



## PLANNING COMMISSION MINUTES

August 8, 2011

7:00 p.m.

City Council Chambers

701 Laurel Street, Menlo Park, CA 94025

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Teleconference with participation by Commissioner Ferrick from:  
3001 Fir Ridge Road  
Lake Oswega, OR 97035  
(Posted August 4, 2011)

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**CALL TO ORDER** – 7:05 p.m.

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

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

### A. REPORTS AND ANNOUNCEMENTS

#### 1. Update on Pending Planning Items

- A. Appeal of proposed Walgreens' application at 643 Santa Cruz Avenue – tentatively scheduled for the August 23, 2011 City Council meeting
- B. Three-Party Cooley Landing Agreement – tentatively scheduled for the August 23, 2011 City Council meeting

Planner Chow said that the two listed items were scheduled for the August 23, 2011 City Council meeting. She said the appeal of the proposed Walgreens' application at 643 Santa Cruz Avenue was related to a use permit finding.

### B. PUBLIC COMMENTS

There was none.

### C. CONSENT

Commissioner O'Malley said he would like the July 11 minutes pulled from the consent calendar.

(Modifications to the May 2 and June 13, 2011 minutes were made via email comments by Commissioners prior to the meeting. Modifications to the July 11, 2011 minutes were made at

the meeting and by email prior to meeting, which is indicated next to the changes for the July 11 minutes.)

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

Commission Action: Unanimous consent to approve the minutes with the following modifications.

- Page 5, 3<sup>rd</sup> paragraph, 5<sup>th</sup> line: Replace “buy right” with “by right.”
- Page 6, 5<sup>th</sup> paragraph, 1<sup>st</sup> sentence: Replace “Commission Kadvany asked related to projects under the Density Bonus law what the Commission’s role would be for architectural control.” with “Commission Kadvany asked, related to projects under the Density Bonus law, what the Commission’s role would be for architectural control.”
- Page 6, last paragraph, 2<sup>nd</sup> sentence: Replace “City Attorney McClure said if it was a standard established by the Fire District and they did not agree then the answer would be no but if the standard was set by the City the answer could be yes.” with “City Attorney McClure said if it was a standard established by the Fire District, and if they did not agree then the answer would be no, but if the standard was set by the City the answer could be yes.”
- Page 12, 2<sup>nd</sup> to last paragraph, 1<sup>st</sup> sentence: Replace “Commissioner Kadvany noted climate change and the determination of base flood elevation and asked the last time that was assessed for the area.” with “Commissioner Kadvany asked about the determination of base flood elevation and the last time that was assessed for this area.”

Minutes approved 6-0, with Commissioner Yu absent.

2. Approval of minutes from the June 13, 2011 Planning Commission meeting.

Commission Action: Unanimous consent to approve the minutes with the following modifications.

- Page 6, last paragraph, 5<sup>th</sup> line: Delete extra period between the words “use” and “Planner.”
- Page 9, 4<sup>th</sup> paragraph, 1<sup>st</sup> sentence: Replace “Commissioner Kadvany said that residents within a certain radius would not have to be counted towards any count of a buy-in on street changes.” with “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.”
- Page 9, last paragraph, 1<sup>st</sup> line: Replace “HFAC” with “HVAC.”

Minutes were approved 6-0 with Commissioner Yu absent.

3. Approval of minutes from the July 11, 2011 Planning Commission meeting.

Commissioner O’Malley noted on page 14, first full paragraph, that the sentence beginning “Commissioner Riggs...” did not make sense. Commissioner Riggs said “them” should be

removed between the words “Economics” and “to.” Commissioner O’Malley said on the same page, next paragraph, regarding Redwood City development and others that “do no” be replaced with “do not.” He noted on page 16, the first full paragraph beginning with second sentence “Menlo Park should create and attraction” to replace “attraction” with “attract.” He said in second paragraph, second sentence, “used example of the proposed FAR” and delete second use of “economy of.” Commissioner O’Malley noted page 17, fourth paragraph, second line that he did not think he said the population would increase to 30,000 and asked stat to correct it to the ABAG population forecast. He suggested on Page 17, fourth paragraph, sixth line to replace “uses City” with “uses the City.” He also suggested on Page 18, first paragraph, second sentence that Commissioner Kadvany consider how that sentence might be improved. Sentence reads: “He said one concern was the transportation analysis at intersections all around downtown but not downtown and proposing key changes downtown.” Commissioner Kadvany said it would read better to state: “In the context of the EIR, he said one concern was the transportation analysis covered intersections around downtown but not within the downtown and with the effects of key changes downtown.”

Commission Action: Unanimous consent to approve the minutes with the following modifications.

- Page 7, 1<sup>st</sup> full paragraph, 5<sup>th</sup> line: Replace “Station Area south” with “Station Area and south.”
- Page 14, 2<sup>nd</sup> paragraph, 1<sup>st</sup> line: Delete the word “them” between the words “Economics” and “to.” (O’Malley/Riggs)
- Page 14, 3<sup>rd</sup> paragraph, 9<sup>th</sup> line: Replace “do no” with “do not.” (O’Malley)
- Page 15, last paragraph, 1<sup>st</sup> line: Replace “Commissioner Kadvany said regarding Council’s direction that the consultant had indicated...” with “Commissioner Kadvany said, regarding direction to give to Council, that the consultant had indicated...”
- Page 15, last paragraph, 2<sup>nd</sup> sentence: Replace “He said the bullet points in the parlance from the Council were too pre-decisional, such as examine parking garages. He said the City did not even know if it was recommending that yet. He said related to the direction to ensure that small town and village feel is maintained there were much controversy about what that means.” with “He said the bullet points from the City Council were “pre-decisional”, such as examining parking garage sizes when the Planning Commission had not yet recommended them. He said, related to “village character”, there was much controversy about the means.”
- Page 15, last paragraph, 10<sup>th</sup> line: Replace “one option” with “one of several options”
- Page 15, last paragraph, 14<sup>th</sup> line: Replace “the document that said it had to be in Plaza.” with “the document that said where the Farmer’s Market had to be located within Plaza 6.”
- Page 16, 1<sup>st</sup> paragraph, 1<sup>st</sup> line: Replace “that was” with “that pilot projects were.”
- Page 16, 2<sup>nd</sup> paragraph, 3<sup>rd</sup> line: Replace “...to create and attraction and not just to sustain but to take the downtown to the next level or another interpretation could be just a better Menlo Park.” with “...to create an attraction, and not just to sustain but to take the downtown to the next level, or another interpretation could be just another Menlo Park.”
- Page 16, 3<sup>rd</sup> paragraph, 3<sup>rd</sup> line: Delete “of economy.” (O’Malley/Riggs)
- Page 16, 3<sup>rd</sup> paragraph, 18<sup>th</sup> line: Replace “El Camino Real” with “Santa Cruz Avenue area.”
- Page 17, 2<sup>nd</sup> paragraph, 2<sup>nd</sup> line: Replace “retail would, as he sees...” with “retail would be leased as he sees...”

- Page 17, 4<sup>th</sup> paragraph, 2<sup>nd</sup> line: Replace “30,000” with “4,500.” (O’Malley)
- Page 17, 4<sup>th</sup> paragraph, 6<sup>th</sup> line: Replace “uses City” with “uses the City.” (O’Malley)
- Page 18, 1<sup>st</sup> paragraph, 2<sup>nd</sup> sentence: Replace “He said one concern was the transportation analysis at intersection all around downtown but not downtown and proposing key changes downtown.” With “In the context of the EIR, he said one concern was the transportation analysis at the intersections around downtown but not within downtown and with the effects of key changes downtown.”
- Page 18, last paragraph, 1<sup>st</sup> sentence: Replace “Commissioner Kadvany said so many options that if they could do them and make them work would be great.” with “Commissioner Kadvany said there were so many options that if they could do many of them and make them work that would be great.”
- Page 18, last paragraph, 2<sup>nd</sup> sentence: Replace “He said El Camino Real was a challenge...” with “He said the developable area of the southeast area of El Camino Real was a challenge...” (O’Malley, Kadvany, Riggs)
- Page 19, 1<sup>st</sup> paragraph, 1<sup>st</sup> line: Replace “He said there was much concern about traffic impacts and pay attention to the Transportation Commission and while there was discussion on unbundling parking from residential steps, the discussion was not going to next step to suggest that ...” with “He said there was much concern about traffic impacts and to pay attention to the Transportation Commission and while there was discussion in the Specific Plan on unbundling parking, the discussion was not going to the next step of suggesting that ...”

Minutes were approved 6-0, with Commissioner Yu absent.

#### **D. PUBLIC HEARING**

1. **Use Permit/Mehmet Erkus/1029 El Camino Real:** Request for a use permit to add live entertainment to an existing restaurant (Oak City Bar and Grill) in an existing commercial building in the C-3 (Central Commercial) zoning district.

Public Comment: Mr. Mark Adams said he was representing Mr. Erkus, and that they were requesting a use permit to add live entertainment at the Oak City Bar and Grill.

Staff Comment: Planner Rogers said there were no additional comments to the staff report.

Commissioner Eiref asked about prior use permit requests for music. Planner Rogers said there had been use permit requests for music for Mark’s in Menlo on Crane Street and Café Zoe.

Chair Bressler opened and closed the public hearing as there were no public comments.

Commission Comment: Commissioner Riggs said that he had been in the Oak City Bar and Grill on Monday nights and while he did not think it caused a problem for anyone outside the restaurant inside the Big Band sound was kind of overpowering. Mr. Adams said the music was incredible but the volume was too much and had tried alternative locations for it in the restaurant. He said for now that type of music was canceled until they could figure out the best way to present it. Mr. Adams said he was willing to help with any charitable or nonprofit music program in the City. Commissioner O’Malley complimented Mr. Adams on his choice of jazz

groups for local summer music programs. Commissioner Eiref said this type of activity added vibrancy to the downtown.

Commission Action: M/S Eiref/Riggs 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 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 Jerry Fell, consisting of four plan sheets, dated received April 21, 2011, and approved by the Planning Commission on August 8, 2011, except as modified by the conditions contained herein, subject to review and approval of the Planning Division.
4. Approve the use permit subject to the following **ongoing, project-specific** conditions:
  - a. The live entertainment shall be primarily acoustic jazz, classical, or similar types of music.
  - b. Performances shall be restricted to between the hours of 7:00 P.M. and 10 P.M.
  - c. Full food service must be available during all live entertainment.
  - d. Areas for dancing and theater-style seating are not permitted.
  - e. No cover charges may be imposed.

Motion carried 6-0 with Commissioner Yu absent.

2. **Use Permit/Lyle Company for AT&T/325 Sharon Park Drive:** Request for a use permit revision to modify an existing wireless communications facility, including the addition of three new antennas on two existing light poles and associated equipment in a shopping center parking lot located in the C-2 (Neighborhood Shopping) zoning district.

Staff Comment: Assistant Planner Perata said coverage maps showing coverage with and without the site were being distributed to the Commission and provided to the public at the table in the rear of the room.

Public Comment: Mr. John Yu said he was representing AT&T. He said the proposal was for modifications to the existing equipment and the addition of antennas and equipment cabinets at base level to augment the facilities for support of new technologies including fourth generation of wireless facilities and services and LTE technology that provides much faster data speed.

Commissioner O'Malley said his phone service was AT&T on Santa Cruz Avenue. He asked if this project would improve the signal or would just augment data. Mr. Yu said that this was to provide an overlay of LTE coverage and the quality of the existing signal would not change.

Commissioner Kadvany asked if AT&T has moderately long term plans for additional cellular units or whether these installations and upgrades were done piecemeal in response to what other providers were doing. Mr. Yu said that type of information was given at a much higher level than what he was given. He said he could say with some certainty that AT&T was rolling out the LTE network pretty aggressively along the Peninsula.

Chair Bressler closed the public hearing.

Commission Comment: Commissioner Riggs said that the proposed plan would lower one of the walkway lights and asked if that would impact the intent of the light. Mr. Yu said he had visited the site and this light was more for parking. He said the back area was a loading dock and garbage area.

Commissioner Riggs moved to make the findings and approve the use permit. Commissioner O'Malley seconded the motion.

Commissioner Kadvany said that they had seen all types of installation and asked if the technology was such that any shape could be used in any environment. Mr. Yu said that antennas for cellular networks were consistently rectangular, five to six feet in height, about one foot wide and eight inches deep and could be covered by a different shape like a cylinder but the antennas themselves were not cylindrical.

Commissioner O'Malley noted that he travels by this site at least once a day and does not notice the equipment, and did not think the proposed changes would impact that.

Commission Action: M/S Riggs/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 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 PDC Corporation, dated July 20, 2011 consisting of twelve plan sheets and approved by the Planning Commission on August 8, 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.
- d. If the antennas or any portion of the antennas and associated mechanical equipment discontinue operation at the site, the antennas and associated equipment shall be removed from the site within 30 days.

Motion carried 6-0 with Commissioner Yu absent.

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

There was none.

#### **ADJOURNMENT**

The meeting adjourned at 7:41 p.m.

Staff Liaison: Deanna Chow, Senior Planner

Recording Secretary: Brenda Bennett

Approved by Planning Commission on October 3, 2011