



PLANNING COMMISSION MINUTES

June 1, 2009

6:00 p.m.

Special Meeting

Administration Building

City Council Conference Room -1st floor

701 Laurel Street, Menlo Park, CA 94025

and

7:00 p.m.

Regular Meeting

City Council Chambers

701 Laurel Street, Menlo Park, CA 94025

CALL TO ORDER - 6:03 p.m. (City Council Conference Room – Administration Building)

A. Special Meeting with Mayor Robinson and Commission Liaison/Council

Member Fergusson: Discuss role of Planning Commission, Council procedures, and any other matters of interest.

Mayor Robinson said he had requested the meeting to discuss how to improve communications between the Commission and Council and for a better understanding of the roles of the Planning Commission and Council. He said the City had a number of issues for which they would request assistance from the City Commissions, such as residential zoning and the environmental review for the Downtown Visioning Plan. He said the Council had directed staff to have the Planning Commission clarify Floor Area Ratio two years prior and the Council received the Commission's recommendation this past May. He said the Council adopted some of the Planning Commission's recommendations but not all of them. He said there was then a piece in the Almanac taking the Council to task for their decision which did not include all of the Commission's recommendations.

Council Member Fergusson said it was very important for civic volunteers to set the tone of Menlo Park as it was their tone that defined the City. She said her vision of Menlo Park was a City in which those engaged in civic responsibilities were very civil and respectful of the public, staff and of each other. She said tone was most important in the Council Chambers and Commission meetings.

Commissioner O'Malley asked if Commissioner Fergusson was referring to a particular incident of disrespect by the Planning Commission. Council Member Fergusson said

she was not rather she was emphasizing the importance of respecting everyone in conducting the City's business.

Commissioner Bressler said Chair Riggs had written an op-ed piece that was critical of the Council. Mayor Robinson said that statements were made about the Downtown Visioning Plan process suggesting that the Council would not go with what the public wanted. He said this process was very important to the City.

Commissioner Ferrick said that her understanding was that the Commission was directed to clarify the Floor Area Ratio by the Council and make recommendations. She said those recommendations were changed by the Council without Council considering the underlying reasons for the Commission's recommendations.

Council Member Fergusson said the Council adopted the structure recommended by the Commission, but took a more conservative approach with the numbers at least for the first year and subsequently there would be a report back to gauge how those numbers were working. Commissioner Bressler said he thought the Floor Area Ratio discussions took too long, and that in the final analysis the ordinance discussion went in a different direction based on reaction by the Chair to what staff had prepared.

In response to a question regarding Council's directions, City Attorney McClure said that when the Council sends a consideration to the Commission, the Council relies on staff to ensure that the Commission understands the direction being given by the Council. Chair Riggs asked if staff would explain the assignment or the outcome. City Attorney McClure said it might be either one. Chair Riggs said that the Commission addressed the Floor Area Ratio assignment numerous times and that could be reviewed in the Commission's meeting minutes. He said if the Commission was misinterpreting the assignment then the Council should have said so. Commissioner Fergusson said that was staff's role.

Commissioner Kadvany said he had read the minutes related to the Council's direction to the Commission and that it was to clarify the City's ordinance related to Floor Area Ratio, and the question was whether that was to clarify existing practices or the code itself. He said the Commission had come to focus on the existing interpretation of the code and were responsive to property owners attending the meeting. Chair Riggs said the Commission had been quite diligent in ascertaining what the Council's direction was. Commissioner Ferrick said she thought that Council would either accept or reject the Commission's recommendations. Commissioner Riggs said the Council was the deciding authority and had the right to make significant or complete changes to the Commission's recommendations. Commissioner Kadvany said there had been an earlier revision to the Floor Area Ratio numbers and the Commission had received several communications about them. He said that staff had presented Option A and Option B to the Commission; one option had no limits at all for one type of restrictive floor space. He said what the Commission came to recommend was much more restrictive than that option.

Chair Riggs said he had not realized the meeting would be about the Council's decision on Floor Area Ratio. Commissioner Bressler said the point was to improve communications between the Council and the Commission. Chair Riggs said it would have been helpful if the agenda for the meeting had been clear. Council Member Fergusson said the meeting as indicated on the agenda was to discuss roles and responsibilities and how to improve the process. City Attorney McClure said that the discussion might be getting off topic because too much time was being spent on one item. Council Member Fergusson said that staff resources were a consideration of the budgeting process with staff creating a staffing plan that helped the City plan its expected work plan, and it was important to keep staff time in line with that plan.

Chair Riggs said that 18 months ago the Commission was almost done with its Floor Area Ratio recommendations and had requested a joint session with Council to make sure communications about the Commission's recommendations were the best possible. He said that request was denied and Council Member Fergusson and Mayor Cohen met with the Chair at that time and himself and they developed a two-page summary. He said that was a good idea. He said that the agenda topic was positive but there were remarks addressed directly to him to which he would like to respond. He said if the Almanac gets hold of an issue then the issue tends to get heated. He said he questioned the reporter who wrote the piece about using terms like "rash" and "blasting Council." He said he had pointed out to this reporter that he had met and communicated with at least four of the Council Members to improve what would happen the next time the Commission had a project at Council's direction. He said he did not like the tone of the article, but he stood by his guest editorial. He said with the Downtown Visioning Plan his concern was having the process open to revision until the last moment and what limitations the Council would put on themselves as far as revision. He said progressing forward that with the development of a downtown plan and its implementation, the Planning Commission needed to understand Council's direction and whether there was a predetermined outcome.

Council Member Fergusson said that the Council would delegate work on issues, but would not abrogate their ultimate responsibility as the decision makers. Mayor Robinson said regarding the limits Council would place on itself that the Council Members had been elected to make the best decisions for City. He said the Council looked at recommendations and questioned and evaluated them. He said that the Council would not refer things to staff or commissions with determined outcomes. He said the Council did not want "yes" people; he said the Council relied on staff as the experts and the holders of detail and institutional knowledge, and the Council wanted staff to tell them how things were and what things needed to be fixed. He said that the Council expected the commissions to do the same.

Commissioner O'Malley said that the Commission listened to and respected staff. Mayor Robinson said that the Council had asked the Planning Commission for advice

and there had been a breakdown in communications between staff and the Commission.

Commissioner Kadvany said there was a distinction between policy judgment and technical judgment. He said the Commission deferred to staff's technical judgment and that staff was also in a position to provide perspective on policy.

Council Member Fergusson said that commissioners bring their values and life experiences to their commission work and this made commissions strong. She said she agreed with commissions contributing to policy recommendations. Chair Riggs asked whether staff should provide a weigh-in on policy. Council Member Fergusson said she would have the City Manager address those questions as well as comments on disrespect shown to staff during Commission meetings.

City Manager Rojas said there was some confusion about the Council's directive that was carried by staff to the Commission and it was questioned whether staff was speaking as Council or as staff. He suggested that when issues were delegated to the Commission that the Council liaison be invited to attend the first Commission meeting at which an issue would be discussed so as to clarify the direction of Council with staff's input. Commissioners O'Malley and Ferrick said that was a good idea. He said there had been incidents in which staff had felt chastised in public but with those particular incidents he had spoken with the particular Commissioner and those matters had been resolved. He said the focus this evening was to identify roles and for the Commission to understand that when the Council gave direction either to the Commission or to staff that staff reported to the Council.

Commissioner Bressler asked about things coming down the road such as the M-2 Zoning District, specifically the Bohannon project. He said he saw potential problems as there were people unhappy with the concept and those people needed to be heard. He said problems occurred with projects because the Commission was not an elected body like Council and Council had the final decision making authority. He said if the Council wanted the Commission to vet controversial issues that boundaries were needed. City Manager Rojas said that the Planning Commission was legally required under the state constitution and the Council could not put too many boundaries on the Commission.

Council Member Fergusson said that the applicants for the Bohannon project were putting a lot of energy into the public process but if Commissioners felt there was not enough process to let the Council know. Commissioner Kadvany said the applicant was doing a lot of outreach.

Chair Riggs asked staff about process. City Manager Rojas said there were big projects coming up with potential controversy and it was important to make sure roles were understood.

Commissioner Ferrick said the biggest project would be the Downtown Visioning Plan; she said it would be important for the community to see that it was moving ahead and would be implemented. Chair Riggs noted that when he distributed flyers door-to-door about the community workshop for the Downtown Visioning Plan that only five people engaged with him in talking about the Plan, and those people questioned even doing the process when in their opinions the Council would decide whatever they wanted when they made their final decision. City Manager Rojas asked what Chair Riggs' response had been to those people. Chair Riggs said he had responded that the Council was highly invested in the visioning process and would not overturn the public input. City Manager Rojas noted that when the public had a voice from the beginning of projects that those projects were much more likely to succeed. Chair Riggs said the City had a history of controversial points over the last 10 years or so. He said that during these controversial matters that certain speakers were direct and a few were disrespectful but overall there was a general sense that people in Menlo Park held to and that was issues could be turned around with the right influence. He said at a Commission meeting, Commissioners met with San Mateo City Planning Commissioners and more recently he had asked a Half Moon Bay planner how often their councils modified the recommendations of staff and their planning commissions and was told it is very rare. He said the concept of the Council modifying staff and planning commission recommendations was endemic to Menlo Park, and it would take more than the Commission's efforts for that to change. Commissioner Ferrick asked if Chair Riggs thought his op-ed helped or hindered the City's process. Chair Riggs said his guest editorial was meant to challenge individuals' influence over public process.

Commissioner O'Malley said that it was known which issues were political and noted that the Planning Commission would spend considerable time on those. He said if the Council in those instances thought that their decision would differ from the Commission's recommendations that a public joint meeting would be a better process for all. Mayor Robinson said when he considered projects at the Council meetings he did not necessarily know the outcome of the Council's decision.

Council Member Fergusson said the City had needed clarity in the Zoning Ordinance as there had been staff interpretation of ambiguous code. Chair Riggs said a group decided that any adjustments to definition would increase Floor Area Ratio and that group talked to one Council Member and as a result the definition was changed. Council Member Fergusson said that was unfair to the Council. Commissioner Ferrick said that there was concern about how tall buildings might be and that was a political conflict. Mayor Robinson said individuals had raised questions in a public process. Chair Riggs said the recommended definitions were not rules for size. Commissioner Kadwany said his service on the Commission began in the middle of the discussions about Floor Area Ratio definitions and the process for this issue had become politicized. He said that old history percolated through bad communications.

Mayor Robinson said part of the issue was that it took the Commission two years to get its recommendation to Council. Commissioner Ferrick suggested that when the

Commission began its consideration of weighty assignments and realized those would take much longer than might be expected that this could be conveyed to Council. Mayor Robinson said there were larger issues with the code, and it would be preferred that the Commission arrive at an answer sooner, but to say so if additional work was needed. Council Member Fergusson said that the Commission could also ask staff to get more clarification from the Council. Mayor Robinson noted that Council Member Fergusson was the Council's liaison to the Planning Commission, and the contact for the Chair of the Planning Commission. Commissioner Riggs stated that they tried, and that the summary effort was part of it and why Council Member Cohen designated the three of us to work on it.

Chair Riggs said he hoped that the Planning Commission would take the heat on polarized issues; so by the time those matters got to Council it was irrefutable that there had been numerous meetings and opportunities for the public to provide input.

Commissioner Kadvany said the Commission was captive to some dysfunctional processes such as the CEQA process. He said CEQA should not be a planning tool. He said there had to be better ways to plan the City and make complicated decisions, and he hoped that they would actively think about how they best should work together. Mayor Robinson said CEQA was required by state law. He said in some instances it could block projects. Commissioner Kadvany said that CEQA was a terrible tool that framed decisions based on only one alternative to the proposed project.

Commissioner O'Malley said the Mayor's recommendation to have a Council Member explain Council directives to the Commission was good. Mayor Robinson said Council Member Fergusson and he had discussed and that staff and she would convey Council's directions. Council Member Fergusson said there had be a caveat that there might be times when her schedule prevented her from attending the Commission meeting. Mayor Robinson said the Council would consider opportunities for joint meetings.

Chair Riggs said the City has excellent planning staff and thanked them; he also acknowledged and said he appreciated the Council Members visiting with the Planning Commission.

B. Adjourn to Regular Meeting

REGULAR SESSION (City Council Chambers) – 7:17 p.m.

ROLL CALL – Bressler, Ferrick, Kadvany, Keith (6:55 p.m.), O'Malley (Vice chair), Pagee (6:58 p.m.), Riggs (Chair)

INTRODUCTION OF STAFF – Deanna Chow, Senior Planner; Megan Fisher, Associate Planner; Thomas Roger, Associate Planner

A. PUBLIC COMMENTS

There were none.

B. CONSENT

1. Approval of minutes from the May 4, 2009, Planning Commission meeting.

Commission Action: Unanimous consent to approve the minutes as modified.

- Page 3, line 14: Insert the words “or more” after the phrase “a delay of 0.8 second.”
- Page 6, 3rd paragraph from bottom: Replace the whole paragraph “Commissioner Kadvany said the findings on the parking were implausible to him as the study took into consideration all six lots. He said that people park close to where they are going and other lots were a quarter of a mile from the Library. He said he supported more gyms but traffic would probably increase to level f because of the location of the project. He said the gym might be better sited on El Camino Real. He said the facility seemed to be shoehorned into the proposed site.” with the following paragraph “Commissioner Kadvany said the findings on the parking were misleading as the study assumes all six parking lots were equally useful to Burgess patrons. He said that people expect to park reasonably close to their Burgess destinations and that the Alma lot, next closest to the Library after its adjacent lot, was 1/4 of a mile away from the Library. That distance, he said, would be considerable for children or seniors, and wondered what options might be for handicap parking. He said he supported the gym projects, but thought the proposed gym would not be used optimally because of parking limitations. With multiple intersection ratings increasing to level F, he said it made sense to consider cumulative traffic impacts of other proposed projects on or near El Camino Real. He said that the new gym might be better sited on El Camino Real, directly across from Burgess Park, if combined with the much-discussed proposal of a bike/pedestrian tunnel near Middle Avenues. He said the facility seems to be shoehorned into the proposed site in terms of its size and the available land. The alternate site, he said, would allow for optimal use of the new gym.”
- Page 6, 2nd to last paragraph: Complete the sentence with “if needed would be achievable as the City owns the parcel at the corner.” after the phrase “El Camino Real.”

Motion carried 7-0.

C. PUBLIC HEARING

1. **Use Permit/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 58-square-foot addition to an existing single-story, single-family residence in the R-1-U (Single-Family Urban) zoning district.

Commissioner Pagee recused herself due to a potential conflict of interest.

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

Public Comment: Mr. Dan Winklebleck, Cornerstone Limited, said he was the designer for the project, which was a modest addition. He said the project would allow the owners to have a more useful home.

Chair Riggs said he had noted the matching materials for the new roof to the existing roof, but could not determine the condition of the existing roof, and asked if the existing roof was new enough to match the added roof. Mr. Winklebleck said the existing three-tab shingle roofing was not highly textured and could match the colors of the existing. He said in time when the balance of the house needed reroofing that would apply to the entire roof.

Chair Riggs closed the public hearing.

Commission Comment: Commissioner Keith moved to approve and noted the improved windows in the front elevation. She said she had no issue with the parking. Commissioner Ferrick seconded the motion.

Chair Riggs noted the washer/dryer and water heater layout in the garage. He said the applicants have a small car and a broad driveway for parking so he did not feel the scope of work warranted a change in the parking.

Commissioner Kadvany said the bay window angled in at 45 degrees. He suggested it would be more comfortable to sit in and read, if it was angled at 90 degrees. He asked if it could be changed. Chair Riggs asked how that might be recommended as part of the project approval. Planner Fisher said it should be stated in the minutes.

Commissioner Kadvany recommended that the project be allowed the flexibility to place the sidewalls of the cantilevered window at a 90 degree angle. Chair Riggs said there would be no Floor Area Ratio (FAR) impact, but it was a design aspect and asked the applicant to address. Mr. Winklebleck said he liked to have greater flexibility with projects; in this instance he preferred the current shape of the window. He said changing the shape would make it narrower to avoid a conflict of the roof over the bay window and the roof over the front porch. He said he suspected they would not change

the design unless there was a compelling reason. Chair Riggs suggested that the recommendation be disregarded as there was no interest in it.

Commission Action: M/S Keith/Ferrick 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:
 1. Development of the project shall be substantially in conformance with the plans prepared by Cornerstone Limited, consisting of four plan sheets, dated received April 2, 2009, and approved by the Planning Commission on June 1, 2009, except as modified by the conditions contained herein.
 2. 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.
 3. 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.
 4. 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 Commission Pagee recused due to a potential conflict of interest.

2. **Architectural Control and Use Permit/Novo Construction/4025 Bohannon Drive:** Request for architectural control for exterior modifications to an existing one-story office building in the M-2 (General Industrial) zoning district and a use permit for structural alterations to more than 10,000 square feet of the building,

and for a building that is nonconforming with regard to parking where 49 parking spaces are required per the Zoning Ordinance and 46 spaces would be provided (24 paved spaces and 22 spaces in landscape reserve). In addition, the applicant is requesting approval of the Below Market Rate (BMR) Agreement for this project, and a Heritage Tree Permit for the removal of four on-site heritage trees.

Staff Comment: Planner Fisher said staff had no additional comments. She noted there was a color and materials board and the applicant would make a presentation.

Public Comment: Mr. Robert Williamson, Novo Construction, said he was also the landlord of the building and that Studio TMT was the project designer. He said Novo Construction was a commercial general contractor business that moved to Menlo Park in 2005 from Redwood City. He provided a visual presentation on the projects done by Novo Construction in Menlo Park. He said the company had 80 employees, 40 in San Francisco and 40 in Menlo Park. He said there were 20 employees in the office and 20 employees in the field. He said by purchasing their own building they were able to structure the space to their needs.

Mr. John Thiele, Studio TMT, said the area was generally a residential area but which was developing into an industrial park area. He said the building was an older structure with a poor street presence and not a lot of architectural detail. He said there was little or no fenestration in the building but the building was solid. He said they wanted a contemporary feel to the project and would completely renovate the building being mindful of life cycle costs. He said they wanted LEED certification as a minimum. He said that the site plan proposed was unchanged to the existing site plan. He said the changes proposed were to move the entry back, put in a new trash and recycling enclosure, and make many architectural changes to the outside building. He said the existing interior layout included the front two-thirds as office space with a warehouse in the back third. He said they would add windows to the east, west and south side of the building with an outdoor space in the center of the building. He said there would be an entry, reception area, a conference room, and a large staff room with an open office area with an all glass front for sunlight. He said the materials used on the outside would be carried into the inside and they would use energy efficient dual glazing and, weathered steel metal panels. He said where there was stucco they would smooth it out and paint as shown on color board. He said there would be completely accessible upgrades to the building for the restrooms and the entry way, and they would use all new building systems such as mechanical and lighting and the specification ratings of those would be 23 percent better than what was required of a new building. He said they would use insulation and do a seismic retrofit and insulation. He said they were going for LEED certification for commercial interiors and hoped to get a Silver rating.

Mr. Thiele said that the existing 24 parking spaces would amply meet the demand. He said they would enlarge the lunchroom and restrooms and put storage to the front of the building rather than all in the back. He said they would reduce the square footage by

600 square feet which should reduce parking needs. He said the location of the building supported alternative transportation as it was within the reach of two bus routes and Caltrans shuttle services. He said the building would have bicycle racks and showers. He said there were 12 to 13 core people in the office and most of the other employees worked in the field. He said it would be very unusual to have all 20 employees in the building at one time. He said they would create landscape reserve for parking. He said there was currently parking onsite for 22 vehicles and parking was available in the rear to the property line, and spaces for several cars could be added to the south entry drive. He said those measures were a good alternative to building any additional parking right away. He said that Novo was committed to creating a great project and he thought it would be a great amenity to the City.

Commissioner O'Malley said the landscaping along the driveway and building looked like a jungle. Mr. Thiele said that was an oleander hedge that had not been maintained. He said they would trim the hedge and add lighting along the windows. He said on the right side there were a series of driveways and utility yards that would be removed and landscaped. Commissioner O'Malley asked about landscape reserve parking and asked if that would impact landscaping if parking was needed. Mr. Thiele said it could impact about two feet in particular the oleander hedge and the curb.

Commissioner Keith asked about bicycle storage. Mr. Thiele said that two racks were required but the bicycle storage area would be placed in the area of the trash/recycling enclosure and there was room to expand the bicycle storage. Commissioner Keith said she like the internal garden. She asked if the 40 workers were employees or contractors. Mr. Williamson said they were all employees. Commissioner Keith said the conference room looked open and questioned its functionality. Mr. Thiele said the conference room was enclosed in glass. Commissioner Keith asked about the operability of the windows. Mr. Thiele said all of them would be operable except the corner window. Commissioner Keith said condition 6.b might be modified as this construction management team would not have as many employees on site.

Commissioner Pagee said there would be desks for the superintendents and there would be times when there were more than 20 people onsite. She said neighbors had expressed concerns about traffic and parking. She said perhaps not now but when the economy improved Novo might expand. Mr. Williamson said the superintendents were in the field except for a couple of hours per month. He said project managers were in the office about 50 percent of the time and right now there were about 12 employees in the office. Commissioner Pagee asked if the parking could be increased now rather than in the future so the City did not have to police the parking. Commissioner Keith suggested that there be a review of the parking in 365 days rather than in 180 days. Commissioner Pagee said the design was good. She encouraged the applicant to get the higher points for a Silver LEED certification as that would be a good sales point for them as a company and for Menlo Park.

Commissioner Bressler asked how the reserve parking worked and what the process was for it to be implemented. Planner Fisher said with landscape reserve that the parking could be added at any time and they added a six month review of the parking under Novo's current operations. She said that the landscape could be converted at any time with either the owner coming forward to request or Planning requiring it. She said that it was a condition of the use permit.

Commissioner Keith referred to page F.1 and the arborist's letter. She said she agreed that the utility company had topped the trees and ruined the shape of them. She said that new trees could be planted elsewhere or they could use trees that did not grow as tall. She said she would like the applicant to have the flexibility to use a little lighter color on the stucco.

Chair Riggs closed the public hearing.

Commission Comment: Commissioner Keith moved to approve with modifications including for condition 6.b to add the word "this" before construction management company; extend the parking review to something greater than 180 days, and allow flexibility in the color for the stucco so it could be lighter or brighter than what shown. Commissioner O'Malley seconded the motion.

Planner Fisher said condition 6.b could not be changed but there could be conditions on size and the number of employees at the site. Commissioner Keith said that would be fine. Commissioner O'Malley asked how many employees that would be. Commissioner Kadvany said that condition did not look at how many employees might bike or use public transportation. Planner Fisher said if another construction company came in then they would require detailed information of that company. Commissioner Keith said it was fine to leave 6.b as it was written as it would come before the Planning Commission if there was a problem. Commissioner Bressler said the site was historically underparked, there would be landscape reserve, and there was process in place if parking became an issue.

Commissioner Pagee said a letter from Mr. Scott Bohannon said that the CC&Rs require adequate parking. Planner Fisher said that staff and the City do not enforce CC&Rs and were using the City's zoning ordinance standards. Commissioner Pagee asked if the requirement for use permit approval would settle that question for Mr. Bohannon. Planner Fisher said that was correct. Commissioner Pagee asked if it was accurate as stated in Mr. Bohannon's letter that no traffic study was needed. Planner Fisher said that was correct.

Commissioner O'Malley said the project would significantly improve the setting, and though he thought it was a shame that four trees would be removed, it was for the best.

Commissioner Ferrick said it was a nice looking project. She asked about the message from Mr. Bohannon and whether this would set a precedent for other projects coming

forth. Chair Riggs said that the Commission's decisions did not set precedence. He said the applicant was being asked to make modifications based on the history of use and with qualifications to bring it back nearly to code. Planner Fisher said that each project was considered on its individual merits. Commissioner Bressler said that they were using the existing foot print and were not tearing anything down.

Chair Riggs asked if the updates to the utility service would be added to the transformer that was buckling because of oak tree roots or whether there would be another transformer. Mr. Thiele said that the existing vault was the only place. He said otherwise they would need to reconfigure the design as 30 feet was needed to be clear to remove the existing vault. He said there is a tree right on top of the existing vault. Chair Riggs said the vault could be abandoned. Mr. Williamson said if it was abandoned they would still have to reconfigure the design. Chair Riggs said there was adequate space where there was landscaping. Mr. Williamson said the oak growing on top of the vault was not in the best condition and it was a volunteer sprout that had grown after the vault was installed. Chair Riggs said he would not hold up the project but in Menlo Park the preferred outcome was to work to preserve oaks. He asked about the location of the showers for the bicyclists. Mr. Thiele said bicyclists would enter through the small lunchroom area and that they could not do plumbing where the bike storage was as the site was flat and they needed fall to the sewer. He said the showers were also for joggers and walkers. He said perhaps they could move the bike parking closer to the showers.

Chair Riggs asked if the use of the 10 weathered steel panels added to the square footage of the building and whether those were part of the structural wall or an architectural detail. Mr. Thiele said they were looking at two fastening methods either a stud wall with plywood and hung to a pin system or to hang the panels from the wall. Chair Riggs said he wanted to emphasize the parking challenge of the neighborhood and if there were office wide meetings, events or celebrations that there would be a potential need for more parking spaces. He suggested they develop a backup plan for parking, such as carpooling, for such instances.

Commission Action: M/S Keith/O'Malley to approve the item with the following modification.

1. Make findings 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. 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.
4. Approve the Below Market Rate Housing In Lieu Fee Agreement, subject to condition 6e.
5. Approve the use permit and architectural control subject to the following **standard** conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by Studio TMT Architects, consisting of 16 plan sheets, dated received May 12, 2009 and approved by the Planning Commission on June 1, 2009, except as modified by the conditions contained herein subject to review and approval by the Planning Division.
 - b. Prior to building permit issuance, the applicants shall comply with all Sanitary District, Menlo Park Fire Protection District, Allied Waste, and utility companies' regulations that are directly applicable to the project.
 - c. Prior to building permit issuance, the applicants 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 comply with the requirements of Chapter 12.48 (Salvaging and Recycling of Construction and Demolition Debris) of the City of Menlo Park Municipal Code, and is subject to review and approval by the Engineering and Building Divisions.

- e. Prior to building permit issuance, the project sponsor shall submit a heritage tree preservation plan, detailing the location of and methods for all tree protection measures, as described in the arborist report. The project arborist shall submit a letter confirming adequate installation of the tree protection measures. The project sponsor shall retain an arborist throughout the term of the project, and the project arborist shall submit periodic inspection reports to the Building Division. The heritage tree preservation plan shall be subject to review and approval by the Planning Division.
 - f. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval by 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, dimensions, and colors of all meters, transformers, junction boxes, relay boxes, and other equipment boxes.
 - g. The applicant shall apply for a separate Sign Permit for signage at the site, subject to review and approval of the Planning and Building Divisions.
6. Approve the use permit and architectural control subject to the following ***project-specific*** conditions:
- a. The applicant shall maintain a minimum of 46 off-street parking spaces, of which 22 parking spaces are in landscape reserve. Following 180 days of the building being occupied, the property owner shall work with the City on an independent parking survey of the site. The parking survey shall be conducted by a firm hired by the City and paid for by the property owner. If the parking survey determines that additional parking is needed, then the Planning Division would review and approve the quantity and location of parking spaces to be paved. Within 30 days of the parking needs and location determination, the property owner shall submit a building permit application that includes a grading and drainage plan reflecting the proposed improvements related to the construction of the additional parking spaces for review and approval by the Planning, Building, and Engineering Divisions. The applicant shall make timely resubmittals, and shall construct the improvements within 90 days of building permit issuance. If additional landscape reserve parking stalls are needed in the future, either the applicant or the City can make a request, which is subject to review and approval by the Planning Division.
 - b. Construction management office is the only permitted use for the building. All other office uses would require use permit revision for a

change of use on a property with nonconforming parking and to review the installation of the landscape reserve parking.

- c. Prior to building permit issuance, the applicant shall submit a detailed landscape and irrigation plan demonstrating compliance with Chapter 12.44 (Water-Efficient Landscaping) of the City of Menlo Park Municipal Code. The comprehensive landscape plan shall contain information regarding the size, species, location, and quantity of trees (including heritage tree replacements), shrubs, and plants. This plan shall be subject to review and approval by the Planning and Engineering Divisions. The landscaping shall be installed prior to final inspection of the building.
- d. Prior to building permit issuance, the applicant shall submit a draft deed restriction that requires the area identified on Attachment B15 (plan sheet A-15) as warehouse/storage to remain as such to the Planning Division and City Attorney for review and approval. Additionally, prior to building permit issuance, documentation of recordation of the deed restriction shall be provided to the Planning Division.
- e. Prior to building permit issuance, the project sponsor shall receive a favorable recommendation on the Below Market Rate (BMR) Housing Agreement from the Housing Commission, and execute and pay the in lieu fee of approximately \$12,702 in accordance with the BMR Housing Agreement. The BMR fee shall be calculated at the time the fees are paid.
- f. ***Concurrent with the submittal of a complete building permit application, the applicant may submit revised plans showing a lighter beige paint color for the exterior stucco, subject to review and approval of the Planning Division.***

Motion carried 7-0.

D. STUDY SESSION

1. **Study Session/El Camino Real/Downtown Specific Plan:** Review of project status and opportunity for individual commissioner comments.

Staff Comment: Planner Rogers said staff needed time to set up the presentation. Riggs asked whether the Commission should consider Commission business. Planner Chow suggested that there might be people who were waiting to speak. Chair Riggs conferred with other Commissioners and their consensus was to review the handout materials while staff set up the presentation.

Planner Rogers said the consultant would do a presentation, the Commission would have an opportunity to ask questions, there would be public comment, and then Commission comment.

Mr. Mark Hoffheimer, Perkins+Will, the City's consultant for the specific plan process, gave a presentation that included a review of the project schedule, Community Workshop #1, preliminary alternatives and evaluation criteria, and the Community Workshop #2 process.

Mr. Hoffheimer said that over 100 people attended the Community Workshop #1. He said they had made a presentation and received comments. He said there were over 1,000 comments and there was a 20-some page report. He reviewed some of the ideas which were the notion of a pedestrian realm and bicycle networking, mix of uses to enhance vibrancy, three-story buildings downtown, three- to five-story buildings along El Camino Real, vacant buildings getting occupied, alternative transportation, more usable public space, and reorganization of parking without reduction of parking.

Mr. Hoffheimer said in developing alternatives that they looked at four themes and comments on those, such as whether for connectivity and traffic people were willing to have delays in traffic to enhance pedestrian use on El Camino Real, underground paths and circulation on El Camino Real, improved modes and transportation, and east/west connectivity. He said for the theme of vibrancy desired elements were a mix of uses downtown with places for all ages, cultural uses, longer hours, and greater residential uses. He said related to public space there was a desire for more uses such as for the arts and farmers markets and potential solutions were to move parking and increase the height of buildings to get the public spaces, and to increase the amount of parking. He said related to the theme of character and to determine what a village character was, they asked participants to look at photos of buildings and select a favorite. He said the Menlo Center was the top choice and the indication was desire to see buildings modulated so as to decrease massing. He said they took the comments of the public and the comments of the Commissions and other stakeholders to begin preparation of alternatives.

Mr. Hoffheimer said the alternatives were a work in progress, but they had identified three. He said the first they named "Compact Village" and in this alternative they emphasized residential use in the downtown on Santa Cruz Avenue with a slightly higher density and intensity of use to make the downtown the main activity hub and the addition of two parking structures with El Camino Real as the commercial corridor. He said the second alternative "Connected Town" emphasized walkability and the use of north/south streets to create a network of smaller open spaces with a loop to connect to neighborhoods around the downtown. He said the downtown would have mixed uses with culture and entertainment, two parking structures and a presumption that bicyclists and pedestrians would be able to cross at every street. He said the third "Central Station" looked at focusing development and attention on El Camino Real and to have

that come together with the downtown. He said they looked at depressing El Camino Real between Oak Grove Avenue and Menlo Avenue for local lanes to go underneath the El Camino Real. He said their civil engineer had indicated that this might not be viable because of width needs but they were still investigating this alternative. Chair Riggs suggested putting the entire road underneath and then diverting local traffic. Mr. Hoffheimer said that for local traffic and retail ability it was important to have vehicular access and visibility for the businesses. Chair Riggs said he had studied these types of roads on both coasts and they worked. Mr. Hoffheimer said the most complicated intersection was that at Ravenswood Avenue and El Camino Real which now had two left turn lanes onto El Camino Real.

Mr. Hoffheimer said they were in the process of developing three models of what these alternatives would look like with both a bird's eye view and view at grade. He said that they have an economist and transportation consultant on board and they would look at sales tax revenue and traffic generation preliminarily. He said at the #2 Community Workshop the objective would be to present the three alternatives for evaluation and to identify the key features for a preferred alternative.

Commissioner Ferrick asked if people would be able to comment on individual elements in the alternatives or forced to select one of the three because of a preference for a certain element. Mr. Hoffheimer said with the matrix they wanted to be sure they were covering everything they heard. Commissioner Ferrick said that the elements individually might be a preference for people and they might select that alternative because of that. Mr. Hoffheimer said there would be an opportunity to comment on elements and then comment on what the preferred alternative might be. He said there would be many visuals to aid assessment.

Commissioner O'Malley said he was surprised at the height of buildings that people had supported in the first workshop noting the Derry Project received a lot of opposition because of the height of those proposed buildings. He said that the City needed more sales tax revenue. He said if there was to be more retail that there needed to be more housing downtown and along the El Camino Real.

Commissioner Pagee said she went to one workshop with the Planning Commission and she thought it was two to three story buildings on El Camino Real that had been suggested, but now it was four to five story buildings. She said that shadow studies needed to be done. She said in the report tall buildings were added in different locations downtown and wondered how the location was determined. She asked why the buildings on one side of Santa Cruz Avenue were shown higher than those on the other side. She said she did not understand the process that created that layout. She said the zoning was C-3 on Santa Cruz Avenue and C-4 on El Camino Real. She said she expected that if those buildings became taller there would be more property tax even if the building ownership did not change.

Commissioner Kadvany said he agreed with Commissioner Ferrick that the variables in the alternatives should be focus of the next workshop and not the alternatives as proposed. He asked that the consultant structure these alternatives as toolkits to develop the best alternative. He said the evaluation should be on the elements not on the alternatives. He said they should use general evaluation criteria on the elements and that they should defuse the height issue. He said that it was too soon for the consultant to provide alternatives.

Chair Riggs asked about Commissioner Kadvany's comment about height and selecting height. Commissioner Kadvany said for infill development that people had firm perspectives on height and they should get away from absolute criteria. He said on the Central Station design that it was fine to have anything on the menu but what were the details to get to a humane El Camino Real and he was not seeing enough to know the level of probability.

Commissioner Bressler said that Commissioner Pagee made a good comment about the impact of height on El Camino Real to residences. He said that the users of businesses on El Camino Real would not necessarily be residents.

Commissioner Ferrick said she was concerned that people would select an alternative as preferred because of certain desirable elements but which alternative might also have elements that were not desirable. She said she was glad that they could move elements around.

Public Comment: Mr. John Ames, Menlo Park, enumerated some of the fiscal challenges of the City and State and how those would impact retirees living on fixed income. He asked that the Commission adopt a position that City revenue opportunities were a major component of this process. He said at a previous workshop he had attended that there had been a desire for a new hotel and conference center from which the City would get transient occupancy tax. He said the conference center could be next to the Stanford Hotel with a new hotel further north. He asked the Commission to plan for the seniors who are striving to stay in Menlo Park with increased demands on their income.

Ms. Elizabeth Lasensky, Menlo Park, said she wanted to discuss the heights of buildings. She said the people at the workshop were not developers and they were residents she had not seen before and they supported building heights as described in the presentation. She said that they should be heard as well.

Chair Riggs closed the public comment period.

Commission Comment: Commissioner Keith thanked the public for their comments. She said she agreed that the elements of each alternative should be evaluated and that people should not be asked to choose on the three alternatives at this time, because it is too early in the process to do so. She said the public also needed to be educated

and brought up to speed. She asked if there could preferences requested for the height of parking structures and whether underground or aboveground. She said she would like to see information about bike lanes. She said that the parking capacity should be increased and parking times increased.

Commissioner O'Malley said there was a very vocal minority in Menlo Park and that the consultant needed to get input from the majority of people.

Commissioner Pagee said buildings along El Camino Real would back onto residences and they would need to look good on both the front and the back. She said there were opportunities on the Stanford property to have senior housing with connectivity to Safeway and Little House with possible underground access to the library. She said she agreed with bringing revenue into the City and that the City might consider negotiations with Stanford about this vacant property.

Chair Riggs said that asking the public to pick a preferred alternative from the three alternatives was not the successful way to proceed. He said people needed to consider elements. He said having a loop for bicycles around downtown was counterproductive. He said there was a need for visuals to show what a four-story would look like. He said he thought guidelines were needed for the process to work. He said regarding high speed rail that while the consultant prepared multiple schemes that it should be remember that it was the City's desire to have the high speed rail underground. He said the City of San Mateo adopted a plan with high speed rail underground. He said most of the effort should be put into the design wanted and whereas there should be a backup plan that should not be focus. He said retail needed to be encouraged and the economics of that were that people come for one item but the idea was to anchor them so they spend the afternoon. He said for the first few years people would have to drive to get here and they should find nice convenient, central parking.

Commissioner Kadvany said related to "character" that the one alternative supported "village character," and he did not know what "village character" was and he suspected many others did not understand it. He said the term had come from the report by the first consultant. He said that report was a very poorly written document. He said the present consultant should bring options and there should be specific general evaluations on a wide range of topics, such as housing and retail. He said Council needed to see what was important rather than look at that later in the process. He said any notion of "village character" should be limited to Santa Cruz Avenue as it related to local shops and scale. He said public space was not getting a lot of emphasis in the alternatives presented but rather there seemed to be an emphasis on big buildings and not on bicycles and pedestrian walkways. He said the consultant would need to explain vibrancy to the public at the next workshop. He said public education was important in this process. He said he appreciated Mr. Ames' comments and hoped to get similar feedback from the workshop. He said they should make it possible for people to think about all of the major elements. He said related to cumulative impacts that traffic and

car trips would increase if building sizes were increased. He said that was a major environmental impact and would raise concerns.

Mr. Hoffheimer thanked the Commission for their comments. He said the first workshop was meant to educate people on the values of mixed uses, different kinds of public space, and interrelationships and tradeoffs. He said to do that they broke them into four focuses based on the Phase I plan. He said these three alternatives at this point were half-baked. He said that they would present details such as stepping back buildings and scaling down mass impacts. He said they would not expect anyone to pick any of the three alternatives but hoped they would inspire people's imagination as to the possibilities. He said the evaluation questions really needed to be fine-tuned but they wanted people to draw from these alternatives a vision of a preferred plan. He said from that they would look at what guidelines would accomplish that outcome. He said they would bring much more detail about the three alternatives to the community workshop.

Summary of individual Commissioner comments:

- Consideration of alternatives should not be limited to picking just one option; process should enable mixing-and-matching of discrete elements
- Some surprise about support for building heights of up to four to five-stories on El Camino Real
- Need for greater detail in graphics, such as showing clearly higher-floor setbacks and transitions to adjacent residential neighborhoods
- Showing different high-speed rail options could prove distracting
- Shadow studies should be considered
- Getting the right mix of uses important for vitality, but hard to regulate
- Evaluation criteria too generic
- More specificity needed on alternative modes of transportation
- Many poor examples of El Camino Real development in nearby communities
- Support for senior housing
- Continued confusion about meaning of "village character"

E. REGULAR BUSINESS - None

F. COMMISSION BUSINESS

1. Review of planning items on City Council agendas.
 - A. El Camino Real/Downtown Specific Plan (Phase II) Process

Planner Rogers said the consultant would next visit with the City Council on June 9 similar to this meeting. He said the #2 Community Workshop would be June 18. He said he appreciated the Commissioners help with the outreach. He said there was a Citywide newsletter that would be mailed to every resident and business, tenants and property owners. He said there would be a notice in The Almanac as well.

B. Burgess Gymnasium and Gymnastics Center

Planner Chow said that the response to comments period closed May 26 and the consultant was preparing responses.

G. REPORTS AND ANNOUNCEMENTS

Commissioner Pagee commented on the new building for the sewer agency and the increase in sewer service fees. Chair Riggs said that the increase also was due to the improvements to the treatment plant.

ADJOURNMENT

The meeting adjourned at 9:51 p.m.

Staff Liaison: Deanna Chow, Senior Planner

Recording Secretary: Brenda Bennett