



PLANNING COMMISSION MINUTES

SPECIAL MEETING

November 9, 2009

7:00 p.m.

City Council Chambers

701 Laurel Street, Menlo Park, CA 94025

CALL TO ORDER – 7:00 p.m.

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

INTRODUCTION OF STAFF – Bill McClure, City Attorney; Justin Murphy, Development Services Manager; Thomas Rogers, Associate Planner

A. PUBLIC COMMENTS

There were none.

B. STUDY SESSION

1. **Study Session/Bohannon Development Company/101-155 Constitution Drive and 100-190 Independence Drive (Menlo Gateway Project):** Opportunity for individual commissioners to provide input on whether the City should enter into negotiations for a Development Agreement with specific caveats related to the Menlo Gateway project, which involves amendments to the General Plan and Zoning Ordinance for properties located at 101-155 Constitution Drive and 100-190 Independence Drive and is generally comprised of the following physical features:

- 230-room hotel in an 11-story building that is approximately 120 feet in height;
- Health club of approximately 70,000 square feet in a two-story building of approximately 50 feet in height; and
- Offices totaling approximately 700,000 square feet in 8-story buildings that are approximately 140 feet in height; and
- Parking structures totaling approximately 760,000 to 825,000 square feet ranging from 4.5 to 6.5 levels and 55 to 75 feet in height.

In addition, the Commission may provide input regarding how the proposal relates to the context of the surrounding area. Finally, the Commission may discuss how to report back to the Council on November 17, 2009 regarding its discussion.

Staff Comment: Planner Rogers said that there were two questions being asked of the Commission and were listed in the memo from Development Services Manager Murphy. He said one piece of correspondence had been received from Ms. Patti Fry, which had been distributed to the Commissioner.

Commission Comment: Chair Riggs said that between the October 5 and October 19 Commission meetings on this item he had met with Council Member Fergusson who was the liaison for the Commission. She had indicated to him that the Council wanted the Commission to thoroughly examine the project and make recommendations to the Council. He said he visited with Council Member Fergusson after the October 19 Commission meeting and told her that the Commission had more to do on the item. He said the Council met on this item on November 3 and received the Commission's partial and preliminary input and specifically asked that the Commission answer two large general questions.

1. Given what is currently on the table – the draft EIR, the draft FIA, public input to date, and the developer's application content – does the Planning Commission believe the City should enter into a good-faith negotiation effort with the developer, given the following caveats.
2. Do Commissioners have any comments about how the proposed project relates to the surrounding area, such as the remainder of the Bohannon East portion of M-2, the Marsh Road interchange, the Haven Area portion of M-2, Bedwell Bayfront Park, and San Francisco Bay.

Chair Riggs said he had outlined seven topics the Commission might want to address. He said however he wanted to know if there a general consensus that the Commission would want the City to move forward on a development agreement for this application.

Commissioner Ferrick said she would be willing to discuss the City entering into good-faith negotiations with the applicant.

Commissioner Kadvany said the first question being asked of the Commission had three features; one being any fundamental issues to address before negotiations began; he noted he had one. He said in reference to caveats that there might be adjustments made to the overall parameters of the project and General Plan Amendment as proposed. He said the third was the consideration of changes which were substantially different from just changing project parameters. He said the second question being posed to the Commission was very relevant for discussion.

Chair Riggs said he wanted to assess whether any of Commissioners felt that the project would not happen because there were not enough caveats that could be made to support a complete zoning amendment. He said if there was consensus that the project was possible he had a method to get issues on the table.

Commissioner O'Malley indicated that the project was possible with caveats.

Chair Riggs said he had listed seven topics for discussion: project scale including height, square footage and land coverage; project timeline as there was the implication that zoning amendment should be in place for 20 years to see if the development could be built to it; impact on the surrounding M-2 including the Haven Avenue side of Marsh Road; carbon footprint; public benefits/mitigation; housing impacts; and traffic with an emphasis on Marsh Road. He said if they budgeted 30 minutes for each discussion topic that would be three and a half hours. He asked if the Commission had any additions or deletions to his list of discussion topics.

Commissioner Kadvany said that what was being presented was a very rough outline and everything was interrelated. Chair Riggs said the reason to categorize them was to focus discussion. Commissioner Kadvany said he intended to respond as much as possible to the two general questions.

Chair Riggs suggested that the individual Commissioners might want to summarize their concerns with the project at the beginning of the discussion and perhaps again at the end of the discussion.

Chair Riggs asked whether public comment was necessary noting that this was a study session and they had received public comment in September, and twice in October. Development Services Manager Murphy said there was one speaker's card. Chair Riggs suggested that if they were to receive more speaker cards that they might limit comments to those speakers who had not yet spoken on the project. City Attorney McClure said the agenda item was slightly different than what was previously proposed to the Commission. He said it was appropriate to receive public comment on what the Commissioner was being requested to do on the item as opposed to receiving general comments or repeating comments made on the proposal.

Chair Riggs opened the public comment period and noted that comments would be limited to two minutes and there would be no use of donated time. He asked that comments specifically address the questions posed to the Commission for their recommendation to the Council.

Mr. David Speer, Menlo Park, said that Ms. Fry's email covered most of his comments. He said related to the second question under consideration that there were two other large landowners in the M-2 zoning district that could potentially meet the same conditions under the proposed zoning ordinance amendment for this project and go through the development agreement process. He asked the Commission to thoroughly consider and discuss the proposed project.

Ms. Gail Slocum, Menlo Park, said the first question could be answered "yes" as the negotiating team through good-faith negotiation would identify the caveats and conditions for the project. She noted there were numerous caveats necessary for the agreement to be done correctly. She said she would like the Commission to focus on

the caveats and indicated the proposed process was a good one as it would allow each Commissioner a chance to speak. She suggested the Commission listen to one another, be positive and find solutions that would both meet the needs of the community and make a project that was as successful and sustainable as it could be. She said the second question might easily take up a week of meetings. She said they hopefully could move forward in a timely way as it was rare for the City to be presented with such a development opportunity. She said she had suggested to the Council that they educate the Commission on the negotiation process as to the Commission's role and what the Commission could do on a parallel path that would continue to delve into the project and focus on the mitigations.

Commissioner Ferrick asked the Chair to consider reopening public comment as her husband was returning to the Chambers having left with the impression there would not be an opportunity for public comment. Chair Riggs said he would close the comment period now but would reopen upon Mr. Ferrick's return.

Chair Riggs closed the public comment period.

Chair Riggs asked Commissioners to make introductory comments.

Commissioner Bressler said his main concern was that this proposal was not a project as there was no timeline indicating when the project would be built. He said this proposal included a new zoning district and a very long timeline for the developer. He questioned discussing the planning of the proposal as it was not really a project having no determined build date.

Commissioner Pagee said she agreed that there should be a timeline on the potential project as she had a hard time approving a zoning ordinance change that would be good for 20 years. She said in 20 years there might be other impacts on outlying communities and if this project was built that those communities would see the impacts and might design differently in their areas. She said she put together a list of items that were important as mitigations. She said it was important that there was a way for people to be able to travel from anywhere in the City to the project and past the project. She said she would like the developer to provide a similar size parcel to provide for housing. She said traffic was the biggest mitigation to consider as it would impact the entire City not just the intersection identified.

Commissioner O'Malley said the proposal was a project; he said the question was the timeline. He said the problem was resolved if they recommended to the Council that the hotel should be constructed within three years and occupied in five years.

Commissioner Keith said her answer to the first question was "yes," noting there were many caveats. She said there seemed to be Commission consensus that a timeline of 20 years was too long. She said she was very concerned about the carbon footprint as this proposal would greatly increase the amount of trips and that needed to be

mitigated. She said that they had listed public benefits and mitigations for the Council to consider at their November 3 meeting. She said housing impact was a major concern particularly in regard to job to housing ratios; traffic was also a large concern. She said she wanted discussion about a bike/pedestrian overpass at Marsh Road.

Commissioner Kadvany said related to the first question that there were questions about the revenue study for the alternative projects and public comments that the findings of those were not reliable. He asked if the fiscal analysis was about the viability of the hotel and sports club or if it was about profitability. He said he had some confusion about that as there were only assertions and no data. He said he would like that to be settled and made public before anything else. He said there were great things about the project and it created a stimulus to rethink the industrial area. He said the second question related to this development within an industrial area and what changes were being made. He said the question was how this project would fit within the remaining space. He said they needed to consider how this project would relate to the Belle Haven community as well.

Commissioner Ferrick said part of the big picture was the sustainability of the project and that encompassed the carbon footprint, water, housing and impacts on housing particularly where workers would live and that impact on traffic. She said she thought the development agreement negotiations would focus on public benefits and suggested that the Commission should concentrate on the mitigations.

Chair Riggs reopened the public comment period.

Mr. Rich Ferrick, Menlo Park, said he was a six-year resident of Menlo Park and a member of the Menlo-Atherton Little League Board. He said recreational organizations such as Little League, AYSO, City of Menlo Park and Menlo Park School District were struggling with field availability and maintenance. He said the school enrollment had boomed and there were children reaching the age to play with these leagues and the playing field demand would increase. He said the Menlo Gateway Project as designed would require the provision of extra housing units to rebalance the employee/resident ratio. He asked that when the Commission considered the project and specific caveats that they consider playing fields in their deliberations either as additions to the inventory or increased maintenance on existing fields managed by the City and the School District. He said the Pacific Shores project at the end of Seaport Boulevard in Redwood City was completed in 2001 and included office space, a health club, amphitheater, and playing fields for softball, baseball and soccer. He said the Redwood City recreational leagues and employees at the complex had use of these playing fields. He asked that some of the land in this project if feasible or nearby adjacent land might be designated for playing fields. He suggested that if space for fields were not possible to look at support from the development for the maintenance of City and School District playing fields. He said he thought the project was great and deserving of support through the right development agreement.

Mr. David Bohannon, project applicant, said in response to Commissioner Kadvany's question about the fiscal analysis that the Fiscal Impact Analysis (FIA) looked at the project revenue and the project's viability. He said the FIA studied the alternatives in the EIR without considering to whether those were financially feasible. He said the bottom line was that the hotel worked with the office spaces proposed and the identified benefit of \$1.6 million of revenue to the City was from the hotel as proposed, which is integrally supported by the office building. He said if there was another project and not 700,000 square feet of office building then they would have to substitute some other level of hotel that did not need that amount of office space to be feasible.

Chair Riggs closed the public comment period.

Timeline (Development Agreement Term)

Commissioner Keith said this was a substantial project but the timeline was too long. She said she wanted a caveat that whichever timeline was given to the developer that it would only be for this developer and not a future purchaser of the property. She said the timeline for buildout should be less than 10 years. Chair Riggs suggested for discussion a five-year term and renewable administratively by staff for another five years.

Commissioner Ferrick said she would like the timeline to be shorter than what was called out in the plan but was not sure the Commission could set the timeline. Chair Riggs said the timeline would be determined through the development agreement process, but the Commission could recommend a timeline. Commissioner Bressler said there needed to be certainty that the project the City approved would be built within a reasonable amount of time. He said that a zoning entitlement was proposed to be given to the developer but there was no project to be built within a reasonable amount of time associated with it. He noted that the commercial real estate market was in bad shape and it was not apparent what it would look like when it recovered.

Commissioner Pagee said that within a 10, 15, or 20 year timeframe what was being looked at now might no longer be in style or financially beneficial to the applicant. She said they were looking at a zoning ordinance to create new zoning and the question was what the City would want built under that zoning district. She said they could not predict what mitigations would be needed 20 years in the future and including playing fields or their maintenance from the project was not really helpful as the playing fields were needed now. She said this proposal was a potential project with a zoning ordinance change that might be built in 20 years.

Chair Riggs said there appeared to be a commitment to build the hotel first. Planner Rogers said this had been the discussion and that the hotel, office and shared garage were proposed to be built on Independence Drive before the office space on Constitution Drive was built.

Commissioner O'Malley said he thought a development agreement could work for 20 years. He said however that the hotel should be built in five years. He said did not like the idea of the project development rights available for sale to another property owner.

Chair Riggs suggested there might be circumstances wherein the City would want a purchaser of the project site to take over the project. Commissioner O'Malley suggested that ownership transfer could be looked at in five years.

Commissioner Pagee asked if the zoning ordinance change was connected only to the applicant. City Attorney McClure said the proposed zoning ordinance required a development agreement, which was what would control what might be built, the timing of it, and other conditions of approval. He said that typically development agreements run with the land but there could be conditions regarding the approval of a successor or purchaser to ensure that they have the experience and financial network and other types of caveats that could be included in a development agreement.

Commissioner Pagee asked if the building could be timed. City Attorney McClure said that often projects like this one were phased. He said the interconnection of parking structures for the two sites might necessitate both sites being built at one time and there could be restraints and controls on what could be finished or occupied, and things related to the completion of the hotel first.

Commissioner Keith asked whether a zoning ordinance amendment could expire. City Attorney McClure said that it could not really but that a development agreement could expire. He said in that instance there would be land use entitlements because of how a development agreement was coupled with the zoning ordinance amendment. He said the zoning ordinance amendment would not be repealed automatically if nothing happened. He said someone who wanted to build under that zoning ordinance would have to begin the development agreement process over again.

Commissioner Bressler asked why variances could not be used instead of providing a new zoning district. City Attorney McClure said there were different ways of approving a project like this such as a zoning overlay but a variance could not be used. He said the regulations of a newly created M-3 zone would apply only to the lands within that whereas another mechanism for the M-2 would apply to all of the properties in M-2. He said the M-3 zone could not apply to any other property unless there was a General Plan Amendment and a zoning ordinance amendment. He said having the zoning apply to specific parcels prevented a situation which would encourage a potentiality for development.

Commissioner Keith asked whether an overlay could be applied to certain properties. City Attorney McClure said it could, but if creating a zoning mechanism for an overlay it would have to be defined and determined how it would apply. Commissioner Keith asked if a zoning overlay would expire. City Attorney McClure said that a zoning overlay would be an amending ordinance to permit overlays and would not expire. He said the

control was the development agreement and the term of that. He said if the term of the agreement expired that fundamentally repealed the zoning as the applicant would have to essentially start over to gain rezoning. Commissioner Keith said she understood that the development agreement could expire but the zoning ordinance amendment would remain. City Attorney McClure said that an applicant cannot force the City to issue a development agreement as it was not a quasi-judiciary act. He said that when the Commission heard an application for a use permit they were acting as a judge and jury and were basically compelled to approve or deny that permit based on facts and applying standards. He said there was nothing to compel the City to approve a development agreement. He said that often the length of term for a development agreement correlated to the size of the project such that the larger the project the longer the term. He said the development agreement could require certain actions within a certain amount of time such as application for a building permit or the commencement of construction; it could also provide for extensions of time but usually something had to have happened to get the extension. He said that the development agreement for Sun Microsystems had a term of 18 years; they were required to pay fees after a point and those fees increased over the longer term. He said there were numerous different ways to address the issue of term.

Chair Riggs said the Commission was having an overall reaction to a 20 year development agreement but the agreement would include caveats that addressed specific concerns rather than the general concern that within the 20 years there would be negative conditions for this zoning. Commissioner Pagee said that another project might be better in 20 years than what they were seeing now. Chair Riggs said it might be asking too much to fit certain elements of the zoning to 20 years from now. Commissioner Bressler said his expectation was that the project should be completed in five years and it should not be administratively reviewed for an extension but those should be reviewed by the Commission.

Commissioner Kadvany said that more flexibility for the term of the agreement provided the option value for the developer. He said the development agreement should be structured with very stringent revenue requirements. He said the difference between Sun Microsystems and this proposal was that this site was in a highly developed area. He said he was uncomfortable with a 20 year timeline and he wanted specifics on dates and revenue.

Commissioner Ferrick asked if the timeline should be tied to construction or revenue generation as the revenue could be solved in the development agreement. She said the revenue stream was a bigger piece than the length of time it would take for buildout. Chair Riggs said that if the applicant wanted the rules than they should take advantage of them to a specific degree by a specific time. Commissioner Keith suggested requiring the payment of fees after three years if the project was not built and producing revenue. Chair Riggs asked about the fees charged to Sun Microsystems. Planner Rogers said that there were no fees for the first three years, the fourth year there was guaranteed revenue of \$100,000 continuing for another three years; after which it was

\$187,500 for the next five years and \$259,000 for the remainder of the 18 years for the agreement. City Attorney McClure said this was guaranteed in-lieu sales tax and that if Sun Microsystems generated sales tax revenue that exceeded that amount then they did not have to pay the fee. He said this was based on Sun Microsystem's original projected buildout and the likelihood that they would be generating sales tax revenue at buildout. Chair Riggs asked if Sun Microsystems was required to start construction at any point. City Attorney McClure said they were not. Chair Riggs asked if construction was not begun where the revenue came from to meet the demand. City Attorney McClure said that was not the City's concern; the development agreement was recorded against the land. He said payment of the fees was enforceable against the property owner and that the contractual obligation was also a lien against the property.

Commissioner O'Malley said this type of fee-required agreement was not attractive to him but the \$1.6 projected revenue and additional jobs for the City were. He said he wanted the development agreement to stipulate that construction and occupancy would occur at specific times.

Commissioner Bressler said that the City should require a portion of rental fees for the proposed office space. He said preferably there should be a built project. He said the fees paid by Sun Microsystems seemed very low and did not address inflation impacts.

Commissioner Ferrick said revenue fee payment required by the development agreement was an incentive to the developer to get the project built. Commissioner O'Malley said he would support negotiating construction, not fees, as inflation would be taken into account through revenue and taxes.

Chair Riggs asked how business tax revenue compared to sales tax revenue. City Attorney McClure said there were business license fees that included tax and which were based on the number of employees and revenue. Planner Rogers said that business license revenue was much less than transfer occupancy tax (TOT) and sales tax. He said for the total projected revenue for the project it was estimated that 7% would come from sales tax, 5% from business licenses, 60% from TOT, and 23% from property taxes.

Commissioner Kadvany said he agreed with Commissioner O'Malley in principle as to construction development time but the developer had development expertise greater than any of the Commissioners. He said related to a timeline that it was hard to imagine all of the construction happening at one time; there would have to be a phased approach and it would all depend on how commercial real estate evolved. He said there were many uncertainties about the proposal. He said details such as possible cost mitigation were important but what was more important is what the economy would support in 20 years, which could not be predicted.

Commissioner Keith said they could require buildout in five years; she would make a motion to that effect. City Attorney McClure said he did not think it was physically

possible for a project of this size to be built in five years; but it was feasible to begin construction in five years. Commissioner Keith said she was not comfortable with a 20 or 10 year term for the development agreement, but noted she had never had to consider a project this size previously.

Recognized by the Chair, Mr. Bohannon said the timeframe being asked for not specifically identified but would be identified through a development agreement process. He said a project like this would take at least 10 years and even 20 years was not out of line, but five years was insufficient. He said the City would use a sophisticated expert development consultant to work with the negotiating team on an agreement that would serve both the City and them.

Commissioner O'Malley said that he had heard the applicant previously express a desire to start construction as soon as possible and as soon as three years. He said he appreciated the expertise that would comprise the negotiating team, but he strongly felt construction should start in three years.

Mr. Bohannon said they would be happy with that reality if were true; he said the market would either provide those conditions or not. He said if they had entitlement three years prior they would have already started construction. He said this was a program that would be viable for many years. He said the framework for Bohannon Park was developed 50 years ago; it was very viable for 30 years and it was marginal the last 20 years. He said this set of buildings would work for a significant length of time and was a huge endeavor. He said the sophistication and expertise brought to bear on this process was significant. He encouraged the Commission to place faith in the ability of City staff to bring on the proper expertise to negotiate a reasonable deal within the context of what was being offered by the developer.

Commissioner Ferrick said it was important to have a timeline as short as possible and make sure the Council knows the Commission's consensus, which was to see project built sooner than later. Commissioner Keith said she could support leaving the development agreement to professional negotiators but she would like to see construction start in three years, and if it did not to have the developer come back in three years and explain why not. Chair Riggs suggested that they be less specific but imply with urgency that the Commission was concerned with the proposed timeline and would prefer the hotel portion construction begin three years and that there be incentives and phased fees to encourage the rapid completion of the entire project. Commissioner Ferrick said that sounded good.

Commissioner Pagee suggested emphasizing that the Commission understood that the timing of the projects would be affected by the economy but negotiate for mitigations to be timed in anticipation of the project moving forward. Chair Riggs said he wanted to have the Commission vote and not be specific on the timeline but they could include a recommendation within the timeline to have mitigations phased with development.

Chair Riggs summarized that the Commission was concerned with the lengthy timeline, would prefer that the construction of the hotel component start within three years, that incentives and fees be in place to encourage more rapid development, and for mitigations to be phased with development.

Commissioner Bressler said he was disappointed. He said if someone came with a project and wanted to build it that was one thing, but for someone to bring something that was not financially viable that was another. He said it was the Commission's job to plan for the City. He said this was a huge project and it was the Commission's job to create an M-3 district. He said either the proposal was economically viable today or it was a planning process that should be driven by the City and not the developer. He said the press releases on this project were disingenuous. Chair Riggs said it was preferable to plan for an area and then have owners come forward with projects that complied; he noted that economic viability was not determined in a moment and that in his work experience the fastest that a 100,000 square foot project had been completed was in three years for which there was no expense spared. He said the object of development was to try to predict what the economy would be when a project was finished. Commissioner Bressler said there were economic considerations but it was the City's job to determine what it wanted in M-2 and M-3 but this project had been sold to the community as something specific except the developer wanted ten to 20 years to do it. He said the City's options had been limited as this was a speculative development. He said he thought the objective was for the developer to get the entitlement and he was concerned with how the development agreement would be negotiated as he did not want it open ended.

Chair Riggs made a motion that the Commission was concerned with a lengthy timeline, would prefer the hotel component construction to start in three years, to have incentives and fees in place to encourage more rapid development and have mitigations phased with development. Commissioner Keith seconded the motion.

Motion carried 5-1 with Commissioner Bressler opposed and Commissioner Kadvany abstaining.

Scale (Building Size, Height, Density)

Commissioner Kadvany said that scale influenced other outcomes too. Chair Riggs noted they would discuss carbon footprint later. He said they were discussing size and height at this time. Commissioner Kadvany said the scale was not acceptable.

Commissioner O'Malley said he did not have problems with the scale because of its location. He said that the Four Season and the commercial buildings beside it were comparable in terms of height and that was a very attractive project. He said this would be a high quality building. He said he was not comfortable with the parking structures and wanted assurances that those would be of high quality and would look good.

Commissioner Pagee said the last time they had discussed this project she had wanted a detail about calculation of the height better defined. She said the zoning ordinance amendment for the project said the height was measured to the solar panels which were mechanical systems. Chair Riggs said the height was measured from the existing natural grade to the top of all elements of the building. Commissioner Pagee said the specifics of the zoning ordinance should parallel the way other buildings in the City were measured. She understood from remarks made by the health club representative that the height and scale proposed for this project was what would work, but it was a very large structure in this location and created an island of M-2 parcels. She said they had to consider the potential of what would happen with that island because of this project. She said this project was similar to creating a Foster City at this intersection. She said they had been told that these proportions were necessary for this hotel to work but she questioned if they had to accept that scale and hotel model.

Commissioner Bressler said that the neighbors did not seem to mind the proposed scale. He said that there should be a lot more open space and the proposed parking structures were taking up too much space. He said if there were to be large buildings then they should have more space around them. He said however to get open space from this project that it would have to be scaled down. He said that he did not mind building up an M-3 as long as it was a revenue generator. He said they needed to talk to other people in the M-2 as to how they felt about the proposed height. Chair Riggs said that was why there had been public hearings and notices.

Commissioner Ferrick said her issue was with the parking garages and she would prefer them to get taller and that at least one be eliminated. She said she was not convinced that this much parking was needed in light of the potential for traffic and parking management programs.

Chair Riggs asked if the parking structures were reduced by 20 percent whether that would be for open space. Commissioner Ferrick said her preference would be for open space.

Commissioner Kadvany said the three big parking structures were just too much; he did not like having two parking structures on the Bayfront and no matter how well done those remained parking structures providing no other function. He said he would favor a radical diminution of those structures. He said the other buildings even at their scale were attractive. He said he agreed with the integration of open space and with Commissioner Pagee as to what this project would motivate in the surrounding area in the future; it was not clear whether that future development was high-rise or low rise. He said in that regard the dimensions and density were an issue. Chair Riggs asked whether they should differentiate between the Independence Drive and Constitution Drive sites when looking at the addition of open space. Commissioner Kadvany said they had to look at the integration of the buildings and the needs of the people who would be working there.

Commissioner Keith said originally she thought the buildings were very high. She said the design of the office space was nice. She said the parking structures left a lot to be desired. She said as part of the scale there should be housing provided somewhere; she suggested that some of the land for the parking structure could be used for housing instead. She said at the least the ground floor of the parking structures needed to look nicer.

Chair Riggs said there was a majority of support for the scale of the occupied buildings and reluctance about the bulk and design appearance of the parking structures. He said Commissioner Kadvany had indicated the project was auto-centric. Commissioner Kadvany suggested a different use of the ground floor would be good. Commissioner Ferrick said it was desirable to have additional retail such as grocery stores and other services to serve the site. Commissioner Kadvany said that the parking structures distorted the great potential of this site. Commissioner Bressler said that they had heard they needed the parking for the project. He said it was unacceptable to have the huge structures for parking and the lack of open space. He said he would like to see a smaller project with parking integrated to allow for more open space. He said he objected to lack of open space and massive parking structures. Commissioner Keith suggested that the parking structures could take up less ground space by increased height. She said would also like to see housing rather than the parking structures.

Chair Riggs said the Commission found that the scale and design of the hotel and office buildings seemed acceptable, but questioned the parking footprint and its effect on open space. Commissioner Kadvany said that the parking structures were objectionable. Chair Riggs said it was not just the aesthetics of the parking structures but the scale of them. Commissioner Keith said the parking structures had to become more attractive. Chair Riggs proposed adding to the motion he was crafting of the Commission's findings to require a higher level of traffic demand management and to press mitigations for shuttles and other mechanisms to reduce parking need and make the project less auto-centric. Commissioner Ferrick suggested that they indicate that the parking structures were too massive. Chair Riggs asked if they wanted to include TDM. Commissioner Kadvany said there were many different ways to address parking and traffic. He said that it was the size, mass, footprint and aesthetics of the parking structures that were objectionable. Commissioner Ferrick suggested that TDM had more to do with carbon footprint than scale. Chair Riggs summarized for a motion that the Commission questioned the location, footprint, mass and aesthetics of the parking structures and had suggested alternatives such as a more dramatic TDM plan. Commissioner Kadvany said that if one wanted critical requirements, then the proposed parking structures were unacceptable. He said the Commission found that some dimensions of scale were acceptable and other dimensions of scale were unacceptable. Chair Riggs suggested dropping the message about TDM and stating that the dominance of the parking structures was unacceptable.

Chair Riggs moved that the scale and design of the buildings seemed acceptable but the dominance of the parking structures were unacceptable. Commissioner O'Malley

suggested that the dominance of the parking structures were of grave concern. Commissioner Keith said it was the footprint of the garages. City Attorney McClure suggested staff could word the breadth of the Commissioners' comments. He said there was clear consensus that there was concern about the mass, footprint and aesthetics of the parking structures.

Chair Riggs moved that the scale and design of the hotel and office buildings seem acceptable but the dominance of the parking structure left the Commission very concerned. Commissioner O'Malley seconded the motion. (Staff Comment: The

Motion carried 5-1 with Commissioner Pagee opposing and Commissioner Keith abstaining.

(Staff Comment: The term "dominance" was chosen to reflect individual comments regarding the location, footprint, mass and aesthetics of the parking structures.)

Housing

Commissioner Ferrick said the estimated 10% of employees at the site being Menlo Park residents was low and she thought housing impacts would be greater than what the reports said. She said the City was behind on its share of housing particularly affordable housing. She said she would like to see creative ways to add units on the site or on other land. Commissioner Bressler said that the estimated 10% was too low and 25% seemed a more realistic number. He said housing was a significant impact and an impediment to this project being approved. Commissioner Pagee said she agreed with the housing impact concerns mentioned. She said 10% seemed too low.

Commissioner O'Malley said he had been involved in the relocation of companies and found that people did not tend to relocate, just those who would be reimbursed by the company to relocate. He said he expected that the majority of workers would already live in the area and would tend to commute. He said 10% was a reasonable number.

Commissioner Keith proposed housing on the site which would help reduce the carbon emission contribution of the project.

Commissioner Kadvany said he tended to agree with Commissioner O'Malley. He said he also agreed with Commissioner Keith and that they should ask about the relationship of this project to residential housing in that part of town and whether there should be housing onsite or what role this project would have for people living nearby, particularly in the Belle Haven area.

Commissioner Pagee said that Commissioner Ferrick had raised the issue of providing housing as opposed to in-lieu fees. Chair Riggs said that the City might collect in-lieu fees but then have nowhere to use it. Commissioner Ferrick said the message was to have housing built as the result of this project. Commissioner Bressler said the

development would create new jobs in the area and perhaps many of the people were coming outside of Menlo Park but asked what the City's ABAG assessment would be, which had not been addressed.

Chair Riggs suggested that the Commission wanted 10% to 25% of the estimated 2,100 employees at the project housed as part of this project scope. Commissioner Ferrick said that housing units should be identified. Commissioner O'Malley said he agreed.

Chair Riggs moved that the Commission recommended as part of this project scope to identify lands for housing for 10% to 25 % of the 2,100 employee number. Commissioner Ferrick seconded the motion.

Motion carried 7-0.

(Staff Comment: The Commission expressed a preference for providing housing instead of paying the Below Market Rate (BMR) housing fee. The housing would not necessarily need to be provided on-site.)

Traffic

Chair Riggs noted the letter from the Town of Atherton included in the EIR that the primary entry to their town from Highway 101 was Marsh Road. He said the increments seemed relatively small numerically but were enough to trigger delays. He said it was a sensitive point. He said Caltrans had modified the Marsh interchange to prove a better connection to the Bayfront, but what was once a cloverleaf intersection with two traffic lights was now a four traffic light intersection. He said the eventual success of this project, the improvement of M-2 and Haven Avenue becoming a destination point would mean much more traffic. He said there had been one suggestion made previously that Highway 101 would have a ramp that would go directly to the project site, which he would strongly encourage.

Commissioner Kadvany said related to traffic impacts that those on Marsh Road and Middlefield Road and internal to the site were of concern. He said that the City needed to grapple with these impacts and determine whether the City could tolerate them.

Chair Riggs said they could add a general comment about other areas in which traffic would be impacted. He said the issue with Marsh Road was that it was a link to Menlo Park downtown and the link to Atherton for which there were no alternatives. He said mitigation could include timing on traffic lights, adding an alternative exit off Highway 101 onto Marsh but there was no full mitigation for the impact on Marsh Road.

Commissioner Ferrick said that they should indicate a desire for a robust TDM plan and having a way for cars going north on Highway 101 to have the ability to exit and not have to go up and over the ramp but stay on Marsh Road until they could turn into the project. Commissioner Bressler said he supported a TDM plan and to reduce parking

and traffic to and from the project by about 50%. Commissioner Kadvany said that seemed plausible.

Chair Riggs summarized that Marsh Road needed further mitigation with an additional exit from Highway 101 directly to Chrysler Drive or Independence Drive and a robust TDM plan to reduce parking and traffic by 50%. Commissioner Bressler said it was a high bar but they should try to do it. He said if it meant the project had to be smaller to reach that level then there was a financial incentive to make the project work.

Commissioner O'Malley said he could not support the 50% reduction in parking and traffic. Commissioner Kadvany suggested removing parking and limiting to the traffic impact. Commissioner Ferrick suggested reducing vehicle trips by 50%. Commissioner O'Malley said he could support that.

Chair Riggs moved, and Commissioner Pagee seconded, that the Marsh Road/US-101 interchange should be further mitigated potentially by adding a new direct exit to Chrysler Drive or Independence Drive and that the project should include a robust TDM plan with the goal of reducing vehicle trips by 50%.

Motion carried 7-0.

Carbon Footprint (Greenhouse Gases)

Commissioner Ferrick said the goal should be to make the project carbon neutral, which was achievable. Commissioner O'Malley questioned that because traffic was adding to the carbon emission load. Commissioner Ferrick said that could be offset and there were already features of the project such as solar panels, water retention and reclamation as well as the goal to reduce traffic trips. Commissioner O'Malley said there were many definitions of carbon neutrality and it would be a problem to define. He said that they might reduce traffic trips by 50% but the project would generate more traffic. Commissioner Ferrick said that all employees should be given transit passes and essential retail services should be onsite. Commissioner O'Malley said that there had to be a way to calculate carbon offsets. Commissioner Kadvany said that was calculated by the number of car trips and vehicle miles traveled. Chair Riggs said even if traffic trips were cut by 90% he was not sure the project could reach carbon neutrality. He said the solar panels would not generate enough to support the project. Commissioner Kadvany said they could buy carbon offsets. He said there was an estimate of the carbon footprint for the project and ways to measure offsets such as rain forest conservation, the number of miles traveled and car trips.

Chair Riggs asked whether staff had been able to address carbon neutrality as a planning goal. City Attorney McClure said the City has not investigated carbon neutrality but the applicant was researching it and had made carbon neutrality a goal of the project. He said there were a number of things that likely would be required of the project that would lead to the goal.

Commissioner O'Malley said they could require that when ground was broken that it should meet all City regulations including the City's definition of carbon neutrality in the zoning ordinance. Commissioner Pagee said she would like the applicant to take the initiative. Chair Riggs said they would not get a pedestrian/bicyclist bridge if everything went towards achieving carbon neutrality.

Commissioner Ferrick said that water retention would reduce carbon emissions as less electricity was needed to move water. Commissioner Bressler said there could also be mitigation for carbon emissions elsewhere in the City rather than buying offsets elsewhere.

Commissioner Kadvany said the increase of the 15,000 tons of carbon emission generated by the project were traffic related and if the applicant could do something about the traffic they would do it but at a certain point there was only so much that could be done. The City had to say whether they were okay with carbon emission increase despite the Climate Action Plan. He said he supported TDM but the project would generate traffic. He suggested that the negotiations be used to strengthen a TDM plan. He said they should perhaps require that the plan be reduced in size.

City Attorney McClure mentioned that the Commission had to decide whether to continue past 11:30 p.m.

Chair Riggs said the project actually contributed 24,000 tons of carbon emissions per year. He suggested that they complete the last three points rather than schedule another meeting. Commissioner Ferrick said that they also needed to discuss the surrounding M-2.

Commissioner Kadvany moved to continue the meeting after 11:30 p.m. Chair Riggs seconded the motion. Commissioner O'Malley said if they established midnight as the end of the meeting he could support the motion. Both Commissioner Kadvany and Chair Riggs agreed.

Commission Action: M/S Kadvany/Riggs to continue the meeting past 11:30 but to conclude by midnight.

Motion carried 5-2.

Commissioner Keith said despite 80% of the carbon emissions being from cars they could still request a carbon neutral project by requiring mitigations in other parts of the City. She said other municipalities were doing it and this was an extremely large project. Commissioner O'Malley said he had trouble recommending something that was not defined. Commissioner Kadvany said it would mean to estimate the amount of carbon emissions per year and the carbon equivalent associated with the project which was then offset by mechanisms such as insulating school buildings and building green

housing. He said such programs would result in energy improvements with equivalent diminutions on their energy load and traffic.

Commissioner Pagee asked if there was consensus to have carbon emissions offset elsewhere in the city if not achievable on the site. Commissioner O'Malley said he was okay with the goal but there were dozens of definitions of carbon neutrality and would like carbon neutrality defined as law by the Council.

Commissioner Bressler moved to recommend that the project be carbon neutral and that all mitigations if possible be done within the city limits. Commissioner Keith seconded the motion. Chair Riggs said that there were no numbers. Commissioner Ferrick said she had a friendly amendment as there were also local impacts and that mitigations could be done outside the city limits. Commissioner Keith said she did not accept that amendment.

Commissioner Bressler said the motion was to recommend that the project approach carbon neutrality and all mitigations that could not be carried out on the project site were preferred to be undertaken within the City limits.

Commission Action: M/S Bressler/Keith to recommend that the project approach carbon neutrality and all mitigations that could not be carried out on the project site were preferred to be undertaken within the City limits.

Motion carried 5-1 with Commissioner O'Malley opposing and Commissioner Riggs abstaining.

Impact on Surrounding Area (Context)

Commissioner Kadvany said this raised the overall question of the configuration of the project. He said Council Member Fergusson had noted high voltage power lines along the Bayfront and suggested this large project was to opportunity to look at improvements to the Bayfront. He said he could not understand why the hotel would face Highway 101 when it could face the San Francisco Bay. He said there was the potential to improve the Bayfront for people who live and travel there and who would be drawn there. He said they should also look at what was the benefit for the residents of Belle Haven from this project. He said that possibly the power lines could be undergrounded.

Commissioner Keith said she liked undergrounding utilities, a separate exit to the site from Highway 101 to relieve traffic on Marsh Road, public use of the proposed amphitheatre, and a pedestrian/bicycle bridge on Marsh Road.

She noted that there were many individual property owners in the M-2 and none of them had come to the public meetings to make comments. She said she did not know what

would occur with the M-2 island noting that those parcel owners might not have the ability to develop as this applicant.

Chair Riggs asked Planner Rogers if staff had received letters or phone calls or comments from the property owners referred to by Commissioner Keith. Planner Rogers said he recalled one phone call.

Commissioner O'Malley said it was unlikely that the other M-2 owners would want to convert that island to an M-3 zone. He said when a nice project was built next to an existing project that was not as nice there was usually a movement to upgrade. He said that he thought there would be synergy created and that administrative offices in the M-2 might move to the project office space or deals made to move manufacturing from this M-2 to the new project site. He said a TDM plan would benefit everyone.

Chair Riggs said traffic could be an impediment to access to Haven Avenue.

Commissioner Pagee said this project would be an incentive to upgrade surrounding properties.

Commissioner Ferrick said she would like the project to tie into the waterfront area to make it nice for residents. She said that instead of a large parking structure the project might provide retail, dry cleaning, and a childcare center. She said related to the second question to have the project developed with a longer term future of an improved waterfront area. She said the M-2 was important to the City. She noted that page 65 of the FIA listed the M-2 property owners and businesses most of which did not seem to be light industrial or classic M-2 businesses. She said she was concerned with the Marsh Road interchange and traffic impact. She said she would like the Bedwell Bayfront Park kept natural but made more accessible for people who lived and worked in the area.

Commissioner Kadvany said he supported Commissioner Ferrick's suggestions, noting waterfront development around the country. He said the features of the project rather than the parking structures would make a better face toward the waterfront.

Commissioner Riggs said there seemed to be unanimous consensus that the project would not squelch the M-2. He said other items noted were the power lines, park access, and hopes for future bay orientation. Commissioner O'Malley said the Commission would probably agree to want to have the power lines put underground. Chair Riggs said the power lines were so high that they did not create an aesthetic problem but he would not choose undergrounding utilities if that meant there would be no loop to downtown or housing. Commissioner Ferrick said she agreed that they would prefer to see them all underground; she said power lines would be over the amphitheater.

Commissioners did not make a single recommendation, but provided a range of individual comments including the following:

- The process has not generated many comments from other M-2 property/business owners.
- Development pressures on adjacent M-2 were likely limited due to feasibility issues, although project might induce some improvements to nearby sites.
- Relationship with and orientation to the bay was a concern.
- Undergrounding of transmission lines on Constitution Drive parcels could benefit the area as a whole.
- Provision of more retail/services could benefit other M-2 properties and the Belle Haven neighborhood.
- Integration with Bedwell Bayfront Park could be improved.
- TDM Plan elements would benefit employees of businesses in M-2
- M-2 could provide manufacturing sites for companies with administrative offices in M-3

Benefits and Mitigations

Chair Riggs said the Commission had provided individual lists of their 10 top benefits desired from the project.

Commissioner Bressler said one of the most important things to come out of this meeting was to provide information that would be helpful with the negotiation process. He said that the benefit of the office space should be monetized and that a percentage of gross office rents should go to the City. He asked if that could be in a development agreement. City Attorney McClure said a development agreement was probably the only mechanism to impose such a tax. Commissioner Bressler said San Francisco and New York City had municipal 1% income tax but those were hard to enforce.

Commissioner Pagee said she combined items 10, 19, 21, 23, and 23a from the list in Attachment L into an all-encompassing item for a pedestrian/bicycle bridge across Highway 101 to add connectivity from this site and from the rest of Menlo Park to this site and beyond, both a destination to go to or through. She said this would connect the business park on the Westside to the health club on the eastside. She said Belmont just approved a pedestrian /bicycle bridge for \$1.3 million. Development Services Manager Murphy said that was an agency share but probably in total cost more like five to six million. Planner Rogers said he had attended a Grand Boulevard meeting where it was relayed that the vast majority of funding for the project was from federal sources and C-CAG, and that it would cost \$10 million.

Commissioner O'Malley said the fiscal impact of \$1.6 million annual revenue and jobs created were a benefit to City. He said other benefits for the development agreement would be to get some assurance of jobs to Menlo Park residents, to make an attempt to get high tension wires underground, and in-lieu sales tax fees. He said he would like to see funding for childcare centers, community centers and the libraries as additional negotiation items for fiscal impact. He said it was more important that housing be provided rather than collection in-lieu BMR fees. He said that someone from the

Council and perhaps someone from the Commission should be directly involved in the development agreement negotiations in addition to staff. He said if the City approved such a project that it should benefit the City and they should not allow the developer to sell the benefits to someone else.

Commissioner Keith said items 2, 4, 5, 6 and 7 on the list were mitigation measures and not public benefits. She said she would like to see item 17 to implement adaptive traffic signals. She said she put items 19 and 23 together and would like to have bicycle path over Marsh Road although the cost may be prohibitive. She supported item 25 to acquire and rehabilitate apartment complexes for the BMR program. She said she would like childcare onsite for the office space and item 30 to provide funding for the Belle Haven School and item 31 to increase afterschool tutoring. She said she supported the goal of carbon neutrality.

Commissioner Kadvany said he agreed with Commissioner Bressler's suggestion about a percentage of gross office rents for the City, and creation of childcare and connectivity. He would like to see much of the carbon reduction program worked into the development agreement. He said he would like more measures taken with the project so that there were no mitigations needed, noting that air quality could not be mitigated. He said his goal was that the project dimensions changed rather than money given for public benefits.

Commissioner Ferrick said a childcare center onsite was important to mitigate traffic, and measures to mitigate traffic and carbon impacts were needed. She said the benefits needed were connectivity, bike connectivity, integrated services onsite (which would also mitigate carbon) and for the project to be really great rather than barely acceptable.

Chair Riggs said he supported the Marsh Road bike concept, after school tutoring, and shuttles for the downtown running more often than needed to create more use. He said his top goal was getting land identified for housing.

Chair Riggs said the Council had requested Commission to report on this item at the meeting on the 17th. He said that report would be a summary of what was concluded by the Commission at this meeting. He said the Council asked the Chair to address them but that could be revised. He said there seemed to be consensus that there was not a clear line between mitigation and benefits. He asked if there should be anything else included in the report to council.

Commissioner Bressler said he thought one of the most important elements for the City would be an option of payment of some percentage of gross rents to the City. Chair Riggs asked if that option was proposed for inclusion in the negotiations for the development agreement. Commissioner Bressler said it should be in the development agreement and that one of the Commissioners should be on the negotiation team.

Responding to the Chair, City Attorney McClure said the negotiating team included the City Manager, the Public Works Director, and himself with a larger support group including other staff and consultants with expertise in hotel and office development and a Council subcommittee including Council Members Cohen and Fergusson. He said staff's report to Council on the 17th would include recommendations on the process.

Commissioner Keith asked whether Commissioner Bressler's idea for a percentage of gross rents paid to the City would be in the negotiations. City Attorney McClure said the negotiation team would need direction from the Council but this type of levy could only be done through a development agreement. He said he had not heard of a tax on rents or office buildings, but had heard of an increased TOT through negotiation. Commissioner Keith asked TOT if the customer paid that increase when increased TOT applied. City Attorney McClure said that was true and similarly it might be passed onto the tenants who were renting.

Chair Riggs suggested a motion as to what would be in the report to the Council summary and whether Commissioner Bressler's suggestion would be included.

Commissioner Bressler said the concept was important and that was why someone from the Commission was needed on the negotiating team.

Commissioner O'Malley said they did not discuss the need for a new fire engine; he said the purchase of that should be the developer's responsibility. Commissioner Pagee asked if the survey of benefits completed by the Commissioner would be included in the report. Chair Riggs said they would be; he said there was discussion that both Redwood City and Palo Alto already had the type of fire engine that was indicated as needed by Menlo Park Fire District. Commissioner Ferrick said she was not certain how she felt about Commissioner Bressler's suggestion and would like it to be separate from what was being included in the motion as to what the summary would be.

Chair Riggs asked the Commissioner to address Commissioner Bressler's suggestion. Commissioner Ferrick said she liked a percent rather than a flat rate but she was not sure if rent was the appropriate thing. Chair Riggs said that was why he was suggesting that it be part of the negotiations. Commissioner Kadvany said it could be a percentage of gross rents or a similar scalable parameter. Commissioner Keith said that rents could decrease if the goal was to generate revenue. Commissioner Kadvany said he thought it was desirable to provide more options to generate revenue to the City.

Commissioner Bressler said he would move the recommendation to include in the negotiations for the development agreement the imposition of a percentage of gross rents to the City or a similar scalable revenue parameter." Commissioner Pagee seconded the motion.

Commissioner Keith asked if there could be other comments for the summary. She said there was probably unanimous consensus that the developer would pay for the fire truck. Commissioner Ferrick said only if it was required.

Chair Riggs said that they did not really have to vote on the summary content or Commissioner Bressler's suggestion as there was consensus.

Summary:

Individual commissioners reviewed and commented on previous written correspondence, included as Attachment L of the City Council Staff Report for the meeting of November 3, 2009 as follows:

- Pursue a bike and pedestrian bridge across US 101 either parallel to Marsh Road or near Chrysler Drive/Bohannon Drive.
- The project provides benefit from \$1.6 million in revenue and jobs.
- Establish priority for jobs for Menlo Park residents.
- Place transmission lines along the Constitution Drive site underground.
- Explore in-lieu impact fees for child care and community capital facilities.
- Insist that housing is provided, either on-site or off-site, instead of payment of fees.
- The City Council, and maybe the Planning Commission, should be directly involved in the Development Agreement negotiations.
- Most of the "Green Building Feature/Environmental Enhancements" of the Public Benefit Idea list should be considered mitigations, not public benefits.
- Pursue adaptive signal timing along corridors, especially Marsh Road.
- Provide childcare for employees.
- Provide funding for the Belle Haven Community School.
- Provide funding for tutoring.
- Pursue carbon neutrality through an extensive carbon reduction program.
- The project should change to minimize the need for mitigations.
- Mitigation should reduce things, such as traffic or carbon.
- Benefits should improve things, such as bike and pedestrian connectivity.
- Integrate more retail services, which would benefit M-2 on the whole.
- Increase shuttle frequency to downtown Menlo Park.
- If truly needed, the new fire ladder truck was mitigation, not a benefit.

By general consensus, the Commission added the following:

- The Development Agreement negotiation should include as an option the payment to the City of a percentage of gross rents or a similar scalable revenue parameter.

Commissioner Kadvany asked about the role of the Commission on the negotiating team. City Attorney McClure said the role of the Commission would be to review and make recommendations on the development agreement when it came to the

Commission with the project subject to Council discretion. He said the negotiating team and subcommittee would develop a term sheet for the Council's approval. He said the Council might want the Commission to weigh in on that but it was within the Council's prerogative to set parameters on negotiations. Chair Riggs said that the Commission was shown to have a scheduled review of the draft development agreement. City Attorney McClure said that direction would be given by the Council on the 17th as to the process.

Commissioner Kadvany said regarding the summary to the Council that there were strong objectives but there were some contradictions. Chair Riggs said that they had worked in the idea of goals and the Commission was maintaining its role as advisors for a process that would be largely handled by a negotiating team. Commissioner Kadvany said in that context he would emphasize all of the previous recommendations of goals as important. Chair Riggs said that was why he had pressed to have a second and third meeting on this item.

Commissioner Bressler said he would be at the City Council meeting and anyone else on the Commission who cared about what came from the Commission to the Council should attend.

City Attorney McClure said the Commission could appoint a subcommittee to work on the presentation that would be made by the Chair. Chair Riggs said they had done that in the past but he thought the summary of comments made under the topics this evening with addition of the idea of a percentage of gross rent revenue and the qualified issue of the truck if needed by Menlo Park to be noted as a mitigation and not a benefit would adequately represent the Commission's input. He said any Commissioner who had anything else could make a direct report to the Council.

Commissioner Keith said the FIA indicated that the City's school district would not receive money from the project which was an estimated deficit of \$16, 839 and suggested adding something that would cover that. Chair Riggs said that had been covered under item 5 a couple of weeks ago and in their individual list of recommendations. Commissioner Keith said that it was not a public benefit but mitigation. Commissioner Ferrick said there were a number of items like that; she said mitigations had to be there and public benefits had to be negotiated. Chair Riggs said that several of the Commissioners felt that a number of the items were mitigations not public benefits.

Chair Riggs suggested that Commissioner Keith who could not attend the Council meeting could email her comments to the Council. Commissioner Ferrick said that there would be a summary of what the Commission has said and that Commissioners might want to send individual comments.

The Commission authorized the Chair to present a summary at the City Council Meeting of November 17, 2009, supplemented as needed by individual remarks by other Planning Commissioners.

ADJOURNMENT

The meeting adjourned at 11:58 p.m.

Staff Liaison: Justin Murphy, Development Services Manager

Recording Secretary: Brenda Bennett

Approved by Planning Commission on January 11, 2010