make the following findings relative to the environmental review of the proposal:

- a. A Negative Declaration was previously prepared and circulated for public review in accordance with current State CEQA Guidelines;
 - b. The Planning Commission considered the Negative Declaration prepared for the 2900 Sand Hill Road – Sharon Heights Golf and Country Club Membership Increase and any comments received during the public review period and subsequently adopted the Negative Declaration;
 - c. Based on the Initial Study prepared for the Negative Declaration, there is no substantial evidence that the proposed project will have a significant effect on the environment; and,
 - d. The Addendum to the Negative Declaration provides adequate environmental documentation of the changes to the project, which will likewise not have a significant effect on the environment.
2. Adopt the following findings, as per Section 16.68.020 of the Zoning Ordinance, pertaining to architectural control approval:
 - a. The general appearance of the structure is in keeping with the character of the neighborhood.
 - b. The development will not be detrimental to the harmonious and orderly growth of the City.
 - c. The development will not impair the desirability of investment or occupation in the neighborhood.
 - d. The development provides adequate parking as required in all applicable City Ordinances and has made adequate provisions for access to such parking.
 - e. The property is not within any Specific Plan area, and as such no finding regarding consistency is required to be made.
3. 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.
4. Approve the use permit revision and architectural control request subject to the following **standard** conditions of approval:
 - a. Development of the project shall be substantially in conformance with the plans prepared by BAR Architects, dated received on March 5, 2015, consisting of 21 plan sheets and approved by the Planning Commission on March 9, 2015 except as modified by the conditions contained herein, subject to review and approval of the Planning Division.

- b. The applicant shall comply with all West Bay Sanitary District, Menlo Park Fire Protection District, and utility companies regulations that are directly applicable to the project.
 - c. Prior to building permit issuance, the applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
 - d. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval of the Planning, Engineering and Building Divisions. Landscaping shall properly screen all utility equipment that is installed outside of a building and that cannot be placed underground. 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 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.
 - f. Trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance and the recommendations specified in the arborist report.
5. Approve the use permit revision and architectural control subject to the following **project-specific** conditions:
- a. Prior to building permit issuance, the applicant shall pay the transportation impact fee per the direction of the Transportation Division in compliance with Chapter 13.26 of the Municipal Code. The current estimated transportation impact fee is \$41,438.32, although the final fee shall be the fee in effect at the time of payment.
 - b. Concurrent with the submittal of a complete building permit application, the applicant shall submit an agreement between the Sharon Heights Golf and Country Club and Pacific Gas and Electric Company (PG&E) regarding the realignment of the existing utility easement, including exhibit(s) showing the location of the proposed easement. Prior to building permit issuance, the applicant shall submit recorded documentation for any new and/or amended easement.
6. Approve the use permit revision and architectural control subject to the following **ongoing, project-specific** conditions:
- a. The maximum membership level shall be a total of 680 members, which includes members in all membership categories.

- b. The applicant shall continue to maintain the flashing stop warning sign and flashing stop sign located at the main driveway exit.
- c. Approve the use permit subject to the following restated conditions from the use permit approved by the Planning Commission on March 19, 2012 for recurring special events at the site, including, but not limited to, a fireworks display, children's carnival, and amplified music:
 - Development of the project shall be substantially in conformance with the plans provided by the applicant, consisting of two plan sheets, dated received March 13, 2012, and approved by the Planning Commission on March 19, 2012 except as modified by the conditions contained herein, subject to review and approval of the Planning Division.
 - Prior to the commencement of the event, the applicant shall obtain all necessary permits from the Menlo Park Fire Protection District, Menlo Park Building Division, and other applicable agencies.
- d. Approve the use permit subject to the following restated conditions from the use permit and architectural control approved by the Planning Commission on August 6, 2012 for the proposed maintenance yard and storage and use of hazardous materials:
 - 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.
 - 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.
 - 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.
 - The applicant shall diligently work with Caltrans to obtain encroachment permits for installation of 12, 24-inch box redwood trees on the southern side of the project site to decrease visibility of the corporation yard from Interstate 280. If after two years from the approval date the applicant is unable to obtain encroachment permit approval from Caltrans for installation of the trees within the Caltrans public right-of-way, the applicant shall install the 12 trees on the subject project site in a manner the screens the corporation yard from public view to the satisfaction of the Community Development Director.

Motion carried 7-0.

E. REGULAR BUSINESS

- E1. Public Resources Code Section 21151.2 Review/Sequoia Union High School District/150 Jefferson Drive:** Consideration of a proposed public high school at 150 Jefferson Drive, in the M-2 (General Industrial) zoning district, with regard to Public Resources Code Section 21151.2. This code states that, to promote the safety of pupils and comprehensive community planning, the Planning Commission shall investigate a proposed school site and submit a report prior to the school governing board acquiring title to the property. On January 26, 2015, the Planning Commission conducted a General Plan conformity review regarding the same property. The overall school approval actions will be considered separately by the Sequoia Union High School District.
([Attachment](#))

Staff Comment: Senior Planner Rogers said Public Resources Code Section 21151.2 was brought to staff and the Commission's attention by a member of the public in January during the Commission's review of the proposal for conformity with the General Plan. He said staff and counsel had reviewed and found it was applicable. He noted the school district would conduct a more robust review process including the environmental impact review.

Public Comment: Mr. Matthew Zito, Menlo-Atherton High School, Sequoia Union High School District, said they had closed escrow on the property. He said they would have to obtain California Department of Education and other agency approvals to build.

Confirming that environmental review was required, Commissioner Strehl asked if the CEQA process indicated mitigations were needed whether those would have to be made. Mr. Zito said there had been other school sites for which a Mitigated Negative Declaration had been prepared. He noted in response to another query from Commissioner Strehl that the CEQA process would be accomplished in about four months.

Commissioner Combs asked if Mr. Zito or staff had previously been aware of this Public Resources Code Section. Mr. Zito said they had not been aware of it. Senior Planner Rogers said that the City had not seen the development of new public schools in quite a while and as a result staff was not aware of this Public Resources Code Section.

Commissioner Kadvany asked how students would be kept on campus. Mr. Zito said that they have a closed campus policy. He said they would look at some buffer between their property and the Exponent property. He introduced Mr. Enrique Nava, Assistant Superintendent of Business, who worked with Ms. Lisa Costanza, California Department of Education, on acquisition of the property.

Mr. James Ficenec, attorney at Archer Norris, legal counsel for Exponent, referenced the statute noting it was unfortunate that the school district closed escrow on the property without regard to this statute. He said the project was for a high school of 400 students as well as some community college classes and students. He said the statute and this review was for the Commission to provide feedback as to whether this was a safe location for students and consistent with comprehensive community planning. He said the street was very narrow and was a safety concern. He said typically schools were located in residential areas. He asked if

the location of this school facility would hamper future Planning Commission decisions on industrial uses in this area and asked about pending projects. He said Exponent management did not think this project was suitable for the area under this statute.

Mr. Richard Schlenker, Exponent, said he had spoken to the Commission about this item in January. He thanked Commissioner Kadvany for visiting the site. He said he thought they would gain more attention from City staff and the school district for the issues they raised at the January meeting and in their detailed letter about this safety study. He said that Commissioner Kadvany by visiting had an understanding of their failure analysis business. He noted the various testing they do. He said they did not think the staff or the school had done a comprehensive study of the appropriateness of a school in this industrial park. He invited the other Commissioners to visit their property location. He said the school district should have come to the City to identify the right place for a school project.

Mr. Paul Johnston, President and CEO of Exponent and President of Exponent Engineering, said Exponent had a long history with Menlo Park since 1967. He said they had developed this current site in 1989 with Class A office in the front and interesting testing labs in the rear. He said he didn't want their operations disrupted by students and safety concerns.

Commissioner Ferrick asked staff if a school next to Exponent could cause obstacles for future use permits that the company might pursue. Senior Planner Rogers said there had not been obvious issues with the continued operation of the industrial and light research and development uses around other schools located in the M-2 zone.

Commissioner Kadvany said Exponent conducts analyses on equipment that has failed and these were not hazardous materials but potential hazards. He noted for instance that there were Toyotas for forensic examination related to accelerator pedal failures. He said currently there was a chain link fence with barbed wire on top that he thought could fairly readily be accessed. He said it was a serious insurance issue for both the school and the company unless the area could be securely confined. He said he was somewhat appalled at the process that was being followed for this school location as it was clear that there were concerns about Exponent's adjacency to the school property.

Chair Eiref said he visited the site on Sunday and that he had not felt unsafe there, noting that the shrubbery and fence provided a buffer between the two properties.

Commissioner Strehl said she was very concerned that the school district's legal counsel and the city attorney were not aware of the Public Resources Code and that it had not been cited when the item came before the Commission in January. She said at that meeting she voted that this proposed school use in a light industrial area was inconsistent with the City's General Plan. She said when an industrial user comes into this zone that the Commission always asks about the safety of sensitive users or populations. She said putting a school in an area next to a company or companies that have or use potentially hazardous materials would potentially affect a school population. She said given Commissioner Kadvany's comments and her own observations she could not make a finding of safety under the Public Resource Code. She said perhaps the item should be continued so all of them could visit the site. She said there was a burden on the school district to provide data and mitigate the lack of sidewalks and parking and guarantee some type of bus or shuttle service or carpools to eliminate student parking. She

said also if the project moved ahead that they had to insure the students would be on campus the entire time.

Commissioner Bressler said if the school was going to be built in this location that the school district needed to address parents' potential concerns with Exponent being next door. He said the school district in their letter should be responsible for creating a barrier so students and parents were not disturbed by activities on Exponent that were conducted within code and regulation.

Commissioner Onken said he wanted to support the school district in their expansion. He said for the record he would vote against this site being used for a school noting that public and quasi-public use in this zone was a footnote to the zoning ordinance. He said the school use could prejudice future use applications and planning decision for the area. He said he could not make the findings recommended in the staff report.

Commissioner Combs said he initially was supportive of the school use and generally remained supportive of the school district's efforts to put a school on this site noting that the Commission's decision had no weight to change the outcome. He said the school's need to support the expanding student population outweighed any of his concerns. He noted that in other cities such that schools were located in urban areas next to industrial uses.

Chair Eiref said although the site was not ideal he thought it was inspired to have a technology magnet school in an industrial area. He said he was still supportive of the project.

Commissioner Kadvany moved that a positive finding could not be made at this time under Public Resource Code Section 21151.2.

Commissioner Ferrick suggested that the motion should be framed in the positive with opposition votes made. Senior Planner Rogers said the motion to deny could be made procedurally.

Chair Eiref said recommending acquisition of the 150 Jefferson Drive property sounded odd. Senior Planner Rogers said as Menlo Park had had no prior public school development proposals in the recent past that staff had to look to other cities to see what they did with new public school proposals. He said Public Resource Code Section 21151.2 indicated that the Planning Commission should make a recommendation regarding acquisition of the property proposed for a new public school. He said the factors outlined in the staff report were the basis to recommend acquisition. He said the Commission could alternately recommend to not acquire the property.

Commissioner Kadvany said he wanted to add to his motion "and **not** recommend acquisition of the 150 Jefferson Drive property **at this time**." Commissioner Strehl seconded the motion.

Commissioner Bressler noted the school development could proceed whatever they recommended, and thought they would just create red tape by not recommending. Note was made of the fact the property had already been acquired, and discussion ensued about the Commission making a strong statement with its decision and for what purpose.

Commissioner Ferrick said not recommending would probably bolster a legal case and cost the school district much time and money. She said she did not support that, particularly when there were no other sites the school district could have acquired. She said accommodation for expanding school population had to be made. She said this concept had proven to work at Summit and Everest High Schools, and it would work here.

Chair Eiref said he was questioning how they could determine that this was a safe site. Commissioner Strehl said they also were looking at community planning and CEQA. Chair Eiref said that although the Exponent site was not in operation when he visited on Sunday he thought it would be safe for a school noting that the school design was one factor and the other was the school district and Exponent cooperating to reach resolution.

Commissioner Strehl asked if the Commission did not recommend acquisition of the site whether that would pressure the school district to address the safety concerns. Senior Planner Rogers said that under this code that if the report did not favor the acquisition of the property then the school district should not acquire title to the property for 30 days after the reviewing agency's report was received. He said in this case the property and title have been acquired already by the school district. Commissioner Strehl said she thought it was in escrow. Senior Planner Rogers noted for the record that Mr. Zito indicated that the escrow had closed on February 25, 2015.

Commissioner Kadvany said he thought the school district had been disingenuous in this process and it was wrong that the Planning Commission had to consider this item twice rather than once.

Chair Eiref asked if the Commission was ready to vote on the motion on the table.

Senior Planner Rogers addressed item 1 on page six of the staff report. He said the finding that the Public Resources Code review was not a project was correct. He said whenever a decision making body used discretion that invokes CEQA so the body had to either define the project and do environmental analysis or find that it was not a project.

Commissioner Kadvany suggested that item 1 be added to his motion. He said he wanted to strike the reference to the staff report being the report and substitute with a recommendation that the Planning Commission could not support acquisition of the 150 Jefferson Drive property at this time. He said the bases for this were safety concerns and that a school use might prejudice against certain current and future uses. Chair Eiref asked Commissioner Kadvany if he would agree to an addendum to say that more detailed evaluation of the industrial uses next door was needed to ensure safety of the school site. Commissioner Kadvany said the land use classification was not the barrier to a school use.

Commissioner Ferrick said her sentiment was if the Exponent site was so dangerous that a high school could not be next to it then no use should be next to it. She said the Exponent site needed to be made safe and secure.

Commissioner Kadvany said it was not the use but the increased risk of exposure. He said it was safe now because people in the area knew not to go near the barbed wire fence.

Chair Eiref said he would like the motion to say that while not opposed to a school use in this general area that the Commission recommended that the school district had to provide more compelling information as to how they would make the site safe.

Commissioner Bressler said he did not think the use was inherently unsafe and that they might be opening up issues for the school district. He said the school would have to address these concerns to the satisfaction of the parents of the students.

Commissioner Combs said he did not agree that students would find the Exponent site so enticing that students would want to climb the fence to get to it. He suggested that Exponent consider some way to address that concern if they saw it as such a risk.

Chair Eiref said that the Commission regularly tells homeowners that they cannot tell other property owners what they can build. He said whatever the motion was that it had to address making this a safe site.

Commissioner Kadvany said he would suggest amending the motion to state that the Commission does not categorically rule out construction of a high school on this site but was not able to make the recommendation to acquire the property at this time because of the adjacent company's unusual uses. Commissioner Strehl suggested that Chair Eiref second the amended motion. Chair Eiref seconded the amended motion.

Commissioner Ferrick said they should have called the question and the vote switch would cause a big problem for the school district. She said Chair Eiref talked about property rights and this motion would jeopardize the school's rights. Chair Eiref said this was an awkward recommendation for the Commission to make and that they did not have enough information.

Commissioner Kadvany said both the school district and Exponent were big players and the Commission's action whatever it was would be symbolic. He said the school district has good decision makers and would do fine.

Commissioner Strehl said the school district had not done due diligence in that this review should have occurred before the property was acquired.

Senior Planner Rogers said in response to Chair Eiref's query that the motion was that the Commission did not categorically rule out construction of a high school on this site but was only able to recommend at this time that the acquisition not move forward due to the unique uses on the neighboring property.

Chair Eiref said he did not think that was the motion. Commissioner Kadvany said the motion was that they could not provide a positive finding subject to Public Resources Code Section 21151.2 with respect to people safety and community planning. Discussion ensued as to whether the Commission needed to make a finding regarding acquisition of the property.

Commissioner Kadvany restated that the first part of the motion should be that they could not provide a positive finding subject to Public Resources Code Section 21151.2 with respect to people's safety and community planning; that they could not recommend acquisition of the property at this time but did not categorically rule out construction of a high school at this site in the future because of the unique activities of the adjacent business. Chair Eiref said upon

further thought that he would not second a motion that did not recommend acquisition of the property. Commissioner Strehl seconded Commissioner Kadvany's motion as restated.

Senior Planner Rogers said staff's understanding of Public Resources Code Section 21151.2 review was for the Commission to answer whether the site should be acquired. He said the clause about the safety of pupils and comprehensive community planning were things to consider when arriving at the acquisition recommendation. He said the motion was that the Commission could not make a positive finding in regard to pupil safety and comprehensive community planning and as a result could not recommend acquisition of the parcel at this time due to the unique uses next door but the Commission was not categorically ruling out construction of a high school at this site in the future.

Commission Action: M/S Kadvany/Strehl that the Commission could not make a positive finding in regard to pupil safety and comprehensive community planning and as a result could not recommend acquisition of the parcel at this time due to the unique uses next door but the Commission was not categorically ruling out construction of a high school at this site in the future

Motion failed 3-4 with Commissioners Eiref, Strehl and Kadvany supporting and Commissioners Bressler, Combs, Onken and Ferrick opposing.

Senior Planner Rogers said the staff recommendation could be kept to support acquisition but change the report to include details about the neighboring property concerns and what else the Commission wanted to add. He said the report could be the minutes for the meeting.

Commissioner Bressler said that since the school district had acquired the property already that they should not take a position on the acquisition. He said they should only provide feedback and ideas on how to make this work. Chair Eiref said that he agreed that they should not make a recommendation on acquisition but that the school district should pay careful attention to the unique circumstances they have and make sure what they were doing was safe for students and to work with adjacent property owners.

Commissioner Ferrick said she agreed that the school district should do what was needed. She said also that Exponent were the ones creating the hazardous conditions and they should have to provide a safe site for whoever was next door.

Commissioner Bressler said that the Commission should not take a position on whether or not the school district should make the acquisition as it was already acquired.

Commissioner Onken said the first item for recommendation was to make a finding as to whether the review was or was not a project and he said it should be considered a project. He said for item 2 that the Planning Commission had to make a finding on acquisition whether it was after the fact or not.

Commissioner Combs questioned whether there would be any consequences if they were not to make any finding.

Senior Planner Rogers said the City Attorney said the review should be moved forward whether the school district had acquired the property or not. He said the finding could be that the

Commission reached no consensus on the recommendation to acquire the property, and that could be information that could be used by the school district under this code.

Commissioner Strehl said not making a recommendation as to the acquisition of the property because the Commission could not reach consensus was probably an accurate reflection.

Commissioner Onken said that lack of consensus was not clear until another motion was made and seconded, and voted upon.

Commissioner Strehl moved that the Commission was not able to reach consensus on the acquisition of 150 Jefferson Drive by the school district.

Commissioner Bressler asked about item 1 and whether the Commission wanted to make this its project.

Senior Planner Rogers said from staff's perspective that the language in item 1 should not be changed as it related to the way "project" was defined in CEQA. He said he did not believe the City would have the authority to request that the City become the discretionary lead agency on this site because of the way school districts have authority for school development.

Commissioner Strehl moved to continue the item and request the City Attorney attend in the future and explain some of the ramifications of this review. Motion died for lack of a second.

Chair Eiref moved to recommend that the school district move ahead and acquire the property and make a thorough effort of investigating the safety of the property and working with the neighbors to make sure the site is safe for students. Commissioner Combs seconded the motion.

Commissioner Kadvany agreed that something could be done to provide safety but that might require Exponent to change its business processes.

Commission Action: M/S Eiref/Combs recommend that the Sequoia Union High School District acquire the 150 Jefferson Drive property and conduct a thorough effort to investigate the safety of the property and work with their neighbors to make the school safe for their students.

Motion carried 4-3 with Commissioners Bressler, Combs, Eiref and Ferrick supporting the motion and Commissioners Strehl, Onken and Kadvany opposing.

Commissioner Bressler moved to make the finding as listed in item 1 in the staff report on page 6. Commissioner Ferrick seconded the motion.

There was discussion about the meaning of "project" as defined in CEQA. Senior Planner Rogers read from the staff report: Public Resources Code Section 21151.2 review is not a "project" as defined by the California Environmental Quality Act (CEQA), in that such a determination itself would not have a potential for resulting in a physical change to the environment. Sequoia Union will be required to address applicable CEQA requirements relating to the development of a school at this site. County Counsel has indicated that when Sequoia Union determines their programmatic needs/plans for the site, they will conduct their CEQA

process, which will include notice to Menlo Park before taking final action/proceeding with their project.

Commission Action: M/S Ferrick/Bressler to:

- Make a finding that the Public Resources Code Section 21151.2 review is not a “project” as defined by the California Environmental Quality Act (CEQA).

Motion carried 6-0, with Commissioner Kadvany abstaining.

F. COMMISSION BUSINESS

There was none.

G. INFORMATION ITEMS

There was none.

ADJOURNMENT

The meeting adjourned at 9:55 p.m.

Staff Liaison: Thomas Rogers, Senior Planner

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on April 6, 2015