



## **PLANNING COMMISSION MINUTES**

**June 13, 2011**

**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 (Chair), Eiref, Ferrick (Vice Chair), Kadvany, O'Malley, Riggs, Yu – All Present

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

### **A. REPORTS AND ANNOUNCEMENTS**

#### **1. Update on Pending Planning Items**

##### **A. El Camino Real/Downtown Specific Plan**

Planner Chow's report occurred after Commissioner Riggs' report on the Healthy Communities Forum (A.1.B). She reminded the Commission that comments on the El Camino Real/Downtown Specific Plan Draft EIR were due by 5:30 p.m. on Monday, June 20, 2011 to Planner Rogers.

##### **B. Report on Healthy Communities Forum**

Commissioner Riggs said he attended the Healthy Communities Forum on May 31 in Redwood City, which looked at how to share the advantages of healthy cities through such things as lower carbon footprint and reduced use of vehicles. He said one of the focus questions was resistance to change in the community and how cities could become more resilient and better prepared for major structural changes such as an aging population, climate change, and transportation costs. He said the common ground found in his breakout discussion group was comparable to Menlo Park's efforts with its downtown visioning plan and Facebook project.

### **B. PUBLIC COMMENTS**

There were none.

## C. CONSENT

Chair Bressler noted there was one email with suggested changes to the May 16, 2011 meeting minutes. Commissioner Riggs asked that the May 16, 2011 minutes be pulled from the consent agenda.

1. Approval of minutes from the April 18, 2011 Planning Commission meeting.

Commission Action: M/S Bressler/Ferrick to approve the minutes as submitted.

Motion carried 7-0.

2. Approval of minutes from the May 16, 2011 Planning Commission meeting.

Commissioner Riggs suggested two changes on Page 11. The first was in the second full paragraph, third line: Replace “base” with “attic” as HVAC equipment was more usually installed there than underground but deferred to Commissioner Kadvany. Commissioner Kadvany said he did not recall. (Planning staff reviewed later and determined “base” should be “bay.”) The second change was in the last paragraph, second to last line: Replace “with as” with “with no clarity as.” Commissioner O’Malley said also on Page 11 to make a change in the paragraph entitled “Commission Comment,” in the last sentence, to replace “He” with “Mr. Eckels.”

Commission Action: M/S Bressler/Ferrick to approve the minutes with the following modifications provided by email and at the meeting.

- Page 7, 4th full paragraph, 5th line: Replace “multiple differences were applied for larger vehicles.” with “larger vehicles were counted with a larger multiplier.”
- Page 8, last paragraph, 1st line: Delete “Road” between the words “Willow” and “Traffic.”
- Page 11, 2nd full paragraph, 3rd line: Replace “base” with “bay.”
- Page 11, last paragraph, 2nd to last line: Replace “with as” with “with no clarity as.”
- Page 11, the paragraph entitled “Commission Comment,” in the last sentence, replace “He” with “Mr. Eckels.”

## D. PUBLIC HEARING

1. **Use Permit/Christopher Shawn Curtis/376 McKendry Drive:** Request for a use permit to determine the Floor Area Limit (FAL) of a lot with less than 5,000 square feet of area, associated with the construction of a 112-square-foot addition to the rear of an existing single-story, single-family residence in the R-1-U (Single-Family Urban) zoning district.

Commissioner Yu said she would recuse herself as she owned property within 500 feet of the subject property. She left the Chambers.

Staff Comment: Planning Technician Perata said there was a revised sheet A.5 distributed to the Commission and provided for the public at the table in the back of the room. He said staff was informed today that the existing heights and elevations were not consistent with the proposed front roof line and that had been revised to reflect the as-built conditions. He said the existing front elevation was labeled as “proposed” and had been relabeled “Existing and Proposed” to reflect there were no changes to the front of the structure.

Questions of Staff: Commission Kadvany asked if there was current construction work at the property. Planning Technician Perata said there was work being done under building permits that did not require a use permit.

Chair Bressler asked about the request to recalculate the Floor Area Limit (FAL). Planning Technician Perata said with substandard lots with less than 5,000 square feet of area that there was no defined FLA so any proposed increase in Floor Area required Planning Commission review and approval to set a new maximum FLA.

Public Comment: Ms. Theresa Brewer Curtis introduced her husband Shawn Curtis. She said they had finished repairing the garage foundation which had a crack in it when they bought the property. She said they were requesting a modest extension in the back of the home for the two back bedrooms and to reconfigure the one bedroom as a master bedroom.

Chair Bressler asked how long it had taken them to go through the planning application process. Mrs. Curtis said it had taken six months. Chair Bressler asked what the application cost had been. Mr. Curtis said it was \$1,500 to apply. Commissioner Ferrick asked if the applicants would have had to pay \$1,500 if they had not had to go through Planning Commission review. Mr. Curtis said he did not think so.

Planner Chow said the Planning Department received the application on February 10, 2011, for which there was a \$1,500 deposit to which was charged staff time. She said if only a building permit had been required there would have been no planning fee.

Chair Bressler closed the public hearing.

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

1. Make a finding that the project is categorically exempt under Class 1 (Section 15301, “Existing Facilities”) of the current CEQA Guidelines.

2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
3. Approve the use permit subject to the following **standard** conditions:
  - a. Development of the project shall be substantially in conformance with the plans prepared by Tabel Construction, consisting of six plan sheets, dated received May 26, 2011, and approved by the Planning Commission on June 13, 2011, except as modified by the conditions contained herein.
  - b. Prior to building permit issuance, the applicant shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.
  - c. Prior to building permit issuance, the applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
  - d. 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. 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 Yu recused due to a potential conflict of interest.

Commissioner Ferrick suggested a topic on a future agenda to discuss whether this was too punitive to impose a larger fee and longer time period for a property very close to 5,000 square feet to construct a project that was otherwise conforming.

Commissioner Yu asked about the reasoning for the restrictions. Planner Chow said she did not know the original intent of the restriction but thought it stemmed from a finding that 2,800 square feet for a lot less than 5,000 square feet might not seem appropriate when lots 5,000 to 7,000 square feet are allowed 2,800 square feet. She said there were not that many lots less than 5,000 square feet in Menlo Park and those which developed were considered on a case by case basis. She noted that the Lorelei Manor which has a number of less than 5,000 square feet lots had created a zoning overlay for development standards in that neighborhood. She suggested that this discussion could be bundled with a larger discussion when that occurred. She noted that staff had suggested the applicants might want more flexibility in their request for possible future needs but they had been satisfied with what they originally requested.

Commissioner O'Malley asked if there was a ceiling on the fees charged for staff's time and if that fee was \$250 an hour. Planner Chow said that each employee has different fees associated with their position and that was charged for staff time against the initial deposit and if more staff time was needed than what was covered by the deposit the applicants were billed.

Chair Bressler noted there were comments being made by the public and asked to reopen the public comment period. Planner Chow asked if it was specific to the project or the topic posed by Commissioner Ferrick. Chair Bressler noted the applicant had commented away from the microphone that when the Commission considered the broader topic she would provide comments related to her recent use permit experience. Planner Chow asked Mrs. Curtis to email either Planning Technician Perata or her with those comments. She said if this was a topic bundled with a bigger discussion there would be public notice. She said that Mrs. Curtis could also email her comments to all of the Planning Commissioners.

**2. Use Permit Revision/German American International School/275 Elliott**

**Drive:** Request for a use permit revision to extend the term limit for the use of seven existing portable buildings at the site until June 30, 2016 to coincide with the existing lease agreement for use of the campus. In addition, the applicant is requesting to modify the summer hours of operation for one of its sub-lessors (German American School of Palo Alto). All other conditions of the use permit related to the operations of the site would remain unchanged. The subject site is located in the P-F (Public Facilities) zoning district.

Staff Comment: Planner Chow said staff had no additional comments.

Questions of Staff: Commissioner Kadvany asked what the characterization of portable buildings was and if there was a distinction between temporary and portable. Planner Chow said staff had defined the buildings as portable as they were prefabricated structures and could be removed. She said they were characterized as temporary as that was the intent behind the requested use and that continuance was being requested with this revision. She said if the use permit was not extended the portable buildings would be removed. Commissioner Kadvany asked if there were other private schools having use permits analogous to this request. Planner Chow said the Phillip Brooks School had portable buildings through a use permit but those buildings were later removed upon a major renovation project. Commissioner Kadvany asked if the portable buildings had to be re-inspected every five years. Planner Chow said that was not necessary nothing the portable buildings had been inspected by the state and the City's building department at the time of installation.

Public Comment: Mr. Peter Metzger, Head of School at the German American International School, said the school has been on the campus for at least 20 years. He said their lease with the Menlo Park School District had recently been renewed for five more years. He said they would like their use permit at least coterminous with the lease term. He said they sublease their campus to the German America School of Palo Alto

for a Saturday school program and a four week summer camp. He said they would like their morning sessions to end at 2 p.m. rather than noon. He said they also sublease to the American French Education Association that offers afterschool programs and their hours of operation varied from the current use permit conditions. He introduced Mr. Wong from DES Architects, who had prepared the plan.

Commissioner Yu asked if there would be increased noise impacts to the neighbors because of the change in hours and how many of those hours were the children outdoors. Mr. Metzger said the German American School Palo Alto's programs were both indoors and outdoors. Commissioner Yu asked if there had been complaints from neighbors. Mr. Metzger said there had been none about the Saturday program. Responding to Commissioner Ferrick, Mr. Metzger said the changes were to make the curriculum more interesting and to accommodate families' needs and work schedules.

Commissioner O'Malley said the last time they had reviewed the school's use permit there had been complaints about noise from neighbors and as part of the use permit approval the school was to work regularly with neighbors to address the issue. Mr. Metzger said that he officially meets twice a year with a group of Elliott Street residents. He said the school hosts an open meeting in November for all of the families that live around the entire perimeter of the school.

Ms. Sandy Lee, school neighbor, said the two properties she owns were located behind two of the portable buildings and that the HVAC at the back of the building was noisy and runs throughout the day and night. She said she did not see an invitation to the school's November community meeting.

Commissioner O'Malley asked if Ms. Lee has brought this noise problem to the attention of the school. Ms. Lee said she had not known about the noise until recently when the property became occupied.

Ms. Carrie Farrell, Menlo Park, said she did not think the letter about the November meeting had indicated anything about traffic and that was her big concern. She said she met with the Head of School but she and her neighbors did not feel there was responsiveness about traffic and noise. Responding to Commissioner Kadvany's questions, Ms. Farrell said the traffic was unpredictable and occurred throughout the day, and that traffic tended to speed. She said opening the gate to Oak Court would relieve traffic on Elliott Drive. She said the speed limit was 15 mph and the school had a person with a sign to monitor traffic on the street.

Chair Bressler asked about the gate on Oak Court. Planner Chow said it was closed off as part of a much earlier use permit and has continued as a condition. Chair Bressler confirmed with Ms. Farrell that there speed monitoring signs had been located on the street several times per year. Ms. Farrell asked about changing the condition of approval to allow the gate to Oak Court to be opened for use. Planner Chow said that would need to be agendized and noticed. Commissioner Ferrick suggested that Ms.

Farrell speak with neighbors and gauge their support as she suspected there might be differences of opinion about opening the gate.

Mr. Stephen Fanta, French Court, said the gate had never been open to Oak Court in the many years he has lived in the neighborhood.

Commission Comment: Commissioner Kadvany asked if this was the Oak Court that was part of the Willow Traffic Study. Planner Chow said Oak Court runs from Woodland Drive to Menalto Avenue but it does not connect. She said this Oak Court connects to Woodland Drive.

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

Commissioner Riggs asked the applicant if they had hoped for a lease agreement longer than five years. Mr. Metzger said he believed all of the leases they have had with Menlo Park School District were for five years although they would prefer longer agreement terms.

Commissioner Yu suggested the school could use their website to post community meetings to improve neighbor notification.

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

1. Adopt 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 revision request subject to the following **standard** conditions:
  - a. Development of the project shall be substantially in conformance with the plans prepared by DES Architects, consisting of 2 plan sheets, dated April 26, 2011, and approved by the Planning Commission on June 13, 2011, except as modified by the conditions contained herein.

4. Approve the use permit revision request subject to the following **ongoing, project-specific** conditions:

- a. All student instruction and regular school activities shall be allowed to operate within the parameters identified in the table below. Activities held during the hours of operation on a school day are permitted and not considered extracurricular activities or special events regulated by this permit. Extracurricular activities related to school are permitted with the goal of ending by 4:00 p.m. Up to a maximum of 25 special events, such as, but not limited to, Back to School Night, Oktoberfest, and New Parent Welcome Breakfast, are permitted throughout the school year with the goal of ending by 10:00 p.m.

	<b>Days of Week</b>	<b>Months of Year</b>	<b>Hours of Operation</b>	<b>Maximum Student Enrollment</b>
<i>German American International School of San Francisco</i>	Monday through Friday	August to June	8:00 a.m. to 3:00 p.m.	300 with portables; 200 without portables
<i>German American School of Palo Alto</i>	Saturdays	September to May	9:00 a.m. to 12:00 p.m.	110
	Monday through Friday	Mid-June to Mid-July	9:00 a.m. to 2:00 p.m.	90
			2:00 p.m. to 6:00 p.m.	20
<i>Palo Alto French Education Association</i>	Tuesdays and Thursdays	September to June	4:00 p.m. to 6:00 p.m.	40

- b. The seven portable buildings shall be removed from the site at the earlier of the termination of the lease or June 30, 2016.
- c. The school and subleases shall adhere to all terms of the *Parking and Traffic Policy German-American International School Year 2007-2008*. The *Parking and Traffic Policy* for each subsequent year shall be substantially similar to the 2007-2008 Policy.



- d. The Community Development Director shall review any complaints received by the City regarding operation of the German American International School or its lessees. The Community Development Director and his/her designee shall work with the School 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.
- e. The fire road shall be used for emergency vehicle access only and shall remain free and clear of obstructions at all times.

Motion carried 7-0.

Chair Bressler said there were speed bumps in his neighborhood and asked what Elliott Drive neighbors would need to do to get speed bumps. Planner Chow said the larger Willows Traffic Study had considered such traffic calming measures but there had not been consensus. She said the neighborhood would work with the Transportation Division if there was majority support for such traffic calming measures. She said as part of the school's proposed increase in enrollment there would be a traffic study done.

Commissioner Riggs said there would be different opinions and requests about traffic calming measures throughout all the City's neighborhoods. He said the most effective traffic calming he had seen was monitoring which the school does. He said perhaps the school needed to increase monitoring. He said he was not in favor of costly projects to calm traffic for situations that did not particularly need those.

Commissioner Eiref asked if there has also been police to monitor the traffic. Planner Chow said she spoke with police staff and that using the speed monitoring signs had indicated that speeding was not a problem.

Commissioner Kadvany said that City transportation policy implied that all residents within a certain radius would have to be counted in voting for street change. He said in really large areas that might not be the best method to use to determine the need of traffic calming measures.

Commissioner Yu said changes to traffic must have a thorough outreach done to truly understand the support and needs of the affected residents in an area noting the lack of consensus on the Willows Traffic Study, which had alienated neighbors.

Chair Bressler suggested that Ms. Lee email staff with her concerns about the HVAC noise. He said he expected the school would work with her to resolve this issue prior to the school coming back before the Planning Commission for permission to increase enrollment.

**3. Use Permit Revision/Matthew Yergovich for AT&T/300 Constitution Drive:**

Request for the renewal and modification of a use permit for existing wireless telecommunications panel antennas mounted on a PG&E tower and an associated equipment cabinets under the tower. Two new panel antennas and four remote radio units (RRUs) are proposed to be added to the existing tower containing four antennas at the site in the M-2 (General Industrial) zoning district.

Staff Comment: Planning Technician Perata said color coverage maps and color versions of the photo simulations were distributed to the Commission at the dais and were available to the public at the back table.

Questions of Staff: Commissioner O'Malley noted that coverage was shown as good in parts of the City and not good in other parts and asked who made that decision. Planning Technician Perata said that would be better answered by the applicant.

Commissioner Kadvany asked if there were similar installations on high voltage lines in the City. Planning Technician Perata said there was one at 314 Constitution Drive on the PG&E tower.

Commissioner Ferrick said the map was all red and her neighborhood should not be all red. Planning Technician Perata said he understood that the application was not to add more coverage, rather capacity.

Public Comment: Mr. Matt Yergovich, AT&T, said in references to antenna height in the staff report that new antennas were centered at 81feet-6-inches but that should be 71-feet-6-inches. He said there were four existing antennas on a PG&E Tower at the Tyco campus which would become the Facebook campus. He said they were proposing adding two Long Term Evolution (LTE) antennas to the existing four antennas that supported 3-G coverage to add coverage for 4-G. He said 4-G focuses specifically on high speed data transfers which would reduce the data draw on wireless devices and improve wireless phone service.

Commissioner O'Malley asked if the addition of the 4-G coverage would make the 3-G coverage better. Mr. Yergovich said it would allow for a better user experience with less dropped calls. Commissioner O'Malley said that his home was located in an area on the map shown as having good coverage but that was not true for him and others in his neighborhood. Mr. Yergovich said cell phones depend upon a line of sight for coverage and if a person was deep inside a building or underground it was more difficult to establish the line of sight. He said the goal of the application was to improve coverage.

Commissioner Kadvany asked if they had considered any other sites along this corridor such as a building at Raychem. Mr. Yergovich said they had looked at a number of other PG&E utility poles along that corridor but the advantage at this location was they would not have to duplicate the ground area which would have more visual impact. He said the City encourages co-location. He said the surrounding commercial buildings were not as tall as this tower. Commissioner Kadvany said there was usually a

camouflage for installations but there was none for this site other than matching the color of the structure. Mr. Yergovich said additional antennas would not alter the appearance of the tower much more and having the equipment at 71 feet would not have as much visual impact if they were to add antennas to multiple buildings necessitating structural changes to screen, which would impact the appearance of those buildings.

Commissioner Yu said at another hearing there had been public concern expressed about the health impacts of antennas and asked if concentration of antennas had any known or conjectured impacts on the health of people nearby. Mr. Yergovich said the FCC required the preparation of a radio frequency report or EMF study, which was done and with two additional antennas they would be at a fraction of a percent of the human emissions threshold set forth by FCC or about half of a percent. He said the City asked them to follow up and include other antenna sites in the area and even the cumulative emissions was at a fraction of a percentage as the antennas were too high and too far apart to have a cumulative impact.

Commissioner Ferrick asked what the life expectancy was for antenna. Mr. Yergovich said technology was changing always and while there was nothing immediately on the horizon, he expected carriers would want to upgrade their antennas. He said the life span would be as long as it was technologically supportive. Commissioner Ferrick asked if antennas were removed as upgrades were made. Mr. Yergovich said upgrades do not render existing antennas obsolete. Commissioner Ferrick said her concern was that if this was the continuing practice that there could be antennas emitting for no purpose. He said with the Sprint/Nextel merger that there was an effort to remove redundant sites.

Commissioner Eiref asked how many antenna installations were needed for all of Menlo Park to have coverage. Mr. Yergovich said he did not know. He said LTE required one antenna per sector and this location was for two sectors. Commissioner Eiref asked how many antenna sites AT&T has in the Menlo Park area. Mr. Yergovich said he did not know.

Commissioner Riggs asked if it was true that AT&T pays more rent for the LTE installation and tower use. Mr. Yergovich said there was a lease amendment to the master agreement with PG&E under which there were certain thresholds established. He said he did not know if this increase would mean additional rent.

Commissioner Riggs said each six-inch antenna was paired with a 17-inch RRU panel. Mr. Yergovich said that it was better functioning to have the radio close to the antenna. Commissioner Riggs said those panels created visual impacts and asked if they could be reoriented so the radios were in vertical alignment with the antennas. Mr. Yergovich said he would have to ask engineering, noting the proposed framing was preferred by PG&E engineering. He said another Council had preferred to have the antennas on the face of the tower, and when it was redesigned it did not work. He said he could not

guarantee that the panels could be attached any other way without consultation with PG&E engineers.

Commissioner Ferrick said there have been various discussions that in the future the utility towers would be replaced with underground lines and what that would mean for these antenna installations. Mr. Yergovich said the antennas had to have line of sight, and they were subject to lease. He said if they had to move they would find a different solution.

Commissioner Kadvany said Raychem was about 40-feet in height and although there was foliage he did not think that would impact the line of sight. Mr. Yergovich said trees and buildings inhibit coverage to certain extents.

Chair Bressler said there were reports that holding a cell phone to the ear had more emissions than antennas. Mr. Yergovich said the emissions from cell phones were non-ionizing and there was not substantiation of those reports. Chair Bressler said there seemed to be legitimate concern that cell phone towers were impacting bees. Mr. Yergovich said that was not a legitimate issue and that the theory was based on bad data using wire line devices in the home comparable to two-way radios.

Ms. Susan Eschweiler said she was working with TE Connectivity on the design for the Facebook campus. She said she was concerned with a GPS antenna lower on the tower that they would want removed or screened as it would be visible from the proposed driveway approach for Facebook

Mr. Yergovich said on the equipment plan the GPS antenna was indicated. This enabled the LTE to mark where the site was. He said the GPS antenna was small and they could locate it in the sheltered area.

Chair Bressler closed the public hearing.

Commission Comment: Chair Bressler moved to approve with the addition of modifying the application to relocate the GPS antenna into the equipment room. Commissioner O'Malley seconded the motion. Commissioner Riggs said he would like to add a condition that the radio units are oriented vertically with the antennas and if that was not an engineering possibility to get a written report from PG&E Engineering saying why not it was not feasible. Commissioner O'Malley asked who would review that report. Commissioner Riggs said Planning staff. Chair Bressler as the maker of the motion accepted Commissioner Riggs' friendly amendment; Commissioner O'Malley as the maker of the second also accepted the friendly amendment.

Commissioner Kadvany said he was not supportive of this installation with or without Commissioner Riggs' proposal and did not agree with the rationales that this area was industrial and the towers were already unattractive. He said this corridor was slated for major improvements including a five star hotel at one end and the Facebook campus at

the other end. He said he was supportive of improving cell phone support but this was an aesthetic issue.

Commissioner Yu asked when the permit would expire. Planning Technician Perata said the applicant was requesting a 10-year term. Commissioner Yu asked if it would make sense to shorten the use permit term.

Recognized by the Chair, Mr. Yergovich said law prohibits the leasing of a telecom facility for any less than 10 years.

Commissioner Kadvany said adding antennas would further clutter the visual space and the installation needed to be either out of view or camouflaged if in view. Chair Bressler said there was mitigating support as there was existing 3-G equipment on the tower. Commissioner Kadvany said it was an aesthetic issue.

Recognized by the Chair, Mr. Yergovich said they were encouraged to co-locate antennas on existing facilities but upon review they were then often told to move them somewhere else. He said the proposal met City code and would serve the surrounding area, transient use on Bayshore Expressway and especially the Facebook campus. He said the installation would match the existing installation and tower. .

Commission Action: M/S Bressler/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 conditions:
  - a. Development of the project shall be substantially in conformance with the plans prepared by Streamline Engineering and Design, Inc., dated received June 2, 2011, consisting of seven plan sheets and approved by the Planning Commission on June 13, 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. This use permit shall expire at the end of 10 years from the date of use permit approval unless extended by the Planning Commission. If the applicant desires to extend the use permit, the applicant shall explore and implement, to the extent feasible, the available technology and/or alternative locations to reduce the size and/or visibility of the antennas and equipment.
  - b. ***Simultaneous with the submittal of a complete building permit application, the applicant shall submit revised plans showing the relocation of the proposed GPS antenna to within the existing equipment pad at the base of the transmission tower.***
  - c. ***Simultaneous with the submittal of a complete building permit application, the applicant shall submit revised plans showing the relocation of the RRUs to be vertically stacked on the transmission tower, with the goal of reducing the visibility of these units. If the RRUs are unable to be vertically stacked, the applicant shall provide documentation explaining why the reconfiguration is infeasible, subject to the review and approval of the Planning Division.***

Motion carried 6-1 with Commissioner Kadvany opposed.

## **E. COMMISSION BUSINESS**

There was none.

## **ADJOURNMENT**

The meeting adjourned at 8:56 p.m.

Staff Liaison: Deanna Chow, Senior Planner

Recording Secretary: Brenda Bennett

Approved by Planning Commission on August 8, 2011