



## PLANNING COMMISSION MINUTES

May 18, 2009

7:00 p.m.

City Council Chambers

701 Laurel Street, Menlo Park, CA 94025

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**CALL TO ORDER** – 7:00 p.m.

**ROLL CALL** – Bressler, Ferrick, Kadvany, Keith, O'Malley (Vice chair), Pagee, Riggs (Chair)

**INTRODUCTION OF STAFF** – Deanna Chow, Senior Planner; Thomas Rogers, Associate Planner

### A. PUBLIC COMMENTS

There was none.

### B. CONSENT

#### 1. Approval of minutes from the April 6, 2009, Planning Commission meeting.

Commission Action: Consensus to approve the minutes with the following modifications.

- Page 5, 1<sup>st</sup> full paragraph, 9<sup>th</sup> line: Replace “introduction information” with “background information”
- Page 5, 1<sup>st</sup> full paragraph, 11<sup>th</sup> line: Replace “He said there were numerous references to single individual projects not contributing to global climate changes, ...” with “He said there were multiple references to the fact that a single project does not significantly contribute to global climate change, ...”
- Page 7, 1<sup>st</sup> full paragraph, 2<sup>nd</sup> to last sentence: Change “ad” to “add”
- Page 8, 1<sup>st</sup> full paragraph, 2<sup>nd</sup> to last sentence: Replace “Café Barrone” with “Café Borrone”
- Page 9, 2<sup>nd</sup> full paragraph: Delete extra period at the end of the paragraph.
- Page 12, 6<sup>th</sup> bullets: Replace “Maintain” with “Improve”

Motion carried 6-0 with Commissioner Keith abstaining.

## **2. Approval of minutes from the April 20, 2009, Planning Commission meeting.**

Commission Action: Consensus to approve the minutes with the following modifications.

- Page 2, 4<sup>th</sup> paragraph, 2<sup>nd</sup> to last sentence: Replace “n” with “in”
- Page 2, last paragraph, 5<sup>th</sup> line: Replace “glazed” with “obscured”
- Page 6, 2<sup>nd</sup> paragraph: Delete extra period at the end of the paragraph.
- Page 7, 2<sup>nd</sup> paragraph, 8<sup>th</sup> line: Replace the phrase “the risk budget” with “chemicals for each”
- Page 11, 2<sup>nd</sup> line: Add the phrase “in the Council to support” between the word “faith” and “the”
- Page 11, 3<sup>rd</sup> paragraph, 3<sup>rd</sup> line: Change the word “purposeless” to “unmotivated;” Insert the word “the” between “through” and “visioning”

Motion carried 6-0 with Commissioner Keith abstaining.

## **C. PUBLIC HEARING**

- 1. Use Permit/Mark Edward Adams/1143 Crane Street:** Request for a use permit to operate a restaurant with live entertainment and to change an existing on-sale beer and wine license to an on-sale beer, wine, and distilled spirits license in an existing commercial building in the C-3 (Central Commercial) zoning district.

Staff Comment: Planner Rogers said staff had no additional comments to the written report.

Questions of Staff: Commissioner O'Malley asked if there was a definition for “public convenience.” Planner Rogers said that the City had no definition or code for “public convenience.” He said this requirement was from the California State Code for Alcoholic Beverages; he said through past cases that there was a decent amount of latitude with that finding.

Public Comment: Mr. Mark Adams, owner and operator of Mark's in Menlo Park, said that the restaurant would be a new and sophisticated addition to Menlo Park with fresh local cuisine served in a French dining setting. He said top pianists and vocalists in the Bay area and beyond would be featured at Mark's, noting that there was a baby grand piano and a 25-seat cherry wood bar. He said the restaurant was intended as a destination point in Menlo Park.

Commissioner Keith noted that the music would be acoustical, but asked if there would be any type of amplification. Mr. Adams said there would not be any amplification.

Commissioner O'Malley asked about the maximum occupancy of the restaurant. Mr. Adams said the maximum occupancy would be 107 people. Commissioner O'Malley asked if there would be more tables than what was shown. Mr. Adams said there would not be. Commissioner O'Malley asked about the trash cans being kept inside the building. Mr. Adams said they would have trash pickup three to four times a week so that the trash was inside for one day, well covered, and then placed outside for pickup every other day, noting the trash was not near the kitchen.

Chair Riggs asked if there were residences within 300 feet of the property. Planner Rogers said there might be a few residential properties along Oak Grove Avenue.

Chair Riggs closed the public hearing.

Commission Comment: Commissioner Keith moved to approve as recommended in the staff report. She said Commissioner O'Malley had asked about public convenience. She said she agreed with what staff had written in the report: nearby businesses and residences would not be adversely affected and that the majority of restaurants downtown have the ability to serve spirits. She said related to the question of an area of undue concentration that this restaurant would be unique. She said she could make the findings required for approval. Commissioner O'Malley seconded the motion and noted that he was excited about the restaurant and the music it would offer.

Commissioner Bressler asked if there was any review of the use permit and liquor license after approval. Commissioner Keith noted that any citations or violations could lead to revocation of the liquor license.

Commission Action: M/S Keith/O'Malley to approve 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 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 determination, as per Section 23958.4 of the State Business and Professions Code that the granting of an on-sale retail license by the State Department of Alcoholic Beverage Control would provide a public convenience related to the operation of full-service restaurant.

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 the applicant, consisting of four plan sheets, dated received May 12, 2009, and approved by the Planning Commission on May 18, 2009, except as modified by the conditions contained herein, subject to review and approval of the Planning Division.
  - b. Any citation or notification of violation by the California Department of Alcoholic Beverage Control or other agency having responsibility to assure public health and safety for the sale of alcoholic beverages will be grounds for considering revocation of the use permit.

Motion carried 7-0.

2. **Architectural Control and Use Permit/Susan Burns/4025 Bohannon Drive:**  
Request for a use permit and architectural control for exterior modifications and interior remodeling of an existing one-story building that is nonconforming with regard to parking in the M-2 zoning (General Industrial) district. ***Continued to the meeting of June 1, 2009.***

#### **D. REGULAR BUSINESS**

There was none.

#### **E. COMMISSION BUSINESS**

1. Review of planning items on City Council agendas.
  - A. El Camino Real/Downtown Specific Plan (Phase II) Process

Planner Rogers said the next activity would be the May 21 meeting of the Oversight and Outreach Committee. He said the Committee would look at alternatives to promote general public review at the second community workshop on June 18. He said the June 18 was an important meeting as it would begin the process of winnowing down the general vision plan goals into discrete alternatives, which then would be further funneled down to a single recommended alternative for which detailed planning, fiscal analysis and environmental review would be done. He said the question was how best to get the word out to the community and get involvement from the public. He said on Monday, June 1, the consultant would meet with the Commission to provide information on the status of the project and get input; he said a similar meeting would be held with the City Council on June 9.

Chair Riggs said he appreciated the effort to emphasize the significance of second community workshop and asked if the mailing would be handled by staff or whether review by the Committee was desired. Planner Rogers said that the Committee's input on slogans and language to grab people's attention was desired.

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## B. Burgess Gymnasium and Gymnastics Center

Planner Chow said that the City Council would receive an update on this project on May 19. She said the Final EIR and architectural control review would be on the June 29 agenda for the Commission for their review and recommendation to the City Council. She noted that the public comment period on the Draft EIR for the project would closed on May 26, 2009.

## C. Gross Floor Area Zoning Ordinance Amendment

Planner Chow said the Amendment would become effective on May 21, 2009

## F. REPORTS AND ANNOUNCEMENTS

### ADJOURNMENT

The meeting adjourned at 7:28 p.m.

Commission Liaison: Deanna Chow, Senior Planner

Recording Secretary: Brenda Bennett