



PLANNING COMMISSION ACTIONS

January 11, 2010

7:00 p.m.

City Council Chambers

701 Laurel Street, Menlo Park, CA 94025

CALL TO ORDER – 7:01 p.m.

ROLL CALL – Bressler, Ferrick, Kadvany, Keith, O'Malley (Vice chair), Pagee (arrived 7:19 p.m.), Riggs (Chair)

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

A. PUBLIC COMMENTS - None

Under “Public Comments,” the public may address the Commission on a consent calendar item or any subject not listed on the agenda within the jurisdiction of the Commission. When you do so, please state your name and city or political jurisdiction in which you live for the record. The Commission cannot respond to non-agendized items other than to receive testimony and/or provide general information.

B. CONSENT

Items on the consent calendar are considered routine in nature, require no further discussion by the Planning Commission, and may be acted on in one motion unless a member of the Planning Commission or staff requests a separate discussion on an item.

1. [Approval of minutes from the November 2, 2009 Planning Commission meeting](#) **COMMISSION ACTION:** Approve the minutes as submitted; 5-0, with Commissioner Ferrick abstaining and Commissioner Pagee absent.
2. [Approval of minutes from the November 9, 2009 Planning Commission meeting](#) **COMMISSION ACTION:** Approve the minutes with the following modifications; 6-0, with Commissioner Pagee absent.
 - Page 5, 1st paragraph, 2nd line: Insert “public” between the word “and” and “comments”
 - Page 6, 1st paragraph, 4th line: Replace “any deference” with “considering”
 - Page 6, 1st paragraph, 6th line: Replace “a proposed, that was” with “as proposed, which is”
 - Page 6, 2nd paragraph, 3rd line: Replace “a purchaser” with “a future purchaser of the property”
 - Page 7, 4th paragraph, 3rd line: Replace the word “site” with “time”
 - Page 7, last paragraph, 1st line: Replace “could not be” with “could be”
 - Page 8, 3rd paragraph, 1st line: Replace “the more flexibility there was on the term of the agreement” with “that more flexibility for the term of the agreement”
 - Page 11, 5th paragraph, 1st line: Replace “the scales that concerned him was the level of environmental impacts.” With “that scale influenced other outcomes too.”
 - Page 12, 5th paragraph, 3rd line: Replace “those were done they were parking structures.” With “those remained parking structures providing no other function.”

- Page 12, last paragraph, last line: Delete “they had to look at it holistically” at the end of the sentence.
 - Page 13, 3rd paragraph, 12th line: Delete “such as onsite housing” at the end of the sentence.
 - Page 13, 3rd paragraph, 13th line: Delete “He said he would urge a dramatic level of TDM.”
 - Page 13, 3rd paragraph, 4th line from bottom: Replace “the parking structures were unacceptable” with “that if one wanted critical requirements, then the proposed parking structures were unacceptable”
 - Page 15, 6th paragraph, 2nd line: Replace “problematic for him” with “of concern”
 - Page 20, last paragraph, 1st line: Replace “\$1.6 revenue” with “\$1.6 million annual revenue”
 - Page 21, 1st paragraph, 1st line: Replace “He said it was very important to him to on an obligation of providing housing rather than paying in-lieu BMR fees.” with “He said it was more important that housing be provided rather than collecting in-lieu BMR fees.”
 - Page 21, 2nd paragraph, 3rd line: Replace the word “and” with “and would like”
 - Page 21, 2nd paragraph, 4th line: Replace the word “was” with “maybe”
3. Approval of minutes from the November 16, 2009 Planning Commission meeting **COMMISSION ACTION:** Approve the minutes as submitted; 4-0, with Commissioners Kadwany and Keith abstaining and Commissioner Pagee absent.
4. Approval of minutes from the December 7, 2009 Planning Commission meeting **COMMISSION ACTION:** Approve the minutes with the following modifications; 6-0, with Commissioner Pagee absent.
- Page 16, 2nd paragraph, 2nd line: Replace “He said he did not think they were enforcement agency.” With “He said the Planning Commission was not an enforcement agency.”
 - Page 16, 2nd paragraph, 4th line: Replace “He said he believed that Safeway had the obligation not to take away from its profitability and that comments made about safety should have Safeway moving forward to make sure the parking lot is secure.” With “He said Safeway had an obligation to preserve its profitability; therefore the Commissioners comments about safety should encourage Safeway to ensure its parking lot is secure.”
 - Page 18, Condition 4f: Replace “Prior to construction of the outdoor seating and related improvements, the applicant shall submit material sheets for the railing and tables, subject to review and approval of the Planning Division.” With “Prior to construction of the outdoor seating and related improvements, the applicants shall revise the plans to include a high-quality railing and planter boxes to reflect the architectural style of the development for the Rubio’s patio and add an additional tree near the Peet’s outdoor seating area, subject to review and approval of the Planning Division.”
 - Page 18, Condition 4g: Replace “The applicant shall plant a tree near the patio seating in a location subject to the review and approval of the Planning Division” with “Prior to construction of the outdoor seating and related improvements, the applicant shall submit additional details of the outdoor seating tables, subject to review and approval of the Planning Division.
 - Page 19, 2nd paragraph, 1st line: Replace “gas emission” with “emissions”
 - Page 19, 3rd paragraph, 2nd sentence: Delete “He said he hoped the negotiating team would keep in mind that there might be instances related to carbon gas emission that should be reviewed by the Planning Commission as well.”

C. PUBLIC HEARING

1. Use Permit/Kathleen McFarland/1035 Lassen Drive: Request for a use permit for an addition to a nonconforming accessory structure with regard to the wall height that would exceed 75 percent of the value of the existing structure in the R-E-S (Residential Estate Suburban) zoning district. **COMMISSION ACTION:** M/S Ferrick/Kadvany to approve the item as recommended in the staff report; 7-0.

D. REGULAR BUSINESS

1. **Review of Substantial Conformance/First Republic Bank/1215 El Camino Real:** Review of proposed removal of awnings on an existing building in the C4 (ECR) (General Commercial – Applicable to El Camino Real) zoning district for substantial conformance with a previously approved use permit and architectural control, per the request of Commissioner Riggs. Individual Commissioners provided comments and generally agreed that the awnings are a nice feature of the building that should remain. The applicant, however, can explore alternative awning options if the new corporate signage is desired.

2. Selection of Planning Commission Chair and Vice Chair for 2010

Commissioner O'Malley was appointed Chair; 7-0.

Commissioner Bressler was appointed Vice chair; 7-0.

3. Review of Draft Attendance Report for Calendar Year 2009

Approved subject to Commissioner O'Malley's verification of attendance at the June 15, 2009 meeting.

E. COMMISSION BUSINESS

1. Update on pending planning items.

- A. El Camino Real/Downtown Specific Plan (Phase II) Process
- B. 101-155 Constitution Drive and 100-190 Independence Drive (Menlo Gateway Project)
- C. Appeal of Administrative Action for 515 El Camino Real

F. REPORTS AND ANNOUNCEMENTS

Chair Riggs provided a brief summary of a seminar called Cities for All Ages by Don Weden that he attended.

ADJOURNMENT – 8:43 p.m.

Future Planning Commission Meeting Schedule

Regular Meeting	January 25, 2010
Regular Meeting	February 8, 2010
Regular Meeting	February 22, 2010
Regular Meeting	March 8, 2010
Regular Meeting	March 22, 2010
Regular Meeting	April 5, 2010

This Agenda is posted in accordance with Government Code Section §54954.2(a) or Section §54956. (Date Posted: January 6, 2010) Persons with disabilities, who require auxiliary aids or services in attending or participating in Planning Commission meetings, may contact the City Clerk at (650) 330-6600. Members of the public can view or subscribe to receive future weekly agendas and staff reports in advance by e-mail by accessing the City website at <http://www.menlopark.org>. Agendas and staff reports may also be obtained by contacting Vanh Malathong at 650-330-6736.

Any writing that is distributed to a majority of the commission by any person in connection with an agenda item is a disclosable public record (subject to any exemption under the Public Records Act) and is available for inspection at The Community Development Department, Menlo Park City Hall, 701 Laurel Street, Menlo Park, CA 94025 during regular business hours.

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PLANNING COMMISSION

Agenda and Meeting Information

The Planning Commission welcomes your attendance at and participation in this meeting. The City supports the rights of the public to be informed about meetings and to participate in the business of the City.

ASSISTANCE FOR PERSONS WITH DISABILITIES: Person with disabilities who require auxiliary aids or services in attending or participating in Planning Commission meetings, may call the Planning Division office at (650) 330-6702 prior to the meeting.

COMMISSION MEETING AGENDA AND REPORTS: Copies of the agenda and the staff reports with their respective plans are available prior to the meeting at the Planning Division counter in the Administration Building, and on the table at the rear of the meeting room during the Commission meeting. Members of the public can view or subscribe to receive future weekly agendas and staff reports in advance by e-mail by accessing the City website at <http://www.menlopark.org>.

MEETING TIME & LOCATION: Unless otherwise posted, the starting time of regular and study meetings is 7:00 p.m. in the City Council Chambers. Meetings will end no later than 11:30 p.m. unless extended at 10:30 p.m. by a three-fourths vote of the Commission.

PUBLIC TESTIMONY: Members of the public may directly address the Planning Commission on items of interest to the public that are within the subject matter jurisdiction of the Planning Commission. The City prefers that such matters be presented in writing at the earliest possible opportunity or by fax at (650) 327-1653, e-mail at planning.commission@menlopark.org, or hand delivery by 4:00 p.m. on the day of the meeting.

Speaker Request Cards: All members of the public, including project applicants, who wish to speak before the Planning Commission must complete a Speaker Request Card. The cards shall be completed and submitted to the Staff Liaison prior to the completion of the applicant's presentation on the particular agenda item. The cards can be found on the table at the rear of the meeting room.

Time Limit: Members of the public will have **three** minutes and applicants will have **five** minutes to address an item. Please present your comments clearly and concisely. Exceptions to the time limits shall be at the discretion of the Chair.

Use of Microphone: When you are recognized by the Chair, please move to the closest microphone, state your name and address, whom you represent, if not yourself, and the subject of your remarks.

DISORDERLY CONDUCT: Any person using profane, vulgar, loud or boisterous language at any meeting, or otherwise interrupting the proceedings, and who refuses to be seated or keep quiet when ordered to do so by the Chair or the Vice Chair is guilty of a misdemeanor. It shall be the duty of the Chief of Police or his/her designee, upon order of the presiding officer, to eject any person from the meeting room.

RESTROOMS: The entrance to the men's restroom is located outside the northeast corner of the Chamber. The women's restroom is located at the southeast corner of the Chamber.

If you have further questions about the Planning Commission meetings, please contact the Planning Division Office (650-330-6702) located in the Administration Building.