



REGULAR MEETING MINUTES

Date: 11/18/2019
Time: 7:00 p.m.
City Council Chambers
701 Laurel St., Menlo Park, CA 94025

A. Call To Order

Chair Andrew Barnes called the meeting to order at 7:00 p.m.

B. Roll Call

Present: Andrew Barnes (Chair), Chris DeCardy, Michael Doran, Larry Kahle, Camille Kennedy, Henry Riggs (Vice Chair), Michele Tate

Staff: Ori Paz, Associate Planner; Matt Pruter, Associate Planner; Corinna Sandmeier, Senior Planner; Tom Smith, Senior Planner

C. Reports and Announcements

Senior Planner Corinna Sandmeier reported that the introduction of the Transportation Impact Fee Ordinance would be heard at the City Council's November 19, 2019 meeting as well as a variance from the subdivision ordinance to reduce the front setback for 180 Elliott Drive. She said that variance did not require Planning Commission review as the project proposal adhered to the Zoning Ordinance.

Commissioner Chris DeCardy noted the Environmental Quality Commission (EQC) had prepared a document on greenhouse gas reduction targets and it looked like the EQC was going to propose it to the City Council as a 2030 target. He said the document had a series of recommendations that he thought directly intersected with the Planning Commission's work. He suggested it would be valuable for the Commission to have an interaction or study session to hear from the EQC about their plans and for them to get feedback from the Planning Commissioners regarding any questions, opportunities or concerns. He said the draft document proposed 11 specific strategies, including 100% carbon free electricity, completely electrifying all existing buildings in the City starting with City facilities, eliminating carbon emissions from construction, electrifying all municipal buildings, and preparing the City for adverse impacts of climate change through adaptation and resiliency measures in buildings. He said he would provide the document to staff for the Commission to learn more about it.

D. Public Comment

There was none.

E. Consent Calendar

Replying to Chair Barnes' question, Commissioner Larry Kahle asked if he should abstain from approval of E1 as he had not been on the Commission then. Chair Barnes asked for revisions and/or motions to approve individually on items E1, E2, and E3.

- E1. Approval of revised transcript from the October 7, 2019, (1350-1390 Willow Road, 925-1098 Hamilton Avenue, and 1005-1275 Hamilton Court, Proposed Willow Village Master Plan Project Environmental Impact Report Scoping Hearing), Planning Commission meeting. ([Attachment](#))

ACTION: Motion and second (Henry Riggs/Michele Tate) to approve Item E1 as presented; passes 6-0-1 with Commissioner Kahle abstaining.

- E2. Approval of minutes from the October 21, 2019, Planning Commission meeting. ([Attachment](#))

ACTION: Motion and second (DeCardy/Tate) to approve Item E2 as presented; passes 6-0-1 with Commissioner Camille Kennedy abstaining.

- E3. Approval of minutes from the November 4, 2019, Planning Commission meeting. ([Attachment](#))

ACTION: Motion and second (Riggs/Kennedy) to approve Item E3 as presented; passes 6-0-1 with Commissioner DeCardy abstaining.

Recognized by the Chair, Commissioner Tate clarified with Planner Sandmeier that it was not necessary for Commissioners to abstain from voting on minutes for meetings they had not attended.

F. Public Hearing

- F1. Use Permit/Danning Jiang/203 Haight Street:
Request for a use permit to partially demolish, construct a first-floor addition, and perform interior modifications to an existing single-story, single-family residence in the R-1-U (Single Family Urban Residential) zoning district. The existing residence is nonconforming with respect to the required left side setback and the daylight plane along both sides, and the proposed new work value would exceed 75 percent of the existing value. ([Staff Report #19-082-PC](#))

Staff Comment: Associate Planner Matt Pruter said he had no updates to the written report.

Applicant Presentation: Amaranta Hernandez, applicant, referred to the property owner, and said they were trying to keep the front façade as simple as possible and would add to the exterior of the structure at the rear. She said they would remove the wood siding on the front and keep the stucco and brick veneer for a more modern look but in keeping with the character of the neighborhood. She said the existing two-bedroom, one-bathroom home would be expanded to four bedrooms and three bathrooms.

Commissioner Kahle asked about the roof pitch for the addition at 3 ½ by 12 as that did not match the existing 4 by 12 roof pitch. Ms. Hernandez said the owner requested that the ceiling height be nine feet for the rear addition, and they did not want the back roof to be above the front roof

creating an awkward roof line. Commissioner Kahle noted the removal of the wood siding from the front and asked if there were other reasons to do that beyond simplifying the facade. Ms. Hernandez said some of the siding was in bad shape and most of the house was stucco. She said only one portion of the front façade was currently wood siding.

Chair Barnes opened the public hearing and closed it as there were no speakers.

Commission Comment: Commissioner Kahle said he supported project approval noting the one-story addition. He said he had reluctance about the dominance of stucco and use of vinyl windows, but the applicants were keeping the brick veneer even if it was somewhat hidden by landscaping. He said he thought the project was pretty straight forward and moved to approve. Commissioner Riggs seconded the motion.

ACTION: Motion and second (Kahle/Riggs to approve Item F1 as recommended in the staff report; passes 7-0.

1. Make a finding that the project is categorically exempt under Class 1 (Section 15301, “Existing Facilities”) of the current California Environmental Quality Act (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 T Square Consulting Group, Inc., consisting of 17 plan sheets, dated received October 31, 2019, and approved by the Planning Commission on November 18, 2019, except as modified by the conditions contained herein, subject to review and approval of the Planning Division.
 - b. Prior to building permit issuance, the applicants shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies’ regulations that are directly applicable to the project.
 - c. Prior to building permit issuance, the applicants shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
 - d. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval 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.

F2. Use Permit/Magda Bach/201 Ravenswood Avenue:
Request for a use permit to operate a child daycare center within an existing church in the R-1-S (Single Family Suburban Residential) zoning district. At maximum capacity, the daycare center would have 60 children, ages two to six years old, and six staff members. The daycare center would operate between the hours of 7:00 a.m. and 6:30 p.m., Monday through Friday, and be independent of the church, which would continue operations outside the proposed daycare hours. ([Staff Report #19-083-PC](#))

Staff Report: Associate Planner Ori Paz said staff had no updates to the written report.

Application Presentation: Magda Bach, applicant, said that they had operated Alpha Kids child daycare centers for the past 14 years in San Francisco and Marin County, and were proposing to operate a third in Menlo Park as presented. She said they were not doing any structural work to the facility. Natella Stern, co-applicant, said they would be using the Sunday school building, which was designed with classrooms in place.

Commissioner Riggs said typically there would be children height toilets and sinks for a daycare facility. He said for 60 children around three toilets and two sinks in the bathroom and a sink for the classroom would be required. He noted the existing multi-stalled restrooms as those would not be at child height or visible from the play area. He asked how they solved for those state requirements.

Ms. Stern said they were allowed to use step stools for toilets and for sinks as well as a smaller size seat for the toilets. She said staff accompanied the children to the bathrooms.

Commissioner Kahle asked if there was enough room for 60 children. Ms. Bach clarified this facility would have 45 children. Ms. Stern said if there was a future increase in the number of children there was space. Ms. Bach said each toilet qualified for 15 children.

Commissioner Riggs said the staff report indicated they would use part of the church property for an outside play area and asked about the fencing. Ms. Bach said there was no construction being done and they would use portable fencing.

Chair Barnes said the staff report indicated 45 children with the potentiality of expanding to 60 children. He asked if there was a hard cap of 45 children and whether use permit revision would be

needed should the facility want to add more children. Planner Paz said the 60 children cap had to do with the trip count. He said analysis done with Transportation Division staff for preparation of the TDM plan had identified the number of trips that would keep the project below Transportation Impact Analysis (TIA) threshold. He said during peak hours the intersection at Middlefield Road and Ravenswood Avenue could be quite impacted. He said they looked at 60 children as the hard cap for the analysis. He said anything beyond that would need additional work by a transportation consultant. He said state licensing had requirements per square foot for community care licenses and those had to do with the number of students as well. He said that was handled through conditions of approval for the use permit. He said if the operators wanted to expand beyond 45 children, they would have to allocate more space within the church for that, which would change the Transportation Impact Fee (TIF). He said that additional review by the Planning Commission for expansion from 45 to 60 children was not necessary. He said if the use went beyond 60 children enrollment or to a subleasing agreement that would need to be seen by the Planning Commission as a use permit revision.

Chair Barnes asked about the portable fencing. Ms. Stern said it would be four feet in height as required and would have wheels on it for removal or something that could be folded for storage. She said they used this type of fencing for their daycare at a church in San Francisco.

Chair Barnes opened the public hearing and closed it as there were no speakers.

Commission Comment: Commissioner Riggs asked about staggering drop-offs and hours of operation.

Ms. Bach said operating hours were 7 a.m. to 6:30 p.m. She asked Planner Paz about the drop off during rush hour. Planner Paz said the TDM had windows for drop off from 7 to 8 a.m., 9 to 9:30 a.m., and an allocation of eight families that could drop off between 8 to 9 a.m. Ms. Bach said enrollment would be based on the drop offs so they could control traffic into the site.

Commissioner Kahle said he appreciated the traffic management would be monitored by an outside consultant for five years. He said in general daycare was very much needed in the area. He moved to approve as recommended in the staff report.

Chair Barnes said he was disappointed that the use was not larger than proposed as childcare was an acute need in the community. He said from experience it was extremely difficult to find sites for childcare facilities due to economic, zoning, and circulation considerations. He said he hoped over time this use would grow. He commented on the amount of traffic generated by Menlo Park families having to use childcare in Redwood City, or Mountain View or across 101 as compared to a site within the City. He seconded Commissioner Kahle's motion to approve.

ACTION: Motion and second (Kahle/Barnes) to approve Item F2 as recommended in the staff report; passes 7-0.

1. Make a finding that the project is categorically exempt under Class 1 (Section 15301, "Existing Facilities") of the current California Environmental Quality Act (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 would 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 Xie Associates, Inc. consisting of six plan sheets, dated received November 13, 2019, and the project description letter received November 13, 2019, and approved by the Planning Commission on November 18, 2019, except as modified by the conditions contained herein, subject to review and approval of the Planning Division.
 - b. 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. The applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
 - d. The applicant shall submit a plan for any new utility installations or upgrades for review and approval of the Planning, Engineering and Building Divisions. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
4. Approve the use permit subject to the follow **project specific** conditions
 - a. Prior to operating at the subject property, the applicant shall obtain a business license from the City of Menlo Park and demonstrate they have secured the appropriate state and county licensing.
 - b. Prior to business license issuance, the applicant shall pay the Transportation Impact Fee (TIF) in compliance with Chapter 13.26 of the Municipal Code. The current estimated TIF is \$11,753.46 based on the proposed 2,346-square foot childcare area at a fee rate of \$5.01 per square foot. Please note the City is currently updating its TIF fee schedule, tentatively scheduled to be adopted by early 2020. If payment is made after adoption of the new fee schedule, the fee shall be calculated per the new fee schedule.
 - c. The applicant shall notify the Planning Division within 30 days if the square footage used for child daycare is expanded beyond 2,346 square feet, for the calculation of additional TIF per the fee schedule current at that time. After being notified of the additional TIF, the applicant shall then have 30 days to pay.
 - d. Prior to business license issuance, the applicant shall submit specific information on the type, style, material, and height of both the permanent and temporary fencing, subject to review and approval of the Planning Division.

- e. Prior to business license issuance the applicant shall submit revised plans clarifying the extent of their property boundary, noting the dimensions of the property boundaries, identifying the locations, heights and materials of both the proposed permanent and temporary fencing, and removing unused labels and legend items, subject to review and approval of the Planning Division.
 - f. If the proposed outdoor play area is not on the subject property, the applicant shall be required to provide approval from the neighboring property owner to landscape and use the outdoor play area in the proposed location, as necessary, or revise the proposed location subject to review and approval by the Planning Division.
5. Approve the use permit revision subject to the following **ongoing, project-specific** conditions:
- a. All regular student instruction and school activities shall operate within the maximum enrollment of 60 students and six staff members. The applicant must obtain a Special Event permit for any major events outside of these regular activities. Any increase in student enrollment, staff numbers, and/or changes to the hours of operation shall require approval of a use permit revision by the Planning Commission.
 - b. The applicant shall submit a copy of the student enrollment roster to the Planning Division for the purposes of verifying the student enrollment. The roster shall be submitted annually, with the first roster submitted three months after the issuance of the business license. The Planning Division shall return the roster to the school after completion of review. The City shall not make copies of the roster or disseminate any information from the roster to the public to the extent allowed by law.
 - c. Subleasing of the site, or allowing use of the site for non-school or church related activities, shall require approval of a use permit revision by the Planning Commission.
 - d. The school shall generate no more than 16 vehicle trips during the morning peak hour (8:00 a.m. – 9:00 a.m.) and no more than 16 vehicle trips during the evening peak hour (4:45 p.m. – 5:45 p.m.). Vehicle trips include, but are not limited to: student drop-off/pick-up trips, staff trips, service and goods delivery trips, etc.
 - e. The applicant shall follow the Transportation Demand Management (TDM) program prepared by DKS Associates, dated May 30, 2019 and approved by a representative of SRI International, the property owner of the adjacent parking lot, identifying parking for the child daycare use, feasible TDM measures to reduce peak hour and daily new vehicle trips. If the ownership of the parking lot changes or SRI International rescinds their approval of its use, the applicant shall be required to secure authorization from the new owner or submit a revised TDM plan outlining a new parking and circulation plan, subject to review and approval by the Transportation and Planning Divisions. To the greatest extent possible, the applicant shall promote and encourage families to carpool to school. If necessary, the applicant shall implement a carpool or bus/shuttle program and monitor its progress. If a bus/shuttle program is to be developed, the applicant shall provide proposed bus stop locations and schedule for approval by the Transportation and Planning Divisions. The Transportation and Planning Divisions may request additional supplemental information regarding the bus/shuttle program for a comprehensive view.

- f. The applicant shall retain a transportation/traffic consultant, to be approved by the City, to monitor the peak hour trip caps by surveying all site driveways over three (3) “typical” weekdays (Tuesday, Wednesday, or Thursday) in October-November of each year. “Typical” weekdays shall exclude days immediately before or after holidays or long weekends, days of holiday periods, and days of inclement weather conditions. The trip count shall be the average of the three weekday counts and shall include vehicle, bicycle, and walk trips. If requested, the applicant shall provide evidence of student residency to support the surveyed travel mode splits.

The survey results shall be submitted to the Transportation Division in a report for review. The City will work with the consultant to finalize the scope and reserves the right to modify it yearly, if necessary. Note, the City may conduct its own additional monitoring, at the applicant’s expense, if desired.

- g. If the monitoring shows that one of the peak hour trip caps is exceeded, the applicant will have 60 days to prepare a revised TDM program that incorporates additional TDM measures, and an additional 60 days to implement the revised TDM program in order to bring the site into compliance with the trip cap. A subsequent monitoring will be conducted after 60 days. If the subsequent monitoring indicates that the site still exceeds the trip cap, then the applicant shall be required to reduce student enrollment accordingly to bring the site into compliance with the trip cap. Non-compliance may also result in review of the use permit by the Planning Commission. Any proposed changes to the trip cap and/or enrollment cap will require a revision to the use permit.
- h. During normal operation of the school, school-related vehicles are not permitted to park on any public street. During school events, the applicant shall minimize any parking overflow into the surrounding neighborhood.
- i. All student drop-off/pick-up shall occur within the school site’s parking lot, or designated loading and unloading zones as specified on plans approved by the City’s Transportation Division.
- j. The applicant shall manage the drop-off/pick-up and parking demand so that school-related vehicles will not overflow into the surrounding neighborhood. The applicant shall communicate in writing to all parents of enrolled students the designated areas for drop-off/pick-up and parking. Consultant and City staff observations and resident complaints will be used to determine if there is neighborhood impact. If an overflow of school-related vehicles is found to occur in the neighborhood, including drop-off/pick-up or parking vehicles, then the applicant will have 30 days to implement measures to reduce the school demand and prevent overflow into the neighborhood. If overflow demand continues to occur in the neighborhood after the 30 days, the applicant will need to reduce student enrollment in order to reduce the demand. Non-compliance may also result in review of the use permit by the Planning Commission.
- k. No outdoor sound amplification shall be permitted.

- I. If after five (5) consecutive years of monitoring, no violations of the trip cap and vehicle demand overflow into the neighborhood have occurred, monitoring can be discontinued. Monitoring may be resumed at any time if the City receives complaints of the school regarding the trip cap and vehicle demand overflow. After a complaint has been received, the City will evaluate whether a potential violation has occurred, and the Community Development Director shall have the discretion to resume the monitoring. If monitoring is deemed warranted, the City will notify the applicant of the determination at least one week before initiating the monitoring program, at the applicant's expense.
- m. The Community Development Director shall review any complaints received by the City regarding operation of the school. The Community Development Director and her/his designee shall work with the applicant and the neighbors to try to resolve such complaints, when possible. The Community Development Director shall have the discretion to bring complaints to the Planning Commission for review.

F3. Use Permit/John Conway/1200 El Camino Real:

Request for a use permit to allow the sale of beer and wine for off-premises consumption at an existing convenience store, which is associated with an existing service station in the SP-ECR/D (El Camino Real/Downtown Specific Plan) zoning district. As part of the review, the Planning Commission will need to determine whether the sale of alcohol at this location serves a public convenience or necessity, in accordance with the requirements of the State Department of Alcoholic Beverage Control (ABC). ([Staff Report #19-084-PC](#))

Staff Comment: Senior Planner Sandmeier said that condition of approval 5.a. was updated to clarify that a typical bottle of wine of 750 ml would be permitted for sale although the condition prohibited other types of single servings of beer and wine. She said the staff report had an update. She said in the census track there were two other off sale locations listed as Draeger's and Trader Joe's in the staff report. She said that was incorrect and the correct locations were the 7-11 and Menlo Fine Wine and Spirits.

Questions of Staff: Chair Barnes said oversaturation was referenced in the staff report as the reason the ABC had indicated that a third off-sale license would mean the census track was overconcentrated. He asked if that still held and whether it was staff's understanding that overconcentration would not be case if the development currently in the pipeline occurred. Planner Sandmeier said with the 7-11 and Menlo Fine Wine and Spirits in that track, having a third off-sale location would mean that it was overconcentrated. She said the ABC would make any other determination based on buildout when the census was redone.

Commissioner Riggs referred to a comment about supporting questionable behavior. He referred to the 7-11 as the most similar and approximate off-sale site to this one being requested and asked if they had any reports from either the police or community patrol about behavior issues in and around the 7-11. Planner Sandmeier said they did not get specific information on the 7-11 but had forwarded this application to the Police Department with a request to let staff know if they had any concerns. She said the Police Department did not express any concerns. Commissioner Riggs asked if the Police or Planning staff or others had established any relationship between the sale of packaged and enclosed alcohol with the homeless population. Planner Sandmeier said she did not think that had been looked at specifically.

Applicant Presentation: Bill Gutsell, Senior Associate Architect, CJW Architecture, Portola Valley, said the application was for a use permit to allow for the off-sale of beer and wine at Menlo Park Chevron. He noted a newly constructed hotel, a renovated motel, and residential development adding about 185 units in the area would add foot traffic in the area. He said they requested the Planning Commission find the staff report determination that the sale of alcoholic beverages from a Menlo Park location would serve as a public convenience and necessity and approve the use permit revision to allow off-sale beer and wine sales. He said use permit approval was required in conjunction with an application to the ABC for the Type 20 off-sale beer and wine license. He said beer and wine sale and display would occupy approximately 30% to 40% of the existing wall cooler area and amounted to two coolers out of the five coolers in the convenience store area. He said for staff training the property owner had access to Chevron University that provided tutorial videos on many consumer service subjects, including age-restricted alcohol sales. He said the ABC also provided additional material for licensees and their employees. He said Menlo Park Chevron had successfully utilized similar employee training in ID scanning for their existing tobacco sales. He said Menlo Chevron periodically received enforcement agency notice that underage tobacco purchase decoys had visited the location with the intent of making underage tobacco purchases. He said Menlo Park Chevron had been successful in restricting underage tobacco sales and had received no citations or violations for underage tobacco sales. He said the property owner had personally walked the surrounding area and conducted public outreach informing commercial and residential neighbors about his intent to request approval for a beer and wine off-sale license. He distributed flyers introducing himself and his intent and encountered two people, who were supportive of the request for the beer and wine off-sale license. He said today planning staff received two comments, one negative and one positive. He said that the property owner had not received any other comments.

Mr. Gutsell said regarding the census track areas he believed Planner Sandmeier clarified that Menlo Park Chevron was in a census area that included two existing licensed facilities including Menlo Fine Wine and Spirits and 7-11. He said Beltramo's that used to be in the same track was no longer operating. He said the ABC allowed a certain number of off-sale licenses within a track based on population. He said they would add one license to an area that had a minimally allowable of two licenses. He said ABC did not necessarily preclude the issuance of a license if there was a concentration. He said when the application was submitted to ABC, they conduct their own lengthy investigation and based their approval of a license on a number of factors, including, but not limited to, the business applying, its location, neighbor complaints, and police activity in the area. He said they have had no neighbor complaints or police activity for the site. He said the ABC determined based on their investigation whether to limit the hours of operation and single-serve units and decided if it was warranted to issue a license with those restrictions. He said in his discussions with the ABC he learned there was no Type 20 license moratorium in this track or in the County.

Mr. Gutsell said the staff recommendation to prohibit single-serve beer or wine was presented to them about a week and a half earlier in an email but with no indication for the reason that recommendation was being made as condition 5. He said Menlo Park Chevron took exception to that recommendation and did not want to have their single-serve container sales prohibited. He said he and the business owner had visited a number of the facilities in town and none of them had any restriction on single sales. He said he asked why this condition was being recommended and was told that the primary use of the site was a service station, which staff did not consider compatible with the single-serve sale of beer and wine. He asked the Commission to consider why single-serve alcohol sales were not compatible with a service station use. He said they thought

restricting beer bottle size to 40-ounces when 48-ounce bottles were available for sale was unreasonable. He said people buy the larger size and like a 750 ml bottle of wine take it home for consumption over a period of time or to entertain company. He said Menlo Park Chevron respectfully requested to sell single-serve units without the 40-ounce restriction shown in Attachment A and to remove recommendation 5 from the actions.

Commissioner DeCardy asked what beverage products would be displaced in the coolers for the alcohol products. John Conway, Menlo Park Chevron, said they would ask two vendors to remove products to make room for the beer and wine products. Commissioner DeCardy asked if someone who currently purchases there would have the opportunity to continue to get the same mix of products in addition to beer and wine products. Mr. Conway said the mix would be there. Commissioner DeCardy asked if he had a percentage of sales for foot traffic as opposed to auto traffic. Mr. Conway said he did not have a way to track that.

Chair Barnes asked staff to speak to the project-specific conditions of no single alcohol sales. Planner Sandmeier said staff did not think it was compatible with the automotive use. She said the primary use was as a service station and fueling station. She said the kind of secondary use was the convenience store with the proposal to sell alcoholic beverages. She said they felt it was more appropriate to not sell single servings. Chair Barnes asked if within that finding there were considerations of public good and public safety or public drunkenness and abuse of alcohol. Planner Sandmeier said it was addressing those kinds of concerns.

Chair Barnes asked the applicant why single-serve alcohol sales were important. Mr. Conway said they were seeing a real decline in automotive repair due to electric cars and a whole new fleet of cars that did not need service at the level needed before. He said in this affluent area people bought new cars regularly and dealerships provided them with service bonuses. He said they had lost a lot of market share. He said recently he spoke with competition in the area and the consensus was that automotive repair was on the decline. He said each month demand for automotive service was lessening and he was looking for another profit center for business viability. Chair Barnes asked about the economic driver behind wanting single-serve beer and wine sales. Mr. Conway said he saw that someone buying a single beer would also buy other things such as a lottery ticket and a snack.

Commissioner Kennedy said the single-serve restriction sounded subjective noting her experience buying coffee at 7-11 before a Commission meeting and seeing numerous purchases of single-serve beers by people who then got on the train.

Mr. Gutsell said he had seen a proliferation of single-serve alcohol drink sales with an increase in the number of microbreweries. He said this was very evident at Trader Joe's, where there was a bin of partial six-packs of different beers allowing a person to create a six-pack with a variety of single-serve beers.

Chair Barnes opened the public hearing and closed it as there were no speakers.

Commission Comment: Commissioner Michael Doran said there was a trend towards single-serving wines and wine cans, and smaller bottles. He said he thought they all had this impression that single-serves would lead to drinking in the parking lot and undesirable behavior. He said he thought there actually was a trend towards moderation, which he thought was being reflected in the

packaging sizes. He said people might be in relationships where one person drank, and the other did not, and single-serve sales were great for couples like that. He said he could support the application. He said if you considered the volume of alcohol that Beltramo's sold when it was there compared to the volume likely to be sold from two refrigerator cases here there was no comparison. He said he did not have a problem with concentration or with the sale of single-serve containers.

Commissioner Tate said she agreed with Commissioner Doran and she did not see a problem with single-serve sales. She said she was fine with the rest of the application.

Commissioner Riggs said he concurred with the last couple of speakers. He said he did not see the purchase of a single-serve alcohol beverage personified as an alcoholic sitting on a bench drinking. He said it did not seem there was a clear argument against single-serve units. He moved to approve the use permit and remove the condition regarding single-serve unit sales. Commissioner Kennedy seconded the motion.

ACTION: Motion and second (Riggs/Kennedy) to approve Item F3 with the following modification; passes 7-0.

1. Make a finding that the project is categorically exempt under Class 1 (Section 15301, "Existing Facilities") of the current California Environmental Quality Act (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 a finding that the proposed use would serve a public convenience because the proposed use would allow new and existing, residents, visitors and employees of the immediate vicinity a convenient location to purchase beer and wine.
4. 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 CJ W Architecture consisting of 4 plan sheets, dated received November 12, 2019, and the project description letter dated September 10, 2019, approved by the Planning Commission on November 18, 2019, except as modified by the conditions contained herein, subject to review and approval of the Planning Division.
 - b. 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. The applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
- ~~5. Approve the use permit subject to the following **project-specific** condition:~~

~~a. Sales of single servings of beer and wine (including 40 ounce bottles of beer) are prohibited, but the sale of typical 750 ml bottles of wine is permitted.~~

G. Regular Business

- G1. One Year Review/Don Fox, WineBank/1320-A Willow Road:
Request that the Planning Commission conduct a one-year review of the use permit revision to increase the signage and advertising permitted, adjust the minimum prices of wines available for sale and consumption on-site, provide daily wine tastings, and host up to 150 wine tasting events per year at an existing wine storage facility in the LS (Life Sciences) zoning district. ([Staff Report #19-085-PC](#)) **Continued from the PC meeting of November 4, 2019**

Staff Comment: Senior Planner Tom Smith said he had no supplement to the written report. He said no action was required and this was a one-year check-in as stipulated as part of the use permit approval. He said staff contacted the Police Department and ABC regarding the use and there had been no reports of any incidences or concerns with the operations at the site. He said staff continued to be supportive of the WineBank operations.

Questions of Staff: Commissioner DeCardy asked about condition 4.e and the history. Planner Smith said when the use permit was originally approved there had been a link between the Consumer Price Index (CPI) and the price of the wine as there was neighborhood concern that the facility be for fine wines only and then setting \$30 as the minimum price per bottle so it would continue to be a fine wine distributor.

Applicant Presentation: Don Fox, managing member of the WineBank, said the letter he sent outlined what had been happening at the WineBank over the past year. He said essentially, they tried to increase their wine tastings and sales program and had averaged two to three tastings per week. He said they have gotten some business from Facebook. He said their sales were okay but not great.

Chair Barnes opened for public comment and closed as there were no speakers.

Commission Comment: Chair Barnes thanked Mr. Fox for attending. He noted that the Planning Commission had a robust discussion the last time the WineBank was before them regarding appropriateness of the use and concern it might change neighborhood character. He said from the staff report it appeared that was not the case and it had been prudent to do this one-year review.

Commissioner Kennedy said she enjoyed reading that as hoped for employees of Facebook were a sizable portion of the WineBank's clientele. She said they walked, used the shuttle and typically were not driving. She said she remembered the robust conversation. She said it was nice that employees in that area were participating in the experiences being offered by the WineBank.

Commissioner Tate said she was pleased with the wine tasting business and that much of the business was coming from Facebook, however, she was a little challenged as there was a community there, and she as a wine drinker until a year or so ago had not been aware that the WineBank was open to the public. She said their advertising was a good thing, but she hoped they would not just target Facebook employees.

Mr. Fox said to say Facebook employees were the majority of their customers was untrue. He said most of their customers were existing wine storage customers, who were looking for fine wines that they used to get from places like Beltramo's. He said their storage facility was their primary profit center.

Commissioner Riggs asked if it was appropriate to say that this hearing served to seek a consensus of the Commission as to the positive outcome of the one-year review. He said the Commission's task was not well-defined, which was unclear for the public. Planner Smith said a one-year review was an unusual type of agenda item. He said since there was no action planned for the meeting, he did not think any sort of vote was needed. He said if there had been some issue that stood out that the Commission wanted to address that could be formalized to bring back to another meeting where a formal action might be taken.

Commissioner Riggs said he did not see any issues with the WineBank. He said it was working, was not a problem, and was an asset to the immediate industrial neighborhood, so he was glad it was there.

H. Informational Items

H1. Future Planning Commission Meeting Schedule

- Regular Meeting: December 9, 2019

Planner Sandmeier said the agenda for the December 9th meeting had not been finalized yet. She said it looked like it would have a couple of smaller items and one larger item, the 706 Santa Cruz Avenue project with ground floor retail, second and third floor office, and four residential units on the third floor.

Chair Barnes asked about the 2020 Commission meeting calendar. Planner Sandmeier said she thought the dates were set and would be made public soon.

- Regular Meeting: December 16, 2019

I. Adjournment

Chair Barnes adjourned the meeting at 8:29 p.m.

Staff Liaison: Corinna Sandmeier, Senior Planner

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on December 9, 2019