



PLANNING COMMISSION MINUTES

August 31, 2009

7:00 p.m.

City Council Chambers

701 Laurel Street, Menlo Park, CA 94025

CALL TO ORDER – 7:05 p.m.

ROLL CALL – Bressler, Ferrick, Kadvany, Keith, O'Malley (Vice chair), Pagee, Riggs (Chair)

INTRODUCTION OF STAFF – Deanna Chow, Senior Planner; Megan Fisher, Associate Planner; Justin Murphy, Development Services Manager

A. PUBLIC COMMENTS

There was none.

B. CONSENT

There were no items on the consent calendar.

C. REGULAR BUSINESS

- 1. Review of Substantial Conformance/Gita Kashani/642 Santa Cruz Avenue:**
Review of exterior modifications made to an existing commercial building in the C-3 (Central Commercial) zoning district where architectural control was previously approved as requested by Commissioner Pagee.

Chair Riggs noted that staff had distributed photographs of the current project and the original project plan.

Commissioner Pagee said she had requested another review as the final project was different than what had been approved. Commissioner Keith said the original plan had shown an awning but there was none. Chair Riggs said differences between the original plan and the project: column painted out on plan with single base color and single shaft color with horizontal detail having a classical reference and a cornice rather than a sheet metal cap at the top of the façade. He said the plan for the storefront had vertical and horizontal elements all of which had been changed. He said there was a changed color scheme and absence of an awning. He said there was considerable difference between what was approved and what was done.

Chair Riggs asked the applicant to address the changes.

Ms. Gita Kashani, Los Altos Hills, the applicant, said she decided to stay with the Timothy Fitch storefront that existed. She said the awning obscured the sign, which had been a design flaw. She said the other issue with the awning was that it would block the light. She said that also the color scheme she had imagined for the awning when the graphics design was applied did not work. She said the reason for the difference in the colors was to stay consistent with the interior colors. She said using a lighter brown and deeper brown gave the site depth and made the sign stand out. She noted that pedestrians had made positive comments about how beautiful the storefront and sign look. She said the metal accents picked up the accent colors inside and on the back of the store. She said it was a trendier and more hip look that she was trying to build for the store. She noted other storefronts in the area that used different colors to make their signs stand out. She said next to the site was a site with really old brown lava rocks and she wanted her store to stand away from that look.

Commissioner Kadvany confirmed with staff the colors used were within the City's color regulations.

Commissioner Keith asked about the bottom of the two pillars as originally the plan showed a different façade on the pillars. Ms. Kashani said the finish for an additional piece would look different and she thought it looked good by staying with the original Timothy Fitch storefront.

Commissioner Bressler asked what the business would be. Ms. Kashani said it would be a retail clothing store for both men and women.

In response to a question from Chair Riggs, Development Services Manager Murphy said the applicant was not changing very much to the existing building but was changing from the approved plan. Chair Riggs said that the prior building had subtle colors. Development Services Manager Murphy said that was correct. Chair Riggs said the most significant change was the paint scheme and lighting. Planner Fisher said there had been review approval for the original Timothy Fitch storefront. Commissioner Pagee asked if the applicant had taken over the lease and just painted the exterior whether review and approval would have been needed. Development Services Manager Murphy said it was possible based on what the proposed changes were. Commissioner Pagee asked about the Cheeky Monkey storefront. Planner Murphy said staff looks at the prior use permit and if there was architectural control with the original approval then a new use would require architectural control. Chair Riggs asked about the glass installation and if that would trigger architectural control. Development Services Manager Murphy said that just adding glass would not trigger architectural control.

Commissioner Bressler said the question was whether the Commission would have approved the changes now present. Commissioner Keith said she agreed with Commissioner Bressler and indicated that she liked the change the applicant had made.

Commissioner Keith moved to approve the project as now presented. Commissioner Pagee seconded the motion.

Commission Ferrick asked if there was any public comment.

Chair Riggs noted there was no public comment.

Commissioner Ferrick said it was exciting to have a retail store on Santa Cruz and that the changes were great. Commissioner O'Malley said the building looked nice but commented that what was done compared to what was approved was very different, and he hoped that would not occur again. Chair Riggs said he was very disappointed with the quality of the paintwork and was a deficient improvement in light of the aspirations for Santa Cruz Avenue downtown. He said this was an unfortunate and inexpensive solution considering the money being spent by the City to improve the look of downtown.

Commission Action: M/S Keith/Pagee to find the proposed changes in substantial conformance with the building prior to approval of architectural control.

Motion carried 6-1 with Commissioner Riggs opposed.

D. PUBLIC HEARING

1. **Rezoning, Planned Development Permit, Tentative Parcel Map, Below Market Rate Agreement, Heritage Tree Removal Permit, and Environmental Review/Sand Hill Property Company/1300 El Camino Real:** Requests for the following: 1) Rezoning the properties from C-4 General Commercial District (Applicable to El Camino Real) to Planned Development (P-D) District, 2) Planned Development Permit to establish development regulations including parking, building height, landscaping, and building setbacks, and conduct architectural review for the proposed development of 110,065 square feet of commercial space (51,365 square feet of retail/restaurant/service uses and 58,700 square feet of non-medical office uses), 3) Tentative Parcel Map to merge the existing six lots and create up to four commercial condominium units, 4) Below Market Rate (BMR) housing agreement for the payment of in-lieu fees associated with the City's BMR Housing Program, 5) Heritage Tree Removal Permits to remove one on-site and two off-site heritage trees, and 6) Environmental Review of the proposed project for potential environmental impacts.

Staff Comment: Planner Fisher said there was a colors and materials board which the applicant would present later in the meeting. She said a rendering of the project was being passed around at the dais for the Commission's review. She said staff had a recommended change to Attachment E, pages 23 and 24 under "Findings" For both the Mixed Use Alternative and the Maximum Residential Alternative: " ... and would expose

*residents to ~~unhealthy~~ levels of air pollutants **that would result in significant and unavoidable impacts.***"

Planner Fisher said that Mr. Adam Weinstein of LSA, the City's EIR consultant would present on the CEQA process after which there was an opportunity for the Commission to ask questions of staff and the consultant. She said also present to answer questions related to the EIR and traffic analysis were Mr. Chip Taylor, Transportation Division, and Ms. Michelle Hunt, Hexagon, traffic consultant for the EIR. She said the applicant would then make a presentation followed by Commission questions. She said there would then be public comment followed by Commission comment. She said Attachment D outlined the elements of the Commission's project recommendation.

Mr. Adam Weinstein, Associate, LSA, Berkeley, project manager for the EIR, said that the project has been in process for several years. He said that in May 2006 a Notice of Preparation for a Draft EIR was issued on the original mixed use project application. After the Council requested that the applicant consider a housing element for the project, the environmental process was halted in early 2007 while the application was revised application. After the submittal of the revised application in July 2007, the Notice of Preparation for the Draft EIR was revised and recirculated. He said a scoping session was held with the Planning Commission on August 20, 2007 to receive comments and determine elements of analysis and the level of detail. He said the Draft EIR was made available in March 2009 for public and agency review, delivered to the state clearing house and to interested agencies. He said copies were made available at many locations as well as digital copies with a 45 day comment period. He said a public hearing to receive public comment on the Draft EIR was held before the Planning Commission on April 6, 2009. He said at the end of the review period all of the comments submitted either in writing or orally were responded to in the Response to Comments document. He said in response to comments they also made text changes to the EIR such as adding a glossary of terms and charts showing the fluctuation of traffic on several roadway segments around the site. He said however that in all of the comments received there was no information that identified new environmental impacts or mitigation, and the conclusions of the review were the same as when the Draft EIR was recirculated.

Mr. Weinstein said they had analyzed the mixed use alternative in great detail and the other alternatives in lesser detail as there was the potential the mixed use alternative might be chosen over the proposed project. He said if another alternative was chosen that there would need to be an Addendum to the EIR prepared. He said that CEQA did very well in identifying in many areas potential environmental impacts but it did less well qualifying local impacts weighed against regional benefits and those judgments had to be made by the decision makers.

Commissioner Keith asked about the date of a letter on page 25 of the Response to Comments document, noting the writer had said the Draft EIR was not available at the library. Planner Fisher said the letter was written before the Planning Commission

meeting of April 6, 2009. Commissioner Keith said she would like confirmation that the applicant would get LEED certification for the project and noted numerous mentions of LEED certification. Mr. Weinstein suggested that would best be asked of the applicant as LEED certification was not designated as a mitigation measure.

Commissioner Kadvany said there were a number of impacts not mitigated related to Atherton intersections and Caltrans roadway intersections. Mr. Weinstein said the City could not force mitigation measures on Atherton or Caltrans but could make good faith efforts to seek mitigation. Commissioner Kadvany asked what the health exposure was for the residential alternatives. Mr. Weinstein said this related to diesel exhaust and the analysis took the number of train trips and trains which data was fed into a model and used measurements of the USDP health risk assessment to calculate cancer risk from exposure to diesel exhaust. He said for the project site there was a finding of 55.9 cases in a million of cancer risk, which exceeded the threshold risk of the health risk assessment used. Chair Riggs asked about exposure to office workers. Mr. Weinstein said the health risk assessment used by CEQA only analyzed residential. He said it was assumed that workers would not be at the location for a period of 50 years and that their time at the location was limited to work hours. Chair Riggs said he was curious as to how many train trips there were between 8 a.m. and 6 p.m. as compared to between 6 p.m. and 8 a.m. He said that Caltrain had publicly committed to a conversion from diesel to electric. He noted that there were many other sources of diesel exhaust and had no sense of when or whether those would go electric. He said he thought there should be a comparative health risk analysis for commercial and office use adjacent to train tracks. Mr. Weinstein said that this was an extremely conservative analysis and potentially exaggerated the risk on the site. Commissioner O'Malley said the conclusion was troublesome as the City's Specific Plan indicated a desirable outcome of developing residential along the railroad corridor. He said if the health risk was truly significant he would have to both question the proposed Derry project and City's Specific Plan. Mr. Weinstein said that the health impact was not the same the whole route of train but was greater at locations where trains idle or stop. Chair Riggs said it was worth verifying the target date, which he recalled was 2012 or 2015, by which Caltrain would convert to electric trains. Commissioner Bressler said the project site was near the El Camino Real and the train station which meant there were greater levels of pollution, which raised the question of how suitable this location was for residential. Commissioner O'Malley noted that breaking the health risk factor to a lower number meant that there were potentially .05 cases of cancer risk per 100,000 people. He said that people who worked or visited the site would have exposure as well. Mr. Weinstein said cancer risk because of particulates in the air were high in California and higher than in other states.

Commissioner Ferrick asked how the mitigation payment amount for a traffic light at Encinal and Middlefield was determined. Mr. Chip Taylor, Transportation Manager, said the figure was derived from an estimate obtained by Encinal School. He said that the school, the Town of Atherton and the City of Menlo Park had committed to share the cost. He said the school also had other civil improvements to make so the shared cost

was slightly less than one-third for the Town and City. He said there was a mitigation fund as the school was not ready to commence on the improvements.

Commissioner O'Malley said in the third paragraph on page 5 regarding square footage that it was stated: "the project was designed in accordance with City's gross floor area definition in effect at the time of the application submittal and with the modification of City's definition of gross floor area, the building square footage might be reduced from 110,065 square feet to 106,308 square feet." He said he questioned the statement that the building could not be increased in size. He said it was his understanding that if the applicant wanted to take advantage of the current gross floor area definition that a new EIR would be required. Planner Fisher said there would need to be analysis and some process of CEQA, perhaps an addendum, but not necessarily an entire whole CEQA process. Chair Riggs said that in a P-D Permit there were set size limits. Planner Fisher said for more square footage to be allowed more CEQA review and a revision to the P-D permit would be needed. Chair Riggs asked about the mixed use alternative which he thought would have greater square footage. Planner Fisher said that was to use the density bonus clause for BMR units and would require an interpretation by Council that the clause was being correctly applied. In response to Chair Riggs, Planner Fisher said there would need to be an addendum to the EIR if the mixed use alternative was selected.

Commissioner O'Malley said the staff reported indicated the project would be LEED certified and had been registered by the applicant. He said he had read the applicant was seeking LEED gold or platinum level and this seemed to be at a lower level. He asked what it meant for the project to be registered. Planner Fisher said the applicant had committed to LEED certification but not to gold or platinum level; she said registration was the initial step of the certification process. Commissioner O'Malley said it was stated in the EIR responses that it would be silver or higher rating. Planner Keith page 20 of the responses and it said silver or higher rating. Planner Fisher said these were measures to reduce effects of the project and mitigation "could" include those things, but it was not a commitment but one of many items that could be done to mitigate environmental impacts. Commissioner O'Malley asked if the project was completed, what the City's recourse would be if the project was not LEED certified. Planner Fisher said it would depend on what mitigation was agreed upon with the applicant. She said if it was LEED certification that was agreed upon then the applicant they would have to follow through getting LEED. Development Services Manager Murphy said there could be condition of approval that required LEED certification. He said that Attachment G, pages 17 and 18 explained what the applicant had to do, and elements that were part of the project description were definite obligations by the applicant, noting those obligations were different from a commitment to a good faith effort.

Commissioner O'Malley said the staff report, page 8, Garwood Way Right-of-Way

Improvements, indicated that the dedication of the right-of-way for the extension of Garwood Way might not occur in the near future, and asked for a definition of near future. Planner Fisher said that before the project was approved and constructed. Commissioner O'Malley asked if this applicant would be required to share the costs to extend the right-of-way should the Derry project move forward. Planner Fisher said if this project was constructed and occupied and then a revised Derry project came back to the City that the Derry project applicant would be responsible for all of the costs to extend the right-of-way. Development Services Manager Murphy commented that staff tried to describe all of the potential scenarios in the conditions of approval, including one that would require this applicant to work with the Derry project applicant. Chair Riggs noted condition 6.17 which required cooperation and good faith effort. Planner Fisher read condition 6.22 which states: *If the Derry project is approved prior to construction of off-site improvements for Garwood Way, then the applicant for the 1300 El Camino Real project shall cooperate with the applicant for the Derry project to coordinate construction of the Garwood Way improvements and share costs of construction.*

Commissioner O'Malley asked what would happen along Garwood Way if the Derry project did not come back to the Planning Commission, noting that if the Commission recommended approval for this project to the Council that the Commission would not see this project again. Planner Fisher said there was a scenario where the extension was not constructed. She said what was shown on the plans was the road going through this project to Oak Grove Avenue, but items in the right-of-way that might not occur would be the sound wall and swale which were part of the Derry project. Development Services Manager Murphy said the biggest issue was traffic circulation as to whether Garwood Way would end in a cul-de-sac or hammerhead. He said that if the street extended through this was not a big change from the plans and EIR study. He said this would be a public works improvement that was a subtle change.

Commissioner O'Malley said the staff report on page stated that the permit would expire in two years after approval if no building permit application was obtained but that the tentative parcel map could be extended. He asked if this was a request that was usually granted. Planner Fisher said that extension for the tentative parcel map was based on state law. Commissioner O'Malley said that would be a four year extension. Planner Fisher said under current economics condition that seemed a reasonable request. Commissioner O'Malley said he thought the economy would be better in two years and back to normal in four years, and that four years was a long time. Commissioner Keith said the staff report also indicated the Community Development Director might allow a permit extension and asked for how long. Commissioner Pagee asked about the Beltramo project and their request for an extension. Development Services Manager Murphy said the Community Development Director could approve an extension up to one year. He said the 1460 El Camino Real project, Beltramo's, P-D permit approval had a two year expiration, but the applicant before the expiration of the first two years had come back to the Commission to request a two-year extension.

Commissioner O'Malley said on page 10 of the staff report it was stated that the key themes that emerged from the Community Workshop #2 would generally be consistent with the mix of retail, service, and office that was proposed for the project, although the themes might evolve as the Specific Plan process continued. He said in his opinion this project would have to have residential based on the update on the Specific Plan given to the Commission at their July 13 meeting by the City's consultants. Chair Riggs noted that the Specific Plan had not yet been adopted, although direction had been indicated.

Commissioner O'Malley noted the following statement from page 12 of the BMR Agreement: *The Housing commission reviewed the BMR Agreement on March 5, 2008 and recommended approval.* He said it was emphasized that the Housing Commission approved the BMR agreement stating a preference for residential. He said that the Council had requested an evaluation of a No Project Alternative, a Mixed Use Alternative and a Maximum Residential Alternative in the EIR. Planner Fisher said the Council asked the applicant to prepare a plan that included residential which was reviewed more thoroughly in the EIR but it was CEQA that required consideration of alternatives to the proposed project. She said mixed use was the alternative Council asked to be prepared.

Commissioner O'Malley said that in Attachment E, page 22, it was stated: *The main objective of the project applicant is to develop a commercial project that is economically feasible and meets future anticipated market demand in Menlo Park for retail and office space.* He asked if the applicant defined the objective of the proposal. Planner Fisher said that was true. He said he thought the more important objective would be a project that was consistent with the City's needs. Development Services Manager Murphy said there was a difference between CEQA and reviewing the rezoning, the project and its merits. He said Commissioner O'Malley was speaking to the merits of the project not to the merits of the environmental review.

Commissioner O'Malley asked who developed the findings on page 23 of Attachment E for the mixed use alternative. Planner Fisher said the consultant and staff worked on those. Commissioner O'Malley said he had a difficult time with the reasoning of the section regarding potential health effects and asked why only residential was analyzed and not office use. Development Services Manager Murphy said as noted by Mr. Weinstein that the BAAQMD has guidelines that residences are sensitive receptors but not office workers. He said the City has not adopted guidelines regarding air quality. Mr. Weinstein said under CEQA the impact of exposure of commercial workers to diesel exhaust was considered insignificant but differently for residential occupants. Development Services Manager Murphy noted the revised wording to the findings for the mixed use and maximum residential use alternatives.

Commissioner O'Malley said under the Maximum Residential Alternative it was stated that in general, per unit area, residential uses generate fewer vehicle trips (and less vehicle-related noise and emissions) than commercial uses. He said it went on to say: *Therefore, the Maximum Residential alternative would be superior to the project and*

Mixed Use alternative in terms of reducing air quality, noise, and traffic impacts to surrounding neighborhoods. He said he agreed with that statement. He said it was also stated: *The housing that would be provided as part of the Mixed Use and Maximum Residential alternatives would be considered beneficial because Menlo Park and the region suffer from a shortage of housing, particularly affordable housing. However, the alternative would expose more residents on the site to potentially hazardous train emissions.* He said he had to accept that finding of exposure, but it was clear that the applicant preferred a project that has no residential.

Commissioner Kadvany commented on page E-19 and E-24 related to LEED certification and energy usage was required to the extent feasible and to the satisfaction of the City. He said that it appeared the applicant would aspire to LEED standards but not necessarily achieve it. He asked about a pedestrian easement along Garwood Way. Planner Fisher said that area was owned by the Derry family and that there had been no discussion of a pedestrian easement over that land a, which was currently fenced. She said condition 6.17 could be modified to include having the applicant work to get a pedestrian easement, but ultimately that was out of the control of the applicant.

Commissioner Ferrick, noting the size and importance of the project, asked if there were consequential matters the Commission should be noting and discussing. Mr. Weinstein said the major difference in the alternatives was the air quality issue. Chair Riggs said there was only a slight difference in the balance of traffic impacts for the project and alternatives. Mr. Weinstein said the actual traffic impacts of the project would be the same for the two alternatives including residential.

Commissioner Keith said page 6 of the staff report stated the applicant was proposing LEED certified and had registered which indicated that would happen yet it was qualified on page 20 of the Response to Comments. Planner Fisher said there was a need to distinguish between what the applicant indicated to staff and what was in the CEQA documents. She said the applicant had registered the project and their intention was to certify the project as having LEED certification would benefit them with certain tenants. Commissioner Keith asked how much more was needed for LEED certification. She said that the minutes for the Housing Commission March 5, 2008 meeting indicated that Mr. Warmoth had stated that "housing would depend on what the City wanted, and that they had included eight BMR units rather than seven units as that was part of their mission, which was to build more BMRs rather than pay in-lieu fees. Planner Fisher said that last statement related to when the applicant was building residential uses.

Commissioner Keith said the project might not be done in five years and the Commission needed to consider what the City would need in five years. She said that the applicant had indicated that it would be two years before they would get funding. Planner Fisher said the City was allowing for some extra time, but the applicant would like to get the project approved and believed they would get funding. She said the City did not necessarily think it would take five years for this project.

Public Comment: Mr. Jeff Warmoth, Sand Hill Property Company, said this was the eighth hearing since they started on this version of the project beginning in March 2007. He said he began working on the project in 2005. He introduced the project architect to review the changes to the design for the Commission.

Mr. Kenneth Rodrigues, project architect, said there was a rendering circulating that showed in color and 3-D the view into the project from El Camino Real. He said they were using historical elements of early California/Spanish/Pasadena style architecture and embellishing it with modern detailing and some additional historical materials. He noted the fountains and walkways, the heavy variegated tiled roof, and courtyard with large trees. He showed the Commission the current site plan, which he said had some really good changes based on input from the Commission and staff, and noted additional outside seating and moving the driveway further south on El Camino Real to pick up 2,000 square feet more plaza space. Commissioner Keith asked where the green space was. Mr. Rodrigues showed on a slide the location of the green space. Various Commissioners indicated differences between the elevations and the renderings. Mr. Rodrigues compared the rendering with sheet plan A1.1 with the Commissioners. Commissioner Keith why there were not more windows in the wall. Mr. Rodrigues said it was outside of the building edge and would shelter the plaza and diminish the noise of El Camino Real. Commissioner Keith said it felt odd to her to have no view. Mr. Rodrigues said that the wall would be soft wood. He showed the area of the 7,000 to 8,000 square foot plaza in which he wanted to add walls, trees, planted pots, tables and chairs to break up the large space. Commissioner Keith asked if there would be benches along El Camino Real along the long wall with no windows. Mr. Rodrigues said there would be tables and chairs there as well. Commissioner Pagee asked about the six-foot wall. Mr. Rodrigues said this was a landscape feature to have a controlled beverage area if the restaurant was serving alcohol.

Mr. Rodrigues said there had been a question about the central tower and how the roof worked, which he thought was shown well in the rendering. Commissioner Keith said that landscaping was shown along the building and asked whether that could work on the front part of the wall. Mr. Rodrigues said he thought perhaps the use of something more natural such as bougainvillea.

Commissioner Kadvany said in the residential alternative there were larger courtyard areas and in the office option somewhat smaller courtyard and asked about the kind of features. Mr. Rodrigues said the office courtyard would have early California architecture. Commissioner Kadvany commented on apartment buildings in the Los Angeles with a courtyard area in which no wall was the same and wonderful stairs that created a refuge. Mr. Rodrigues said the center courtyard between the retail and commercial uses would be such a sanctuary. Commissioner Keith said the imagery was great but she would like more detail. Chair Riggs said that the concept of the courtyard shown and the space between two buildings as shown on a site plan were quite different and that it would be helpful to see a courtyard plan. Planner Fisher said sheet L.1 of the large plans would be helpful in that regard.

Commissioner Ferrick said she had a different understanding of the center tower stone finish as she thought the Commission had picked one of the lower ones and not the upper one. She recalled the Commission did not want a Sacramento river rock. Mr. Rodrigues said the upper right stone on the rendering matched the stone on the tower and board. Commissioner Ferrick suggested for the courtyard that a few changes might be made, such as a curved stairway, to convey the imagery of the desired style and look less angular. Mr. Rodrigues said that was possible. Commissioner Kadvany said that often there was the suggestion of architecture rather than the architecture itself. He said the elements to create that space were not being taken from the photograph and being used.

Commissioner Keith said she would like to see a LEED certified building with this project. She said the applicant had told the Housing Commission they wanted to get LEED. Mr. Rodrigues said their goal was to get LEED certified and believed they would. He said although there were discussions in many peninsula cities on globally requiring all new buildings to be LEED certified that the City did not have an ordinance for LEED certification. Commissioner Keith pointed out all of the numerous instances in which LEED certification was indicated by the applicant, including the Response to Comments document, which indicated LEED, silver or higher rating. Mr. Rodrigues said that was written by the EIR consultant and applied to state law regarding global change and that the consultant would put that in the response to comments for every project going forth in Menlo Park. Keith said that the staff report on page 6 stated the project intended to get LEED certification, and asked how much that would cost. Mr. Rodrigues said for the four projects they were seeking LEED certification that the construction costs would increase 13 to 18 percent. Commissioner Keith asked if there had been any changes to the availability of loans for residential development. Mr. Warmoth said he was not aware of any changes. He said upon approval of the project and after the 12 to 18 months it would take for building permit approval they would seek lending. He said their preference was to build an all commercial project but they had been asked by Council to look at residential as well.

Commissioner Kadvany said on the question of LEED certification there was not a uniform perspective in Menlo Park, and he wanted to consider outcomes. He asked the applicant to identify one to three issues of environmental footprint and how those would be dealt with. Mr. Warmoth said his focus was building a sustainable project – the right project in the right place. Commissioner Kadvany said he assumed in this instance it was an office/commercial project. Mr. Warmoth said that was true noting the workers there would be close to the downtown and the location would be transit oriented. Commissioner Kadvany asked what were one or two elements of green building that would be used. Mr. Rodrigues said they would recapture rainwater runoff and utilize for landscaping. He said energy management, both electrically and mechanically, was very important to them, and that they wanted to do even more advanced energy management.

Commissioner Bressler said Sand Hill Property Company owned this property and intended to own and operate the project. He asked if that was accurate. Mr. Warmoth said it was. Commissioner Bressler said Sand Hill Property Company was involved with the Sunnyvale Town Center project and he had heard that there was a financing problem with it. Mr. Warmoth said his company was a joint venture partner and that it was the financial partner that was having the issues Commissioner Bressler was reading about. Commissioner Bressler asked if Sand Hill Property Company would own Sunnyvale project when it's done. Mr. Warmoth said that Sand Hill Property Company was a joint venture partner and not an owner.

Chair Riggs closed the public hearing.

Commission Comment: Chair Riggs asked if the P-D permit was granted and then the City's Specific Plan was adopted and allowed greater density, greater height or different parking ratio, how the applicant would be able to take advantage of the differences. Planner Fisher said if overall the applicant wanted to take advantage of the Specific Plan, there would have to be a new application and new environmental review. Chair Riggs said that zoning for P-D ran with the land, thus a change in zoning to the surround area would not affect it. Planner Fisher said that was correct but if later in the future there was another development they might seek a change in zoning. Chair Riggs noted that the terms of the permit outlined minor changes with administrative approval and major changes which would require coming back to the Planning Commission and possibly to Council. He said that a materials board was circulated and asked if there was a change related to those whether that would be considered a minor or major change. Planner Fisher said it would depend whether the change was to an up an accent stone feature or the tile stone. She said sometimes several small changes could make a major change cumulatively. Chair Riggs said a series of awnings and fabric were proposed and asked if those were removed whether that would be a major or minor modification. Development Services Manager Murphy said it would fall under minor as it could be referred to the Planning Commission. Chair Riggs said minor changes could be handled administratively and asked whether the removal of awnings could be handled administratively. Development Services Manger Murphy said this might be different in the future but currently anything that gets modified on a project gets referred to the Planning Commission through an email.

Chair Riggs noted that there was a permit to remove both oak trees located near the Caltrain right-of-way. He said that tree #34 was indicated as having fair to good health, and asked if it was possible to preserve that tree. Planner Fisher said she had made a site visit with the project and city arborists to assess the trees. She said the tree in question was pretty unsightly and the two arborists agreed that it was not a desirable tree to keep. Chair Riggs said the tree has a southward lean and asked if pruning would help. Planner Fisher said the tree had substantial lean and pruning would not help.

Chair Riggs said that the beautification of the El Camino Real was looking at creating a continuity of street face. He said with the screen wall which continues the building and courtyard and now with the plaza in front of the perpendicular parking spaces he thought the back of the plaza could be used to indicate a line. Mr. Rodrigues asked if he was asking for an architectural feature that would run north to south. Chair Riggs said something that would run parallel to El Camino Real. Mr. Rodrigues said he thought there should be some type of pedestrian scale feature to define that edge such as planted materials, in ground plants, a small rail, tree wells or other vertical space.

Commissioner Bressler said he would like to move the project along to the City Council as the City wants development along El Camino Real and this applicant has tried enormously to listen to the Commission's suggestions. He said there was an element of trust in expediting the process and he thought they should give the applicant benefit of the doubt and make it happen. He said it will be a good project for Menlo Park.

Commissioner Ferrick asked if the parking needed to be addressed. Chair Riggs said the Commission could make a recommendation on parking but it was up to the individual Commissioners to judge whether there was a tradeoff for parking that brought benefit to the City. Commissioner Ferrick said she appreciated that a great deal of the parking was underground. She said the number of spaces did not meet zoning but liked the tradeoffs. Chair Riggs noted that there was extensive study of the parking and the proposed ratios were considered adequate.

The Commission recessed for a short break at 10:10 p.m.

Chair Riggs reconvened the meeting at 10:15 p.m.

Chair Riggs asked for comments on the parking ratio of 3.8 spaces per 1,000 square feet. Commissioner Keith said there was a letter from a resident who said that the project was underparked. Chair Riggs noted that the underlying code was 6 spaces per 1,000 square feet and therefore anything less than that was perceived as underparked. He said that this project had extensive parking analysis, has transit proximity, a traffic management plan commitment and would provide funds toward the City's shuttle, all of which were offsets for the parking reduction.

Commissioner Pagee said that proximity to transit and provisions for bicycles counted toward LEED certification. She said that bicycle routes through the site were important as people from residential areas would want to bike down Garwood and in through the back of the site. She said she thought there were enough items to lower parking needs, noting that the tenants/owner would suffer most if the project were underparked. Commissioner Keith asked about showers. Mr. Warmoth said that would be tenant driven; he said corporate tenants would want to include showers. He said they would have a transportation management plan and showers were a good way to get a reduction in trips.

Chair Riggs proposed a straw poll as to the Commission's desire for housing in the project. Commissioner Ferrick said the City needed housing, but her concern was the negative impact that would have on the school district. Commissioner Keith said she understood the financial issue with residential development, but if the project was to have no housing, she would want to see the permit issue is addressed. Commissioner Kadvany said that commercial real estate was also in terrible shape. He said the City's Specific Plan wants to have housing in this part of El Camino Real but that did not mean every development had to have housing. He said he thought the City should have an overall cumulative goal and not have the same mix all up and down El Camino Real. He said an anchor tenant would bring people in during the daytime; he said there was the possibility of either a strong office/commercial retail project or a strong residential/retail project. Chair Riggs took a straw poll about housing at the site. Four Commissioners indicated a desire for housing. Chair Riggs asked those who would prefer housing, how many of them felt housing was critical to this particular piece of land. Commissioner Keith said if the permit time was reduced she would want to move ahead and would support a commercial project. Chair Riggs said that financing in 2009 did not have anything to do with financing when the project got permitted which he anticipated would occur in late 2011.

Recognized by the Chair, Mr. Warmoth said by the time he submits an application for a building permit he will have the information needed to seek tenants and financing; he said he hoped that point was a year away. He said originally they had an interested tenant but when it appeared their project would not get approved that tenant made another business relationship. He said financing was only one issue of mixing 20 residential units on 3.5 acres with a commercial project. He said there was no critical mass with such a project and 20 residential units did not create a social infrastructure. He said that putting residential on top of a structure owned by a commercial entity was a problem. He said originally they had 130 units proposed and a 50,000 square foot commercial building. He said they favor a commercial project. Commissioner O'Malley noted the residential use was proposed at 36 or 62 units, not 20 units. Chair Riggs asked about the number of residential units for Menlo Square. Planner Fisher said there were 25 residential units with that project. Mr. Warmoth said it took the owner three years to find tenants for that project. Commissioner Bressler said that was critical input and noted that the City ended up buying some of the units at Menlo Square because they did not sell.

Chair Riggs said he did not think the Commission would pursue housing option. Commissioner O'Malley said the City was spending a million dollars on its Specific Plan, and it was clear that housing was a significant goal and that this area had been found to be suitable for housing and planned to be used in housing by hundreds of participants in the community workshops. He said that Menlo Park had an obligation to provide additional housing as it and the state grew. He said a commercial project would add to the number of jobs in town, but if those employees were denied housing that would continue the urban sprawl. He said the Housing Commission has made it clear that housing is needed. He said that the risk of cancer from train emissions was overstated

and he thought the chance of being struck by lightning was higher than the risk of cancer from train emissions. He said the plans were first class and he had no problem with the parking ration, but disappointed by the lack of commitment to LEED certification. He said while LEED certification was not required he thought it was a fair tradeoff for the allowances the applicant would get for height, density and reduced parking.

Chair Riggs directed the Commission's attention to the recommended actions noting that the Commission was not pressing for housing.

Environmental Review

Commissioner Ferrick moved and Commissioner seconded the motion to adopt Findings for Certification of the Environmental Impact Report, including the Statement of Overriding Considerations, adopt the Resolution of the City Council of the City of Menlo Park, State of California Certifying the Final Environmental Impact Report (EIR) for the 1300 El Camino Real Project, and Adopt the Mitigation Monitoring and Reporting Program prepared for the project.

Commissioner Kadvany asked if that would include the findings related to the health aspects for the residential use. He asked if those could be removed. Chair Riggs noted that staff already had proposed a change to the wording and asked Mr. Weinstein to address Commissioner Kadvany's request. Mr. Weinstein said findings were required for CEQA certification but that finding was not particularly required but the alternative could be rejected. Chair Riggs said that alternative was not rejected because of findings. Planner Fisher said the appropriate way would be for the Commission to recommend to Council that when they approve the project they remove the statement specific to diesel exhaust. She said if the Commission did not want to talk about air pollutants at all that these could be removed to protect the alternative.

Commissioner O'Malley said the findings on the housing alternatives were that the applicant did not want housing and the other was the cancer risk, which was not placed in context of other risks. He said he could not accept either objection to turn down the residential alternative.

Development Services Manager Murphy said the two findings on pages E23 and E24 were pulling information from the EIR and specific references to air quality impacts per CEQA guidelines for alternatives. He said that the Planning Commission could make a recommendation to remove that from the findings and incorporate language that makes the Commission's point. He said the City had to have a legally defensible finding. He said that possibly the language related to air quality could be removed and still have a legally defensible finding. Chair Riggs said he did not want to prejudice housing along train tracks.

Commissioner Bressler said he agreed with Commissioner O'Malley but he was uncomfortable modifying something that was just a fact to something that would support what was wanted to encourage. He said he did not things should be excised.

Commissioner Keith asked if one finding, to reject the mixed use as it included housing which was not a project objective, was sufficient. Development Services Manager Murphy said that was staff's understanding but he wanted to run it by the City Attorney and the applicant's attorney as this was transitioned to Council.

There was consensus to direct staff to make that change.

Commission Action (1): M/S Ferrick/Keith to adopt the Findings for Certification of the Environmental Impact Report, including the Statement of Overriding Considerations, adopt the Resolution of the City Council of the City of Menlo Park, State of California Certifying the Final Environmental Impact Report (EIR) for the 1300 El Camino Real Project, and Adopt the Mitigation Monitoring and Reporting Program prepared for the project with the following modifications to the Findings for Certification document.

Alternative 2

Findings: The Mixed Use alternative is rejected as an alternative because it would include the construction of housing (which is not a project objective), and would not substantially reduce the environmental impacts of the proposed project, ~~and would expose residents to unhealthy levels of air pollutants.~~ It would achieve the objectives of the project, although not to the degree of the proposed project, because residential uses would be substituted for some of the commercial space that would be included as part of the project.

Explanation: The Mixed Use alternative would have similar impacts to the proposed project resulting from construction and redevelopment on the project site and the location of the site with respect to existing land uses. The majority of these impacts could be mitigated to a less-than-significant level, similar to the proposed project. However, certain significant unavoidable transportation and air quality impacts remain under the alternative ~~(including potential health effects related to exposure of residents to high levels of railroad emissions).~~ Although the alternative would achieve the objectives of the project, it would do so to a lesser extent than the proposed project because commercial development on the site would be reduced.

Alternative 3

Findings: The Maximum Residential alternative is rejected as an alternative because it would include the construction of housing (which is not a project objective), and would not substantially reduce the environmental impacts of the proposed project, ~~and would expose residents to unhealthy levels of air~~

pollutants. It would achieve some of the key objectives of the project to a lesser degree than the project, including the creation of a commercial development that encourages the use of public transit and the provision of opportunities for local-serving retail and office activity.

Explanation: In general, per unit area, residential uses generate fewer vehicle trips (and less vehicle-related noise and emissions) than commercial uses. Therefore, the Maximum Residential alternative would be superior to the project and Mixed Use alternative in terms of reducing air quality, noise, and traffic impacts to surrounding neighborhoods. The housing that would be provided as part of the Mixed Use and Maximum Residential alternatives would be considered beneficial because Menlo Park and the region suffer from a shortage of housing, particularly affordable housing. However, certain significant unavoidable transportation and air quality impacts remain under the alternative. ~~However, the alternative would expose more residents on the site to potentially hazardous train emissions. In addition,~~ The Maximum Residential alternative would not achieve two of the key objectives of the project to the extent of the project.

Motion carried 4-1 with Commissioner O'Malley opposed and Commissioner Keith abstaining.

Rezoning

Chair Riggs noted that the project meets the current zoning except for height and density requirements and parking ratio.

Commission Action (2): M/S Bressler/Pagee to make a finding that the proposed rezoning of property with the primary address of 1300 El Camino Real, from C-4 (General Commercial – Applicable to El Camino Real) to P-D (Planned Development District) is consistent with the General Plan land use designation of El Camino Real Professional/Retail Commercial and introduce an ordinance rezoning property with the primary address of 1300 El Camino Real from C-4 (General Commercial – Applicable to El Camino Real) to P-D (Planned Development District).

Motion carried 6-1 with Commissioner O'Malley opposed.

Planned Development Permit

Commissioner Kadvany said he would like to have conditions to limit the development to alternative 1 or 2 and not the large tenant alternative and for the applicant to work with the Derry Project applicant to create a temporary pedestrian and bicycle easement along Garwood Way by making a good faith effort with the Derry project applicant to secure such a path.

Commissioner Keith said in the staff report that a health and fitness club would be different from any other health and fitness club in Menlo Park and asked what the difference would be.

Mr. Warmoth, recognized by the Chair, said a general example was Equinox, which was of his company's projects in the City of San Mateo, which type was not represented in Menlo Park. He noted that a similar fitness club has expressed an interest in being in Menlo Park.

Commissioner Bressler asked if the public comment by local grocers that a large grocery was not needed was the reason for Commissioner Kadvany's desire to limit retail size. Commissioner Kadvany said that a lot of significant retail could be put in smaller square feet and that more diversity of retail was desirable. He said he would have to be convinced of the need for a 55,000 square foot retail business. Chair Riggs said the Specific Plan might have a requirement that the first floor of all development would need to be all retail. He said with that there would be a lot of variety and space for retail.

Commissioner Keith asked if there was an interest in making LEED certification a condition of approval. Recognized by the Chair, Mr. Rodrigues said projects that are LEED certified cost 13 to 18 percent more in construction costs than non-LEED certified projects. Chair Riggs asked about the costs for consultant expenses. Mr. Rodrigues said he did not know, but he would find out. Chair Riggs asked if he would provide that information to staff as that would be very helpful for the Commission. Commissioner Keith said the construction checklist indicated a LEED professional. Mr. Rodrigues said it would either be someone in their office or an outside consultant. He said they have tracked construction costs but not consultant costs.

Commissioner Keith said she would want LEED certification required. Commissioner Ferrick said she would be interested in requiring LEED certification. Commissioner Bressler said that he agreed and thought this was the process by which the City might require LEED certification. Chair Riggs said there were options for LEED. He said the prime option would be to ask that the project was LEED certified; a lesser option to require a good faith effort with materials conforming to LEED and the checklist completed; or when the project was complete and before occupancy that the checklist be completed and verified for equivalency at a certain level.

Chair Riggs took a straw poll as to whether to require LEED certification. It appeared there was a majority to require.

Planner Fisher suggested condition 6.36, which is the GCC-1 mitigation measure, as the location of the desired language.

Chair Riggs said Commissioner Keith had raised a question about the two-year permit and a two-year renewal. Commissioner Keith said she wanted an expiration of less than five years. Chair Riggs asked if she would want two years with an automatic renewal of one year if the civil engineering was continued and then another year through staff. Commissioner O'Malley said he thought the two year extension was state law. Development Services Manager Murphy said the two years under state law was for maps. He said the reasoning for the second two-year extension related to the permit was that staff was trying to track the permit with that extension allowed under state law for the tentative map. He said there could be separate tracking for the map and permit.

Commissioner Keith moved, and Commissioner Ferrick seconded, to make a finding that the proposed Planned Development Permit 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 planned development, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City, make a finding that the Planned Development Permit allows for development that supports a mix of commercial uses in close proximity to each other, involves combining smaller legal parcels for the purpose of creating a more innovative development proposal than would have been possible if the parcels were developed separately, improves a vacant site near the downtown, and contributes fees to the City's Below Market Housing Program for 1300 El Camino Real, subject to the terms and conditions of the Planned Development Permit, and approve the Planned Development Permit with a modification of the permit period to two-years with one-year extension and the ability of the Community Services Director to extend for up to one more year, not to exceed four years, and to require application for LEED certification.

Commissioner Kadvany asked about requiring the pursuit of a Garwood Way bike/pedestrian path easement and limiting to variants 1 and 2. Commissioner Ferrick said she could support the easement but not the limitation on the variants. Commissioner Keith said she could support the easement requirement but not the limitation on the variants. Chair Riggs said his concern with requiring a pursuit of the easement was that it was a very unlikely effort because of the constraints it would place on the Derry family's ability to develop their land.

Commissioner Pagee asked about bicycle access on the project site. Chair Riggs asked if there were bike racks on the El Camino Real end of the project. Commissioner Keith said they were shown behind the wall. Commissioner Kadvany said there was an access for pedestrians from the front. Commissioner Pagee said bicyclists would use that as well.

Commission Action (3): M/S Keith/Ferrick to make a finding that the proposed Planned Development Permit 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 planned development, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City, make a finding that the Planned Development Permit allows for development that supports a mix of commercial uses in close proximity to each other, involves combining smaller legal parcels for the purpose of creating a more innovative development proposal than would have been possible if the parcels were developed separately, improves a vacant site near the downtown, and contributes fees to the City's Below Market Housing Program for 1300 El Camino Real, subject to the terms and conditions of the Planned Development Permit, and approve the Planned Development Permit with the following modifications.

- Modify 5.1: The Planned Development Permit shall expire **two years** from the date of approval if the applicant does not submit a complete building permit application within that time; however, the Planned Development Permit shall automatically be extended if the term of the tentative parcel map is extended, for up to ~~two years~~ **one year**. If, ~~four~~ **three** years from the date of approval, the applicant still has not submitted a complete application for building permit, then the Community Development Director may extend this date per Municipal Code Section 16.82.170.
- Modify 6.17: Prior to building permit submittal, the applicant shall work with the property owner of 560 Derry Lane (APN 061-430-200) to arrange dedication of the Garwood Way right-of-way and a cost sharing agreement to fully construct the improvements to the Garwood Way plan line (proposed Derry Lane) as shown on plan sheets DL-1 through DL-4, including the dedicated southbound right-turn lane as shown on plan sheet DL-2. If the applicant has made a good faith effort to obtain an agreement with the property owner of 560 Derry Lane as determined by the Public Works Director, but the property owner of 560 Derry Lane is unwilling to dedicate the right-of-way, then the applicant shall submit alternative roadway layout plans to the Transportation Division and Menlo Park Fire Protection District (MPFPD) for review and approval. Additionally, the applicant shall pursue an agreement with the property owner of 560 Derry Lane to establish ~~an easements~~ in the established plan line to install the proposed water line **and for pedestrian and bicycle access**. If the applicant has made a good faith effort to establish ~~an easements~~ for the water line **and for pedestrian and bicycle access** as determined by the Public Works Director, but the property owner of 560 Derry Lane is unwilling to have ~~an~~ **one or both** easement(s) established on the property, then the applicant shall submit an alternative water main plan to California Water Service Company (CalWater) and MPFPD for

review and approval. These items shall be completed prior to submittal of the off-site improvement plan described in condition 6.21.

- Modify 6.36: Concurrent with building permit submittal, the applicant shall demonstrate to the satisfaction of the City that the construction and building material, energy efficiency, water conservation and efficiency, and solid waste measures listed in the Mitigations and Monitoring Reporting Program (MMRP) and other measures identified in the *City of Menlo Park Climate Change Action Plan* have been incorporated into the design and construction of the project to the extent feasible, subject to review and approval by the Planning, Building, and Engineering Divisions prior to building permit issuance. ***Throughout and following construction of the project, the applicant shall pursue a LEED certification. Prior approval of final building permit inspection for the building shells, the applicant shall submit to an application for LEED certification to the U.S. Green Building Council (USGBC), and provide a copy of the application to the Planning Division. (MM GCC-1)***

Motion carried 6-1 with Commissioner O'Malley opposed.

Tentative Parcel Map

Commission Action (4): M/S Ferrick/Keith to make a finding that the Tentative Parcel Map has been reviewed by the Engineering Division and has been found to be technically correct and in compliance with the State Subdivision Map Act and the City's Subdivision Ordinance and approve the Tentative Parcel Map.

Motion carried 7-0.

Below Market Rate Housing Agreement

Commission Action (5): M/S Keith/Pagee to approve the Below Market Rate Housing Agreement for the payment of fees to comply with the commercial requirements of the BMR Program.

Motion carried 7-0.

Heritage Tree Permit

Commission Action (6): M/S Keith/Pagee to adopt findings, as per Chapter 13.24 of the Municipal Code, regarding heritage tree removal: the blackwood acacia proposed for removal is in poor/potentially hazardous condition. The coast live oak and valley oak proposed removal conflict with the right-of-way improvements and are not in good condition. The proposed landscaping plan includes trees that range in size and variety,

and would be installed on site and as street trees. At least ten of the proposed trees have the potential to grow into heritage trees. Approve the Heritage Tree Removal permit.

Motion carried 7-0.

Chair Riggs said a number of the Commission members appear to have a message to send about housing and proposed a resolution to Council that this site was a prime location for housing.

Commissioner Keith said it was a good idea. Commissioner Bressler said there was a housing project approved next door to this that had not been approved, so he thought the message was redundant. Commissioner Ferrick said while she wanted housing her concern was the impact on the school district and also a housing development was less profitable for the City. Commissioner Keith said she thought that impacts on schools were not for the Commission to consider. Development Services Manager Murphy said that was only from the CEQA perspective. Commissioner O'Malley said he would support sending a message about housing. Commissioner Kadvany said he thought the Commissioners had nuanced views about housing. Chair Riggs said this was the nearest space along El Camino Real that was one lot removed from the train station; he said the next closest was Beltramo's and past that there was a retail strip and an office building. He said the next opportunity for housing was south past Big 5 Sports. He said this site and Derry site were the only sites for housing. He said this was an opportunity for housing for the City. Commissioner Bressler suggested saying that in the interest of getting the project built the majority of Commissioners were willing to let the project go forward without housing. Commissioner Kadvany said also because of the possibility of housing on the adjacent lot.

Commission Action (7): The Planning Commission included the following statement and direction to supplement its recommendations:

- In the interest of seeing development move forward at this particular site, the Planning Commission decided to forego the opportunity to include a residential component to the project.

Recommendation approved with unanimous consent.

Chair Riggs said this project as compared to others approved by the Commission had much less documentation. He said the Commission still did not know what the courtyard walls would look like. He said his recommendation was that staff requires additional documentation of the courtyards to better confirm for the Council the actual project design.

Commissioner Keith asked if the architect could accomplish that before it went to the City Council. Development Services Manager Murphy said that they would have to get this information two weeks prior to the October 6 City Council meeting.

Planner Fisher asked if the Commission wanted renderings or details. Chair Riggs said a color larger scale plan of these courtyard elements as well as the screen element, and perhaps colored elevations of what would be seen from the courtyards would be desired.

Recognized by the Chair, Mr. Warmoth said he thought it was doable.

Commissioner Keith also suggested plantings along the wood wall along the El Camino Real. Chair Riggs asked if that could be a direction to consider adding some plantings or some other visual interest in front of the wood wall along the El Camino Real frontage.

Commission Action (8): The Planning Commission gave direction to the applicant to:

- Prior to the City Council meeting, the applicant shall prepare additional drawings, including enlarged colored site plans and elevations, for the proposed courtyard along El Camino Real and the courtyard between the two buildings. Additionally, the applicant shall consider adding some plantings or some other form of visual interest in front of the fin wall along the El Camino Real frontage.

Direction approved by unanimous consent.

E. COMMISSION BUSINESS

1. Review of planning items on City Council agendas.

A. El Camino Real/Downtown Specific Plan (Phase II) Process

Planner Chow said the third workshop would be on September 17, and the Council had modified the scope of work to allow another study session before the Planning Commission on October 5 to weigh in on the preferred alternative before the environmental review began.

B. Appeal of Use Permit for 825 Santa Cruz Avenue

This item was continued to the September 22 meeting with mutual agreement between the appellant and the Council.

C. Environmental Quality Commission Award Nominations for 2009

Planner Chow said she had a printout of the different categories and that the nominations were due by September 11, 2009. Commissioner Ferrick asked about the Rosewood project. Chair Riggs said there were some qualifications of that project but the size of the project might work against it. Chair Riggs suggested giving it to the Menlo Park Fire District for not building a new center. Planner Chow said that project was still in process. Commissioner Bressler said there was a project where the applicant built down and built a basement rather than build up. Commissioner Pagee said that applicant she recalled did not build out to the allowable square footage. She asked if staff might look at those. Chair Riggs said they really needed to compare projects. There was reference to an August Circle project. There was no consensus on a project nomination.

F. REPORTS AND ANNOUNCEMENTS

Planner Chow asked the Commissioners to let the City Clerk know if they would attend the Commission Recognition Event.

Commissioner Keith asked that a discussion of LEED certification be placed on a future agenda. Planner Chow said there were a number of meetings with large projects coming up, and the earliest meeting to have that discussion would be October 19. Chair Riggs said he thought it would be good for the Commission to discuss. Development Services Manager Murphy said that was one of the Council's priority projects list and noted that staff would not be able to do research for this discussion item.

ADJOURNMENT

The meeting adjourned at 11:51 p.m.

Staff Liaison: Deanna Chow, Senior Planner

Recording Secretary: Brenda Bennett