



PLANNING COMMISSION MINUTES

February 7, 2011

7:00 p.m.

City Council Chambers

701 Laurel Street, Menlo Park, CA 94025

CALL TO ORDER – 7:00 p.m.

ROLL CALL – Bressler (Chair), Eiref, Ferrick (Vice Chair), Kadvany, O'Malley, Riggs, Yu

INTRODUCTION OF STAFF – Deanna Chow, Senior Planner; Kyle Perata, Planning Technician

A. REPORTS AND ANNOUNCEMENTS

1. Update on Pending Planning Items.

A. City Council Determination on Tree Removal at 240 University Drive – January 25, 2010

Planner Chow said the City Council received a report on January 25, 2011 from a peer review team on alternatives to removing the tree, and heard numerous comments from the public. The Council approved the heritage tree removal permit on a 3-2 vote with conditions.

B. PUBLIC COMMENTS

There were none.

C. CONSENT

1. Approval of minutes from the January 10, 2011 Planning Commission meeting.

Chair Bressler said that emails related to changes to the minutes had been received prior to the meeting.

Commission Action: Approve the minutes with the following modifications:

- Page 6, 2nd full paragraph, 7th line: Replace “them to get the” with “the applicant to keep”
- Page 6, 2nd to last paragraph, 1st line: Delete the word “is” from the sentence
- Page 7, 4th paragraph, 1st line: Replace “to not set precedence” with “not to set a precedent”
- Page 7, last full paragraph, 8th line: Replace “could be legal document action” with “could be a legal mechanism”
- Page 9, 9th paragraph: Replace the whole paragraph “Chair O'Malley said if they were recommending new projects and to remove other projects that they would

need to estimate the costs of the projects being recommended and that was not possible. He suggested making the recommendations to the Council and letting them make determinations of funded priority projects.” with “Chair O’Malley said if the Planning Commission were to recommend new projects while required to delete other projects of similar total cost, the Commission would need to estimate the costs of the projects being recommended, and that was not practical to do correctly. He suggested making the recommendations for new projects to the Council, and letting Council make determinations of funded priority projects.”

- Page 9, last paragraph, 1st line: Replace the word “decided” with “noted”
- Page 9, last paragraph, last sentence: Replace “this list was the way of making projects important.” to “this list was one way to introduce important projects.”
- Page 11, 1st full paragraph, last sentence: Replace the word “several” with “some”

Motion carried 6-0 with Commissioner Yu abstaining.

D. PUBLIC HEARING

1. **Use Permit/Chris Coones for T-Mobile/2400 Sand Hill Road:** Request for a use permit to locate a wireless communications facility within a proposed flag pole near an existing building at 2400 Sand Hill Road and for associated equipment at a site located in the C-1-A (Administrative, Professional, and Research, Restrictive) Zoning District)

Planning Technician Perata said that the project was in the C-1-C district not the C-1-A.

Questions of Staff: Commissioner Eiref asked if there were other facilities that had antenna inside flag poles. Planner Chow said there had been antenna placed inside a cross integrated into the design feature of a church.

Mr. Chris Coones said he was representing T-Mobile. He said they were proposing to replace an existing flagpole 72-feet tall and 15-inches in diameter with a larger diameter of 18-inches but no increase of height. He said a base would be added that would incorporate some of the design elements at the Quadrus site.

Commissioner Riggs asked if the flagpole would be a natural grade aluminum color. Mr. Coones said the flag pole was painted white currently and would be painted white. Commissioner Riggs asked what feature the GPS antenna was supposed to match in color noting that it extended above the chimney which was yellow and would show against the red tile roof. Mr. Coones said the antenna would be painted to match the false chimney. Commissioner Riggs said the antenna would then be yellow against the red tiled roof.

Commissioner Eiref confirmed with Mr. Coones that the flagpole was used as a flagpole.

Chair Bressler called Ms. Lynn Bruno, who had submitted a speaker’s card, but who indicated she did not want to speak.

Mr. Robert Wilkes, Menlo Park, said he had visited the site and thought this was a good location as it was located away from residential areas. He said he would like these installations as they increased to be looked at for potential radiation issues, and asked whether the Commission

could deny a permit like this even without detail if there were concerns within the community that this would impact property values. He provided the Commission with his written comments. Chair Bressler closed the public hearing.

Commission Comment: Commissioner Riggs said there was an intention in the application to disguise the GPS antenna with paint. He said it should be painted the same as the roof. He said the increase to the diameter of the flagpole which would also be painted white would result in a thick and bulky-looking cylinder.

Chair Bressler asked the applicant why they were choosing to paint the flag pole white. Mr. Coones said it was the current color and noted it was not possible to taper the top. He said they would be glad to work with Planning and the property manager on the preferred color. Chair Bressler asked if it was painted before it was put up. Mr. Coones said it was but if it was a condition of approval it could be repainted after installation should the color be too prominent.

Commissioner Riggs moved to approve as recommended in the staff report with the addition of having the applicant work with staff and Quadrus on the aesthetic appearance of the flagpole and to paint the GPS antenna to blend with the roof and not the chimney. Commissioner O'Malley seconded the motion.

Commissioner Ferrick said Mr. Wilkes had called her and she had suggested that he bring his comments to the Planning Commission.

Commission Action: M/S Riggs/O'Malley to approve the item as recommended in the staff report with the following modifications.

1. Make a finding that the project is categorically exempt under Class 1(Section 15301, "Existing Facilities") of the current State California Environmental Quality Act (CEQA) Guidelines.
2. Make necessary findings, pursuant to 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 safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of the proposed use, and will not be detrimental to property and improvements in the neighborhood or general welfare of the City. (*Due to the Federal Communications Commission (FCC) preemption over local law regarding concerns over health where the proposed facility meets FCC requirements, staff has eliminated the standard finding for "health" with respect to the subject use permit.*)
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 Borges Architectural Group, dated January 27, 2011 consisting of nine plan sheets and approved by the Planning Commission on February 7, 2011 except as modified by the conditions contained herein and the recommended mitigation measures described in the RF report.
 - b. Prior to building permit issuance, the applicant shall comply with all County, State, and Federal 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 that are directly applicable to the new construction.

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

- a. ***Prior to the submittal of a complete building permit application, the applicant will work with staff and Quadrus to determine the most aesthetically appropriate color for the flag pole.***
- b. ***Simultaneous with a complete building permit application, the applicant will modify the proposed GPS unit to be painted to match the color of the existing roof, rather than the color of the chimney of the building addressed 2440 Sand Hill Road.***

Motion carried 7-0.

E. STUDY SESSION

- 2. **Study Session/Kenneth Rodrigues and Partners/4085 Campbell Avenue:** Request for a study session for a proposal to demolish 11,647 square feet of an existing 55,637-square-foot, two-story building at 40 Scott Drive in the M-2 (General Industrial) zoning district. The building is currently occupied by a fitness club and general office use. The proposed demolition would completely remove the second story of the building. The remaining 42,054-square-foot, one-story building would be remodeled for use by a new fitness club, and is proposed to be addressed 4085 Campbell Avenue. The new fitness club would have increased enrollment, additional parking spaces, and new landscaping. ***Item deferred at the request of the applicant.***

F. REGULAR BUSINESS

- 1. **El Camino Real/Downtown Specific Plan** – Discussion on whether the Planning Commission should revisit the review process for the Draft El Camino Real/Downtown Specific Plan per the request of Commissioner Kadvany.

Planner Chow said the Planning Commission selected Commissioner Kadvany to review, summarize and present ideas and information discussed in the Downtown Parking Study from August 2010 with a goal of informing the Commission on the content provided in the Downtown Parking Study. She said staff understood that the intent was to present the information independently from the Draft Specific Plan, with the recognition that the information could be used for future discussions on the topic. She said that Commissioner Kadvany has prepared a presentation that linked the review of the Downtown Parking Study with the Draft Specific Plan. She said there was a clear expectation that the Draft Specific Plan would not be discussed until after the release of the Draft EIR. She said Commissioner Kadvany's presentation which linked with the Draft Specific Plan could be incorporated into the existing Specific Plan process. She said at Commissioner Kadvany's request, staff was bringing this item for consideration and discussion to the full Commission.

Commissioner Ferrick asked when the EIR and FIA would be released. Planner Chow said that it appeared that would happen in the March / April timeframe.

Chair Bressler opened the floor for public comment. There being none, he closed the public comment period.

Commission Comment: Commissioner Eiref said he saw the parking study and a presentation on it as an opportunity to educate themselves and that it could be reviewed again when the EIR and FIA were released.

Commissioner Riggs said he would support having discussion on parking issues.

Commissioner Ferrick said it was fine to talk about parking now, but she did not want the Commission to appear that they were aligning with a certain position on parking before the Specific Plan was taken to the public, and that the parking study presentation should be independent of the Specific Plan.

Commissioner O'Malley said the staff report indicated that Commissioner Kadvany had prepared a presentation that linked the review of the Downtown Parking Study with the Draft Specific Plan, which Commissioner Kadvany confirmed. Commissioner O'Malley said he had assumed that the purpose of the presentation on the parking study was to educate the Commission and he was surprised that it was now linked to the Specific Plan, which was a different proposal from what the Commission had approved.

Commissioner Kadvany said there had been some miscommunication in that his interest and intent was to look at the parking study from August 2010 in so far as it has a bearing on the Specific Plan. He said there were parts that were relevant to the Specific Plan which raised technical questions about how parking could be arranged and what was the value. He said he wanted to clarify the technical part of it.

Commissioner Eiref said he agreed with Commissioner Ferrick that positioning was very important on the Specific Plan. He said it should be made clear that there was a parking study which the Commission was interested in studying so to have more knowledge of the physics of parking independently of the Specific Plan.

Chair Bressler said there appeared to be a consensus of the Commission but he was not sure if this was what Commissioner Kadvany was wanted. He asked if they could do this type of discussion without indicating a course of action. Commissioner Kadvany said his intent was to separate the technical issues about parking from whether changes were desirable. He said it was a good idea to consider what can be done vs. should we do it. He said the parking study was so relevant it could be an appendix to the Specific Plan.

Commissioner Ferrick said she would like the technical part of the parking study considered before the Specific Plan was to be considered. Commissioner Yu asked if there was a way to choose information so it was clear that they were not making a judgment. Commissioner Kadvany said the study was intriguing and the question was what might be done with cars and not whether they would do it.

Commission Action: M/S Ferrick/Riggs to recommend that Commissioner Kadvany summarize the 2010 Downtown Parking Study and present the information to the Commission as soon as possible, independent of the Draft El Camino Real/Downtown Specific Plan. The presentation could occur before the release of the Draft Environmental Impact Report and Fiscal Impact

Analysis. The approach and schedule for the Draft Specific Plan would remain as previously approved on November 1, 2010.

Before the Commission voted, Commissioner O'Malley said it appeared that the Downtown Parking Study would be linked with the Specific Plan. Commissioner Kadvany said only by the relevance of it to parts of the Specific Plan. Commissioner O'Malley asked if this would be an educational presentation or presentation of opinions. Commissioner Kadvany said that they needed to weigh in but that was a judgment on whether changes were feasible not that they want them. He said the next step would be for him to work closely with Planner Rogers or Planner Chow to finalize the information. He said they would use the Specific Plan to narrow their focus on the Downtown Parking Study. Commissioner O'Malley said he was interested in Commissioner Kadvany's presentation but he could see the discussion spreading out into the Specific Plan.

Planner Chow said her understanding of the motion and discussion was that there would be a presentation on the parking study, separate from the Specific Plan, and if that was the direction it would fall within the scope of work as developed. She said if the Commission was interested in having a presentation to link the Specific Plan to the parking study that they would have to come back with that discussion or it could be scheduled at a later time.

There was general consensus for the Commission to educate itself on the parking study without linkage to the Specific Plan.

Commissioner Riggs said parking was very relevant within the realm of the larger project. Chair Bressler said that he saw the discussion as a comparison of different alternatives without making judgments on them. Commissioner Riggs said Planner Roger's staff time was critical to moving the documents for the Specific Plan forward.

Motion carried 7-0.

G. COMMISSION BUSINESS

There was none.

ADJOURNMENT

The meeting adjourned at 8:01 p.m.

Staff Liaison: Deanna Chow, Senior Planner

Recording Secretary: Brenda Bennett

Approved by Planning Commission on February 28, 2011