



## PLANNING COMMISSION MINUTES

June 4, 2007

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** – Bims, Bressler (arrived 8:05 p.m.), Deziel (Vice chair), Keith (Chair), O'Malley, Pagee (arrived 7:32 p.m.), Riggs

**INTRODUCTION OF STAFF** – Deanna Chow, Senior Planner, Megan Fisher, Associate Planner, Art Morimoto, Engineering Services Manager, Thomas Rogers, Associate Planner

### A. PUBLIC COMMENTS

There were none.

### B. CONSENT

1. **Architectural Control/Jeffrey and Kathy Hamilton/121 Forest Lane:** Request for approval of architectural control to remodel the front elevation of a townhouse in the R-3 (Apartment) zoning district.

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

1. Make a finding that the project is categorically exempt under Class 1 of the current CEQA Guidelines.
2. Make the following findings, as per Section 16.68.020 of the Zoning Ordinance, pertaining to architectural control approval:
  - a. The general appearance of the structure is in keeping with the character of the neighborhood.
  - b. The development will not be detrimental to the harmonious and orderly growth of the City.
  - c. The development will not impair the desirability of investment or occupation in the neighborhood.

- d. The development provides adequate parking as required in all applicable City Ordinances and has made adequate provisions for access to such parking.
- 3. Approve the architectural control subject to the following **standard** conditions:
  - a. Development of the project shall be substantially in conformance with the plans prepared by K.R. Ledford, Architect, consisting of nine plan sheets, dated received May 14, 2007, and approved by the Planning Commission on June 4, 2007, 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 5-0 with Commissioners Bressler and Pagee not yet in attendance.

### **C. PUBLIC HEARING**

1. **Use Permit/Elaine Chan & Scott Paterson/5 Greenwood Place**: Request for a use permit for a second story addition to an existing single-story residence that would exceed 50 percent of the existing floor area on a substandard lot in regard to lot area and width in the R-1-U (Single-Family Urban) zoning district.

Staff Comment: Planner Fisher said staff had placed a materials and color board and additional correspondence in support of the project at the dais.

Mr. Robert Fink, project architect, said the property owners were proposing a modest addition of two bedrooms, a bathroom and relocation of an existing office. He said the massing of the second story was broken up so as to mitigate the impacts of a second story. He said the house design had many green features that included the location of windows and skylights for ventilation and light and awnings over windows to block the sun. He said the project would use solar panels and recycled materials.

Commissioner Bims asked about moving the nonconforming wall out of the setback and whether that had a significant impact on the project costs. Mr. Fink said the wall was

part of a screened porch or “sun room” that had been added at some point very inexpensively and would not be costly to remove.

Commissioner Riggs asked about the flat placement of the solar panels and whether that was for aesthetics. Mr. Fink said that was correct. He said the manufacturer had indicated the panels would work as well flat as flared to meet the electrical needs of the house. Commissioner Riggs suggested that the panels could be sloped another six or eight degrees and screened similarly to the skirts for the skylight monitors. Mr. Fink said he thought it would be ideal if the electrical panels could be kept flat, but that it would be helpful to have the flexibility to create slope if that would improve the efficiency of the panels.

Commissioner Keith asked if they had considered curing the nonconformities in the garage. Mr. Fink said they had considered doing so but to do so was very costly and did not lend itself to the maintaining the footprint of the house.

There being no public comment, Chair Keith closed the public hearing.

Commission Comment: Commissioner O'Malley moved to approve as presented in the staff report. Chair Keith asked whether Commissioner O'Malley wanted to provide the flexibility to slope the solar panels for increased effectiveness as indicated by Commissioner Riggs. Commissioner O'Malley said he would modify his motion to include that change. Commissioner Deziel seconded the motion but questioned whether the angle might be even greater for greater effectiveness. Commissioner Riggs indicated that the design as proposed for the solar panels was done sensitively with consideration of the overall aesthetics of the roof and suggested allowing the architect the flexibility to place the solar panels at the greatest angle feasible while still maintaining the appearance.

Recognized by the Chair, Mr. Fink said that they would need to do the skylight plan and if the solar panels were further adjusted that could be reviewed.

Commissioner Riggs suggested that at the most the solar panels might be two-thirds the height of the skylight monitors and skirted with clad similar to what was proposed for the skylight monitors. This was agreeable to Commissioners O'Malley and Deziel as the makers of the motion and second respectively.

Commissioner Riggs noted that 2 Greenwood Place would begin construction about three months prior to this project. He said a neighbor had expressed concern that there would be serious construction parking issues and asked staff if they felt this had been addressed. Planner Fisher said that an encroachment permit would be needed for materials storage. Commissioner Riggs asked if a construction plan would be required. Planner Fisher said that construction plans were not required for residential projects and that enforcement of parking problems would occur on a complaint basis.

Commission Action: M/S O'Malley/Deziel to approve with the following modifications.

1. Make a finding that the project is categorically exempt under Class 1 of the current State 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 Fink Architecture, consisting of 12 plan sheets, dated received May 18, 2007, and approved by the Planning Commission on June 4, 2007, 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. Landscaping shall properly screen all utility equipment that is installed outside of a building and that cannot be placed underground. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
  - e. Simultaneous with the submittal of a complete building permit application, the applicant shall submit plans indicating that the applicant shall remove and replace any damaged and significantly worn sections of frontage improvements. The plans shall be submitted for the review and approval of the Engineering Division.
  - f. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a Grading and Drainage Plan for review and approval of the Engineering Division. The Grading and Drainage Plan shall be approved prior to issuance of a grading or building permit.
  - g. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance. Prior to the building permit issuance, the applicant shall implement tree protection measures for all applicable heritage trees.
4. Approve the use permit subject to the following **project-specific** conditions:

- a. Simultaneous with the submittal of a complete building permit application, the applicant shall provide a landscape plan that shows the location and species of two new trees to be planted in the right and left corners of the rear yard. This plan shall be reviewed and approved by the Planning Division.
- b. Simultaneous with the submittal of a complete building permit application, the applicant shall provide a solar panel installation plan including a roof plan and an elevation that show the location and position of the proposed solar panels. ***If necessary, the solar panels may be tilted to a degree that would result in their height being up to two-thirds the height of the skylight monitors and skirted with a similar clad as the skylight monitors.***

Motion carried 5-0 with Commissioners Bressler and Pagee not yet in attendance.

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

1. **2007-2008 Capital Improvement Program/General Plan Consistency:**  
Consideration of consistency of the 2007-2008 Capital Improvement Program with the General Plan.

Staff Comment: Mr. Art Morimoto, Engineering Services Manager, noted that the 2007-2008 Capital Improvement Program (CIP) had been developed through the City Council project priority process through which project priorities had been identified by the City Council, the City's Commissions and staff. He said the City Council reviewed the project priorities at their March 6, 2007 meeting and approved a project priority list at their April 17, 2007. He said staff then prepared the CIP based on that project priority list. He said the Commission was being asked to make a finding that they had reviewed the proposed CIP and found it consistent with the City's general plan.

Questions of Staff: Commissioner O'Malley asked about the proposed upgrades to the City Council chambers. Mr. Morimoto said that it was primarily internal improvements including technological upgrades. Chair Keith suggested including the capability for staff seated at the left of the dais to use the three-minute timer, which currently was not configured. Commissioner Riggs asked about the Burgess Gymnasium improvements and if those were internal. Mr. Morimoto said that part of the proposal was to look at an additional gymnasium on the park side of the existing gymnasium. Commissioner Riggs asked if that project would come before the Planning Commission. Mr. Morimoto said that it would.

Commissioner Deziel expressed his concern that the Street Tree Management Plan should include funding for the maintenance of trees with specific management of certain species at least by the following year as he thought just cutting down trees that may have been neglected and replacing them was not the intent of the Plan or in the public's best interest. He also asked if the City was going to do an update study on the 2-hour limit for parking and whether that was included in the proposed CIP. Mr. Morimoto said the CIP included larger projects and parking limits might fall under operations.

Commissioner Bims asked in regard to the Citywide Sidewalk Plan and Safe Routes to Schools if the City was looking at using its right-of-way to increase street size. He said the right-of-way was used in different areas by property owners for parking as one instance. He asked whether the Plan would be jeopardized by neighbors' opposition to giving up their right-of-way use. Mr. Morimoto said that public input would have to be obtained as use of right-of-way and certainly there would be negative input, but that the evaluation process would have consider and weigh negative impacts against the overall public benefit.

Chair Keith asked about the singling-out of sidewalk projects in the residential section of Santa Cruz Avenue in the CIP as proposed. (Commissioner Pagee arrived.) Mr. Morimoto said the City Council had indicated the Santa Cruz Avenue Sidewalk Project should have high priority within the Citywide Sidewalk Master Plan.

Commissioner Pagee asked how priorities would be set within the Citywide Sidewalk Master Plan. Mr. Morimoto said that there would be a study of higher traffic areas and public process conducted to determine if the particular area was a high priority area. Commissioner Pagee said that Woodland and Connors Avenues seemed to be identified as priority areas. Mr. Morimoto said he did not think that they had been. Commissioner Pagee asked about the sidewalk improvements for Linfield Drive. Mr. Morimoto said the fees for the sidewalk improvement at that location was paid for the by the Linfield Drive project developer.

Commissioner Bims asked about the Linfield Drive and Middlefield Road intersection study and whether that would include the development area's impact at buildout. Mr. Morimoto said he thought that the development impacts would be included. Chair Keith asked if there were any other improvements in the program that the City was not funding from the general fund. Mr. Morimoto said the Sand Hill Road study would use traffic impact fees and would be paid for by the hotel developer and the Caltrain bike/pedestrian underpass would also be funded by the traffic impact fee. Mr. Morimoto said the playfield improvements would be paid by in-lieu recreation fees.

Commissioner Deziel said that he thought the utility of a bike underpass was minimal.

Chair Keith asked if the costs of the projects were known. Mr. Morimoto indicated that each project had a budget. Chair Keith said that she would like that information included in the future.

There being no public comment, Chair Keith closed the public hearing.

Commission Action: M/S Riggs/Bims to adopt a finding that the Planning Commission has reviewed the 2007-2008 Capital Improvement Program and found it to be consistent with the City's General Plan.

Motion carried 6-0 with Commissioner Bressler not yet in attendance.

2. **Environmental Impact Report Scoping Session for the Bohannon Office and Hotel Mixed-Use Project involving a General Plan Amendment, Zoning Ordinance Amendment, Rezoning, Development Agreement, Architectural Control, Below Market Rate (BMR) Agreement, and Environmental Review/Bohannon Development Company/101-155 Constitution Drive and 100-190 Independence Drive:**

1. General Plan Amendment to create a new Mixed-Use Commercial Business Park land use designation, which would allow research and development (R&D) facilities, offices, hotels/motels, health/fitness centers, cafes and restaurants, and related commercial uses. The maximum floor area ratio (FAR) would be set at 100% for offices, R&D, and related commercial facilities, 13.5% for health/fitness centers, cafes and restaurants, day care facilities, and related retail/community facilities, and 25% for hotels/motels (total maximum FAR of 138.5%);
2. General Plan Amendment to change the land use designation of the properties from Limited Industry to Mixed-Use Commercial Business Park;
3. Zoning Ordinance Amendment to create a new M-3 (Mixed-Use Commercial Business Park) zoning district to allow for uses and FAR as stated in the corresponding General Plan land use designation. In addition, the M-3 zoning district would permit a maximum building height of 140 feet and a maximum number of 235 hotel rooms, and would specify use-based off-street parking requirements;
4. Rezoning the properties from M-2 (General Industrial) to M-3 (Mixed-Use Commercial Business Park);
5. Architectural Control approval of specific project plans for the construction of new buildings with a total of 962,196 square feet of gross floor area (138.5% FAR) and a maximum building height of 140 feet (equating to eight stories);
  - The Constitution Drive site would include two office buildings, two parking structures, and neighborhood-serving retail and community facility space;
  - The Independence Drive site would include one office building, a 173,682-square foot, 231-room hotel, a 76,420-square-foot health/fitness center, a shared parking structure, and associated commercial space;
  - The combined office gross floor area on the two sites would total 694,726 square feet.
6. BMR Agreement for the payment of in-lieu fees associated with the City's Below Market Rate Housing Program;
7. Development Agreement to guarantee development rights associated with the requested entitlements; and
8. Environmental Impact Report to analyze the potential environmental impacts of the proposal.

Staff Comment: Planner Thomas reviewed staff's recommended process for the scoping session: staff comment; presentation by the applicant to provide an overview of

the proposal; Commission's questions of staff and applicant for clarification; public comment; and Commission comment. He said that all comments would be recorded by staff and the consultant preparing the EIR and these comments would be responded to in the Draft EIR.

(Commissioner Bressler arrived.)

Mr. Phil Erickson, Community Design and Architecture, the land use planners and urban designers for the project, said he would provide a project overview and then Mr. Tom Gilman with DES Architects would provide more detailed information on the architectural design. He said that Mr. Scott Pickard, Renaissance Sports Club, would provide detail on the proposed hotel, sports club, and spa.

Mr. Erickson said the proposed project was an integrated mixed use development of office use, hotel, sports club and spa. He said an important thing about the proposed location would be the access to Highway 101 and the Bayshore Expressway, which would have no impact on downtown Menlo Park traffic. He said they were looking at integrating the landscape design with storm water treatment and attenuation of runoff and a more green and sustainable approach to the architecture of the buildings. He said the CEQA process would analyze the potential environmental impacts from the proposal and highlighted traffic, circulation, transportation, hydrology and water quality, and aesthetics.

Mr. Tom Gilman, DES Architects, Redwood City, said that Mr. David Bohannon, Bohannon Development Company, wanted to build a quality and state of the art project. He said their design started with building orientation on the sites for the most efficient energy for the buildings. He said there would be about four acres of landscaped open space that would provide an area for onsite storm water management through the use of bio-swales, drought-resistant native plants, and low flow irrigation systems. He said they were proposing in the center of the site a large pedestrian-oriented plaza that would begin at Constitution Drive. . He said the plaza spaces could be landscaped with native local materials designed in a pervious manner so that both the hardscape and softscape would be sustainable. He said there would be pedestrian walkways connecting to the crosswalks that lead to Bayfront Park. He said they also expected a great deal of pedestrian activity along Independence Drive. He said they intended to use architecture with enhanced sustainability such as energy efficient window glazing, double pane glass, and sun shading devices. He said they would also develop standards for the office space tenants related to improvements to the interior spaces and the use of high quality recyclable materials.

Mr. Scott Pickard, Marriott Hotel and Resorts, said that he oversees the Renaissance Sports Club. He said the proposed project would integrate a 70,000 square foot health club with a 206-room four-star hotel. He said there would be nine treatment rooms in the club and high quality locker rooms for members, hotels and visitors, and the hotel would have a restaurant that would provide dining all day. He said the hotel would



share the parking structure with the proposed office space. He showed slides of a similar sports club in Walnut Creek.

Commissioner Bims asked if this proposed sports club would have all of the amenities of the Walnut Creek facility. Mr. Pickard said that it would. Commissioner Bims asked about the office space and how it would be offered. Mr. Gilman, project architect, said that there were 20,000 to 30, 000 square foot that could be used in its entirety or it could be subdivided into 4 to 6 units.

Chair Keith said she thought the proposal had been smaller previously. Mr. Erickson said that it had been with a hotel that was proposed for business use only with no sports club amenity. Chair Keith asked about competition from the Four Seasons Hotel and the proposed Sand Hill Hotel. Mr. Pickard said Marriott had analyzed the market and found the addition of 206 hotel units was needed in this area. Chair Keith asked whether they were proposing 206 units or 235 units as indicated in the staff report. Mr. Erickson said that with the proposed zoning change they were building in some flexibility of space use.

Commissioner Riggs confirmed that the office buildings would be 140 feet high. Commissioner Bims asked what type of tenants was expected for the office space. Mr. Dave Bohannon, Bohannon Development, said that they expected their tenants would be in the knowledge business, and that they were more and more making leases with technology companies and legal firms. He said there was very little demand for industrial use and the buildings had originally been designed for those uses.

Commissioner Bims asked if Marriott wanted to own the property or just manage it. Mr. Bohannon said Marriott's business was to operate hotels under contract, not to own them. Chair Keith asked about the proposed 4,200 square feet of retail that would serve the community. Mr. Bohannon said that was within the program as a potential and he was not sure if it was viable at this point in the transformation of Bohannon Park. He said if this transformed site was embraced by the community that ultimately more service retail would be needed. He said there would be restaurant and some retail in the hotel and that there would be some type of high-quality food services in the office buildings.

Commissioner Deziel asked if Bohannon Development owned the parcels between the two sites. Mr. Bohannon said that they did not.

Commissioner Bressler said the site currently had limited traffic ingress and egress. He said he did not see anything in the proposal that would expand or augment that. He asked if they had considered that. Mr. Erickson said that they were comfortable with their analysis thus far that the traffic ingress and ingress would work for the new proposal but that traffic and circulation would be thoroughly reviewed through the CEQA process.

Commissioner Riggs said Mr. Erickson had referred to a future Dumbarton light rail and asked if they had considered a shuttle van from this site to other points in the City. Mr. Bohannon said that Bohannon Development Company had been very involved in creating a shuttle from Menlo Park station to Bohannon Park. He said that they would certainly look at something similar but was not sure if that would serve downtown too.

Commissioner Bressler asked whether the Fire District was prepared to handle the proposed heights of the buildings. Mr. Bohannon said the Fire District was well aware of their plans and indicated the District would be prepared to provide emergency services as long as the developer fulfilled their part to make that doable.

Commissioner Bims asked if the two parcels were located in the flood zone. Mr. Erickson said portions of them were. He said they would look at grading and other methods to deal with that. Commissioner Bims asked if there was an expected opening date determined. Mr. Bohannon said that the CEQA process would continue through the beginning of next year; and if the EIR was adopted and certified, then it would take four to five months to prepare drawings. He said it would then take about 18 months to build the hotel but that it would take longer to develop the market for the office space.

Chair Keith asked whether the four-acre open space could support a soccer field. Mr. Bohannon said he did not think so. Chair Keith asked whether the hotel would be feasible if it was less than eight stories in height. Mr. Bohannon said there had been long conversations with Marriott about the synergy of corporate office use with hotel and to create a use that would be transformative for the area. He said when they previously proposed a smaller project that the hotel had been considerably smaller and would have generated a third of the revenue which the currently proposed hotel was expected to produce. He said they were committed to making this happen and the integration of the uses was very critical to the success of the project. Mr. Erickson said that through the CEQA process there would be an analysis of what impacts buildings lower in height would mitigate. Mr. Bohannon said that the feasibility of the project for Marriott was based on the inclusion of the office space. Chair Keith said she understood the inclusion of the office space but questioned at what square footage. Mr. Bohannon said that similarly an important question would be whether more square footage would be better.

Commissioner Bims asked if there would be a grand opening for all of the proposed facilities or if they would do a phased approach to generate revenue. Mr. Bohannon said that he expected the hotel and parking structure at a minimum would be constructed with the hope that the office market would support the immediate building of the office project. He said that the hotel and parking structure at Independence Drive would probably be the first phase. He said the office space would probably be built in two phases.

Commissioner Pagee commented that the City's general plan encouraged the continuation of industrial uses and development that would not increase traffic. She said the proposal met neither of those goals. She asked about the benefit to the City

from the proposal other than property tax revenue. She said the project would be an island and the intent seemed to build a downtown away from downtown. She said the development on Sand Hill had much lower buildings. She said she thought the project could have more landscaping and open space than what was proposed. She said there would definitely be more traffic generated by the project. She said eight story office buildings would shadow the properties and existing business on the parcels between the two project parcels. She said she did not think there would be much tax revenue from legal firms. She said that service employees for the site would not have housing in the area and would need transportation alternatives. She said she thought the skyline views that currently exist would be impacted by eight story buildings.

Commissioner Bressler said he would like to see a component in the project to buy the properties between the two project sites for the creation of more open space. He indicated that he had no problem with the proposed height and that this was the best location in Menlo Park for it. He said that he was confident that there would be available transportation for service workers. He said he hoped that this project would not require the building of more housing.

There being no public comment, Chair Keith closed the public hearing.

Commission Comment: Commissioner Riggs said there were a couple of issues that would need to be addressed as they might affect the success of the project. He said the first had to do with the visual and daylight impact of the 140 foot high office buildings on the surrounding neighborhoods. He said the hotel from the northwest and northeast elevations would look very attractive but he was concerned about the appearance of the office buildings, noting that there would be the need for significant mechanical equipment and penthouse. He said also there was concern about areas that were "gateways" to Menlo Park and the architecture of these buildings would be very significant to the Commission. He said that at one time there had been a true cloverleaf for the Marsh Road exits from Highway 101 but that Caltrans had added two stoplights, and existing full evening come to a full stop. He said there was now a full stop in all directions of two minutes in duration during the evening commute. He said the U.S.P.S. was directly across from the project site and noted the considerable noise associated with its operation including the beginning of work at 4 a.m., trucks, and garbage pick up. He noted a bad bearing on an air conditioning unit that took over three and a half months to be repaired.

Commissioner Bims said he thought the project had good goals and intention. He said issues that would be important to the project would be more clarity on what type of tenants would occupy the office space and what their size requirements would be and what flexibility there was to subdivide. He said the parcels were separated by two parcels not owned by Bohannon and that it would be important to tie in benefits for the greater M2 area in regards to services and dining. He said he expected that service workers and office workers might come from the Belle Haven area, which would not impact traffic.

Commissioner Deziel said that overall he thought the proposal was a nice project. He said he was enamored with San Francisco's land use and their tall, pencil-type buildings. He said regarding the riparian habitat that most of the natural environment in the area was gone but that it was important to maintain the habitat used by remaining wildlife and that water supply was an important aspect of that. He said the principle he employed for considerations of general plan changes was that the change should not leave the Ordinance any worse off. He said the City had made a very concerted effort to do a commercial streamlining process that would update development processes for both industrial and commercial users. He said in essence because of the complexity of this project proposal that it had cut ahead in line of that streamlining development as it required staff resources. He said the intent of the proposal was to create a new zoning district and that the City's Commercial Streamlining draft Ordinance would become obsolete if an M-3 district came about. He said that under commercial streamlining, a logical way to assess a development was to look at tax revenue expected to be supplied to the City because of it. He said with this proposal of 174,000 square feet of hotel that about 80 percent of the expected use was expected to be R&D tenants who would pay about \$1.03 per square foot in property tax and that 20 percent would be hotel occupancy tax or about \$8.77 per square foot and that boiled down to \$2.50 per square foot overall which was a significant premium.

Mr. Bohannon said that would be the subject of a development agreement with the City. Commissioner Deziel said he thought the basis for getting a general plan amendment and extra FAR should be that the City would receive more than \$1.55 per square foot of revenue. He said the development agreement should provide a benefit to the City and for him that was part of not leaving the Ordinance worse off. He suggested to offset that impact to the Ordinance that the proponent should offer to carry the commercial streamlining forward. He said that a shuttle to the train station and shuttle to the downtown was a good idea that the proponent should also consider offering.

Chair Keith said she understood the intent to revitalize the area and attract more knowledge-based businesses rather than industrial business. She said she thought the greatest problem was the height of the proposed buildings, but expected that to be further addressed as the CEQA moved forward. She said other issues would relate to transportation, population and housing. She said the projection was that 1,800 new jobs would be created. She said if each person filling each job drove a single vehicle that would be 1,800 more cars impacting traffic in the area. She said 1,800 new jobs would also create an imbalance with housing. She said she liked the membership aspect of the sports club. She said she would like to hear more about the BMR and in-lieu fee. She said that if the area was designated M3 the M2 district would lose about 16 acres. She said she liked the transfer tax benefit.

Commissioner Pagee said regarding LEED certification that the applicant should look at obtaining gold or platinum certification. She said part of that would be to provide 10 services within walking distance of any building on the site. She encouraged the applicant to do their best to develop services onsite for those who work there or visit. She said also there should be an emphasis on easy access to public transportation and

suggested that they try to increase shuttle service and bicycle transportation. She suggested that they might use the top floor of the parking structure as quasi-green, open space rather than for parking. She said that she did not like the proposed height of the project but noted that others did.

Response comments from applicants: Mr. Joe Ferucci, legal counsel for Bohannon Development Company, said that fiscal impacts were not considered a CEQA issue under State law. He said that a fiscal impact analysis would compare expected revenue generation to what was existing for the site and not a theoretical maximum threshold a property could generate.

Mr. Bohannon said that he would like to meet with each Commissioner individually to respond to their individual comments.

Commissioner Riggs noted that the agenda item had seven different matters under consideration for the project, and not just CEQA. Commissioner Deziel commented that the CEQA process might be completed without any public hearing on the general plan and zoning amendment, and that he thought Mr. Ferucci's comments were an attempt to limit the breadth of this hearing. Commissioner Bressler indicated that he would continue to pursue the idea of Bohannon Development Company buying the properties between the two project sites in subsequent project hearings.

3. **Consideration of minutes from the April 23, 2007, Planning Commission meeting.**

Commissioner O'Malley said on page 2 of the minutes, fourth paragraph that the original motion was not acted upon. The Commission discussed possibilities of what had occurred.

Other changes recommended:

- Page 2, 7<sup>th</sup> paragraph, 1<sup>st</sup> line "of the surrounding property ~~ies~~ owners."
- Page 2, 8<sup>th</sup> paragraph, 2<sup>nd</sup> lines delete second "left rear."
- Page 3, 1<sup>st</sup> full paragraph, line regarding backyard restraints applied to project property not the neighboring project or "1044 Sonoma."

Commission Action: M/S Riggs/Bims to continue the item to the next meeting of June 18, 2007 to allow staff to clarify wording regarding the dispensation of the motion made by Commissioner O'Malley. .

Motion carried 7-0.

## **E. COMMISSION BUSINESS, REPORTS, AND ANNOUNCEMENTS**

1. Review of upcoming planning items on the City Council agenda.

Planner Chow provided a review of upcoming planning items on the City Council agenda.

## **ADJOURNMENT**

Meeting adjourned at 9:35 p.m.

Staff Liaison: Deanna Chow, Senior Planner

Prepared by: Brenda Bennett, Recording Secretary

Approved by Planning Commission on August 13, 2007.