



PLANNING COMMISSION MINUTES

February 22, 2010

7:00 p.m.

City Council Chambers

701 Laurel Street, Menlo Park, CA 94025

CALL TO ORDER – 7:02 p.m.

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

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

A. PUBLIC COMMENTS

There were none.

B. CONSENT

There were no items on the consent calendar.

C. PUBLIC HEARING

1. **Use Permit/Neil Swartzberg and Loreli Cadapan/277A Willow Road:** Request for a use permit to construct first- and second-story additions to an existing single-story, single-family, nonconforming residence that would exceed 50 percent of the replacement value of the existing structure in a 12-month period and would add more than 50 percent of the existing square footage on a substandard lot with regard to lot width and area in the R-1-U (Single-Family Urban) zoning district. The proposed remodeling and expansion are considered to be equivalent to a new structure.

This item had been continued from the meeting of February 8, 2010 and was scheduled to be heard at the February 22, 2010 meeting. It was announced at the meeting that the project was continued to a future meeting.

2. **Use Permit/John Matthews/900 Cambridge Avenue:** Request for a use permit for interior modifications and first and second floor additions that would exceed 50 percent of the value of an existing non-conforming two-story residence located on a standard size lot in the R-1-U (Single-Family Urban) zoning district.

The proposed project would also include three feet of excavation within the required 12-foot corner side yard for an expansion of a non-habitable basement.

Staff Comment: Planning Technician Perata said that a letter of support to locate the project garage with the same setback alignment as the garage at 910 Cambridge Avenue written by the neighbor at 901 Cambridge Avenue had been received after the publication of the staff report.

Questions of Staff: Commissioner Kadvany asked about the setback alignment of the subject and neighboring properties. Planning Technician Perata said the plans indicated that the setbacks matched to 17-foot plus or minus some inches but the building permit indicated 15-foot six-inches. Commissioner Pagee asked what the proposed setback for the subject garage was. Planning Technician Perata said it was 15-foot six-inches. Chair O'Malley confirmed with staff that the garage setback for 910 Cambridge Avenue had been approved by the City Council at 15-foot six-inches and that staff recommended the setback for the project garage to be 20-foot.

Public Comment: Mr. Tom Wandless, one of the property owners, introduced Mr. John Matthews of John Matthews Architects, the project architect. Mr. Wandless said there were three conditions of approval that he wanted to address. He distributed a handout to the Commission.

Mr. Matthews said the existing garage was attached and accessed through most of the rear space which limited the open and usable space in the backyard. He said a detached garage seemed a good solution as it picked up on the neighborhood pattern. He said their project was creating a larger master bedroom area that would be tucked into the existing house and made integral to the structure, which would respect the original design of the home and be consistent with the neighborhood character.

Mr. Wandless directed the Commission's attention to page 2, item 1, of his handout, regarding the location of the garage. He said they proposed to have the new detached garage located at the same setback as the neighbors as both structures faced Cambridge Avenue. He said the staff report commented on a discrepancy between the 17-foot setback shown on the plans and the 15-foot six-inch setback on the building permit application. He said the 17-foot setback shown on the plans was labeled "VIF," which meant "verify in field." He said the architects had approximated the distance of the setback of the neighbor's garage from the street and had not actually gone onto the neighbor's property to measure. He said it appeared that 15-foot six-inches was the distance of the setback that they should use. He said the staff report indicated that there was no required setback for a detached garage other than that required for an accessory structure, which he believed was 12-foot. He said the proposed location of the garage was consistent with the neighborhood norms and would allow them to maximize the amount of green space in the rear yard. He said that paragraph six of the staff report raised concerns about the neighbor's heritage redwood tree; he said the neighbor's existing garage location and his proposed garage location would be

equidistant from the tree. He said upon receipt of the staff report they asked their arborist to address the issue of the redwood tree raised by staff; he said the arborist's response was attached to the information in the handout provided to the Commission. He said the arborist found no threat to the tree from the proposed garage location. He said photos attached showed the location of the neighbor's garage and three other similar garages on Cambridge Avenue.

Mr. Wandless asked the Commission to consider condition 4.b related to removing the existing fence from the right-of-way. He said their goal was to have a safe backyard and a reasonable amount of privacy. He said he had designed and built this fence with a great amount of effort and had gone to the City for rules on sight lines and other fence requirements. He said the fence in the front, near the intersection was very low so there were no obstructions to the sight lines for vehicles, and in the backyard was higher for privacy and safety. He said he also tried to keep the fence away from trees, specifically three oaks along the property line. He said he did not know where the property line was and built what seemed logical. He said it was apparent that he had built on the wrong side of the property line. He said being a corner lot it was exposed on two sides; additionally the floor of the living area was 36-inches above grade so the home felt very exposed, and the goal of the fence was to provide some privacy. He said before building a fence they had considered the use of plants to screen. He said that they were advised to not do plantings and shrubs because of the oak trees. He said upon receiving comments on the fence from the City a month ago that he had gone to the City and was told he needed to complete an encroachment permit. He said he completed the application and was told that photos would be helpful. He said he drove back to his home, took photos, but before he could submit them, the City called him and said the encroachment permit was denied. He said he would like to propose removing the 100 foot section of short fence facing University and Cambridge Avenues and moving a short section of the northern tall fence away from the curb and turn it around and tie it into the house. He said there was a drawing of that proposal in the handout provided to the Commission. He said they would then like to keep the remaining stretch of fence as located with an encroachment permit.

Mr. Wandless said the third item was the condition for frontage improvements. He said the design goal was to keep their project consistent with neighborhood norms. He said he had received an email that the City would require frontage improvements including sidewalks, curbs, gutters and access ramps along both University and Cambridge Avenues. He said the next day the City removed the requirement for the sidewalk along Cambridge Avenue. He said there were no sidewalks except for one property along University Avenue. He said their neighbors on both sides said they were opposed to the sidewalk requirements. He said he and his wife reviewed the Sidewalk Master Plan which identified priority streets for frontage improvements and neither Cambridge Avenue nor University Avenue was a priority street. He said there was inconsistent application of the requirement as several new homes in the neighborhood had not installed sidewalks. He said the additional improvements would cost about \$15,000. He said he would remove the section of short fence and was willing to share equally the

cost of the curb and gutter with the City but did not want to install sidewalk. He said leaving the taller fence where it was they understood that at some point they might have to move it.

Commissioner Kadvany asked what the encroachment distance was. Planning Technician Perata said it was measured from the back of the curb to the property line and the public right-of-way 13-foot public. Commissioner Riggs said the fence location varied and it seemed that more than five foot was needed to avoid the cedar tree. Mr. Wandless said they were proposing to remove the fence near the cedar. Planner Fisher said the fence information was based on a survey; she said fence appeared to be up to 10-foot into the public right-of-way. She said that Public Works would require frontage improvements on University Avenue but not on Cambridge Avenue.

Commissioner Pagee said the issues were the placement of the garage and location of the fence. She said the arborist was recommending that a new foundation would be needed if the garage was placed as indicated. Mr. Wandless said the arborist had provided guidance on how to build the detached garage with no impact to the trees.

Commissioner Riggs asked staff, given the wording of the current conditions and accepting the arborist's latest letter as a guideline, if excavation found no significant roots whether the applicant could default to a conventional foundation. Planner Fisher said condition 3.g related to the application and implementation of tree protection and preservation measures and if staff received a supplement to the arborist's report indicating that could be done it would be acceptable to staff .

Chair O'Malley closed the public hearing.

Commission Comment: Commissioner Riggs moved to make the findings to approve the permit with the modifications that no sidewalk was required on Cambridge Avenue and eliminate condition 4.a related to the location of the garage. He suggested that the Commission might consider leaving the bulk of the fence where it was. Commissioner Keith asked if he wanted to include designing the garage to use the arborist's recommendations for no impact to the trees and asked what he was saying about the fence. Commissioner Riggs said the fencing in the neighborhood was fairly consistent and followed a pattern of leaving roughly five feet from the curb to fences and hedges; he said a 12-foot difference would change that pattern. He said the hand built stockade fence was highly appropriate to Allied Arts and he was suggesting leaving the front fence unless something occurred to require its removal. Commissioner Keith seconded the motion to include designing the garage using the arborist's recommendations for no impact to the trees. Planner Fisher said if the Commission eliminated condition 4.b related to removing the fence it would be Public Works' decision whether to grant an encroachment permit or not. She said frontage improvements on University Avenue were being required by Public Works but not on Cambridge Avenue. She said the Commission could weigh in on that requirement. Commissioner Riggs said he found free-standing handicapped ramps to be an oddity and 50-foot stretches of sidewalk

were not particularly useful either. He said he was not aware of the need for sidewalks in this neighborhood at this time. Commissioner Bressler asked if Public Works did not approve the encroachment whether that could be appealed. Ms. Lisa Ekers, Engineering Services Manager, said under City ordinance that a decision by Public Works was appealable to the City Council.

Commissioner Kadvany said he agreed with Commissioner Riggs' comments on the fence. He said recently a neighbor had spoken to him at length about the "sidewalk to nowhere," which had been installed with the construction of a new home and which had diminished landscaping. He said that the fencing on this property added to the landscaping of the front of the property and to the value of the neighborhood as a whole. He suggested in general to review the policy for adding sidewalks in the neighborhood and at least look at it earlier in the design process.

Commissioner Pagee asked if the Commission approved the project keeping the encroachment whether that would entitle the property owners to keep the fence there. Planning Technician Perata said if the condition to remove the fence was eliminated it was then a Department of Public Works' decision whether to allow the encroachment or not. Commissioner Pagee asked if the applicants would need encroachment permits for the front and side fences. Planning Technician Perata said they would and both would be revocable. Commissioner Pagee said normally she would not approve a fence that did not meet City rules but she was comfortable with allowing this fence to go through as Public Works would handle the encroachment permit. She said the Commission was looking at the architectural review on the property and the location of the garage relative to the property lines.

Commissioner Riggs said he would like to augment his motion to remove the fence locations from the Commission's concern. Planner Fisher said that would remove conditions 4.a and 4.b; she asked if the Commission would use Commissioner Keith's idea about augmenting condition 3.g to allow for additional implementation measures identified in the arborist's February 19 memo and any supplemental memos.

Commissioner Riggs asked whether it was necessary for the applicant to formally acknowledge the revocability if the fence were allowed to remain or if the record was sufficient. Planner Fisher said what had been said was adequate, noting that there were Public Works personnel available.

Commissioner Riggs moved to approve with removing conditions 4.a and 4.b. Commissioner Keith seconded the motion; she asked if it needed to be stated that there was no requirement for sidewalks on Cambridge Avenue. Planner Fisher said that was under Public Works purview and they had said sidewalks would not be required on Cambridge Avenue. Commissioner Keith said she walked along Woodland Avenue often and it was very odd to have sidewalks and then no sidewalks.

Planner Fisher asked if the Commission's intent was to allow the applicant to build the garage at the same setback as the neighbor's garage setback. Commissioner Riggs said that was correct. Planner Fisher said the arborist's memo received February 22 listed the setback as 17-foot; she said he should be aware of the exact location of the setback, so staff would have the arborist update his memo for the building permit if the Commission was interested in doing that. Commissioner Riggs said since they were modifying condition 4.g to make the arborist's supplemental information relevant to the project that it would make sense to update the memo as to the setback distance as well. Commissioner Riggs said 15-foot six-inches was the permit distance and if it turned out that the setback was actually 16-foot 2-inches whether the Commission should include matching the neighbor's setback as a minimum. Commissioner Pagee said she liked the 15-foot six-inches as a minimum. Commissioner Riggs suggested saying no closer than the neighbor's to the street or at a minimum a setback of 15-foot six-inches. Planner Chow suggested that the setback be a minimum of 15-foot six-inches with the intention to match the setback distance of neighbor's garage. Commissioner Keith said she would not object to the garage being pushed back farther and that it did not have to match the neighbor's but not it should not be any further forward than the neighbor's.

Commission Action: M/S Riggs/Keith to approve the item as recommended in the staff report with the following modifications.

1. Make a finding that the project is categorically exempt under Class 1 (Section 15301, "Existing Facilities") of the current California Environmental Quality Act (CEQA) Guidelines.
2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
3. Approve the use permit subject to the following **standard** conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by John Matthews Architects, consisting of 7 plan sheets, dated received February 16, 2010, and approved by the Planning Commission on February 22, 2010, except as modified by the conditions contained herein, subject to review and approval of the Planning Division.
 - b. Prior to building permit issuance, the applicants shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.
 - c. Prior to building permit issuance, the applicants shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.

- d. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval of the Planning, Engineering and Building Divisions. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
 - e. Simultaneous with the submittal of a complete building permit application, the applicant shall submit plans indicating that the applicant shall remove and replace any damaged and significantly worn sections of frontage improvements. The plans shall be submitted for the review and approval of the Engineering Division.
 - f. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a Grading and Drainage Plan for review and approval of the Engineering Division. The Grading and Drainage Plan shall be approved prior to issuance of a grading, demolition or building permit.
 - g. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance. Prior to the building permit issuance, the applicant shall implement the tree protection and preservation measures identified in the arborist report ***and supplemental memo (dated 2/19/10) for all applicable heritage trees. If the location of the garage changes from the identified 17-foot setback, the arborist shall submit a revised memorandum that identifies potential impacts and recommendations to maintain the health of the tree subject to the review and approval by the Planning Division prior to building permit issuance.***
4. Approve the use permit revision for the relocated garage subject to the following *project specific* condition:
- a. Prior to building permit issuance, the applicant shall submit revised plans showing the garage with a minimum ~~20-foot~~ **15.5 foot setback, with the ability to increase the setback to match the neighbor's existing garage** setback from the corner side property line subject to review and approval of the Planning Division.

Motion carried 6-0 with Commissioner Ferrick not in attendance.

3. **Use Permit/Sunset Publishing/80-85 Willow Road:** Request for a use permit extension to allow Sunset Publishing to conduct an open house (commonly known as Sunset Celebration Weekend) for one weekend in either late May or early June on an annual basis, subject to an annual review by the Planning Division following the event. The open house would involve closing Willow Road

from Middlefield Road to Paulson Circle, starting at 7:00 p.m. on the Friday before the event until 10:00 p.m. on Sunday after the close of the event. Activities would include, but are not limited to, a cooking stage, gardening demonstrations, wine seminars, activities booths, food and craft vendors, and live amplified music. The event hours would generally be between 10:00 a.m. to 5:00 p.m. on Saturday and Sunday of the event weekend. Event set-up typically occurs during the week before the event between 8 a.m. and 5:00 p.m. with break-down of the event between the same hours until the Wednesday after the event. The proposed event would exceed the daytime noise limits established under Section 8.06.030 of the Menlo Park Municipal Code. The proposed request is for a period of five years.

Staff Comment: Planner Chow said after the publication of the staff report staff had received correspondence from Mr. Mark Drury of Linfield Oaks expressing support of the use permit extension.

Questions of Staff: Commissioner Pagee asked if there had been any major issues. Planner Chow said there had not been major issues; she said one concern related to confusion of residents on "No event parking" streets as to whether that meant they could not park on their street. She said to solve that matter special passes would be sent to all residents on streets where parking for the event was not allowed and was added as bii. Commissioner Pagee said there had been a very vocal resident on Baywood whose street had been inundated with parking at the last event but she did see that street included. Planner Chow it was included within the area of Willow to Blackburn. Commissioner Pagee said McKendry Drive also was eliminated as well as Robin Way and Marmona, which had been impacted in the past.

Commissioner Kadvany asked how people would be directed to event parking. Planner Chow said that the main parking was on the Sunset campus and there were localized lots that Sunset would contract with; there would be signage and volunteers to help direct traffic.

Public Comment: Ms. Shannon Thompson, Vice President of Marketing for Sunset Publishing .Magazine, introduced the Sales Development Director Ray Ledda. She said the Sunset Weekend Celebration began in 1998 with the 100 year celebration of Sunset Magazine. She said they would like a five year extension of the use permit for the event. Commissioner Pagee asked why certain streets had been excluded from the no event parking. Ms. Thompson said they had added some areas to limit impact but had overlooked some previous inclusions. She said they would provide passes for the residents and Woodland, Blackburn, Clover, Baywood, and most of McKendry into Robin Way would be included as no event parking areas. Commissioner Pagee asked about the location of the entertainment. Ms. Thompson said the entertainment would be moved to Middlefield Road at the north entrance to Sunset. She said they would mitigate traffic on the west side of the campus, which would no longer be the entrance. She said the entrance, shuttle and ticket sales would be on the east side.

Commissioner Pagee asked about escorts for pedestrians who wanted to pass through the event. Ms. Thompson said that was remedied the previous year and they would have three employees stationed to assist pedestrians who just wanted to pass through the event.

Commissioner Pagee asked about complaints. Planner Chow said there was the letter from Mr. Deutsch about the level of noise from the entertainment and that was being mitigated by relocating the music stage to a location that is further from residences.

Commissioner Keith asked if there would be automobile test drives. Ms. Thompson said there would be a Honda car give away but no test drives. Commissioner Keith asked whether the \$1 discount for people who did not drive to the event was enough of an incentive. Ms. Thompson said she did not have the total discount sales information with her. Commissioner Pagee asked about bicycle racks. Commissioner Riggs indicated that bike parking was plentiful. Mr. Ledda said this year each individual would have a discount card rather than by group so there would be more precise counts on the discount sales.

Mr. Mark Berkowitz, Paulson Circle, said this street was essentially a part of the event because of its proximity and that this would be the first year that all the residences would be occupied. He asked that Sunset focus on the impacts of this event on his neighborhood. He said the residents of his neighborhood have agreed to not oppose the event in exchange for Sunset agreeing to not move forward with the use of their facilities by third parties. He said the previous year they had asked for police to protect the entrance to their neighborhood and had gotten security guards instead, which worked pretty well, although there was one suspected burglary. He said that Sunset has not approached any of the occupants of Paulson Circle about this year's event.

Commissioner Keith asked if they had requested security guards this year. Mr. Berkowitz said that in an exchange of emails the Paulson Circle residents would not oppose this event in exchange for Sunset not doing third part events and had requested security guards but had received no response. Planner Chow said the project description on page 11 or C7, item 2, states to monitor access to Paulson Circle. Commissioner Keith said that should be modified to be specific about the use of security guards. Ms. Thomsen said that they would have security guards at both ends of Paulson Circle.

Commissioner Keith asked whether porta-potties could be placed on the other side of the residences. Mr. Ledda said their current plans would locate the restrooms on the other side of residences and locate seven or eight more within the Sunset property.

Chair O'Malley closed the public hearing.

Commission Comment: Commissioner Keith moved to approve the use permit extension as recommended in the staff report. Commissioner Riggs seconded the

motion. Commissioner Pagee said she wanted to acknowledge the points made by Sunset related to the security guards at the access to Paulson Circle, additional porta-potties and inclusion of McKendry, Robin Way and Marmona in the “no event parking” area. Commissioner Keith said there was the modification on page C7 to make it clear that there would be security guards for both ends of Paulson Circle.

Chair O'Malley said the Sunset Weekend Celebration was a great event and good for the City.

Planner Chow asked if the Commission wanted to leave in test drives as something to be developed with staff. Commissioner Keith said she was satisfied with that. .

Commission Action: M/S Keith/Riggs to approve the item as recommended in the staff report with the following modifications.

1. Make a finding that the project is categorically exempt under Class 1 (Section 15301, “Existing Facilities”) of the current California Environmental Quality Act (CEQA) Guidelines.
2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
3. Approve the use permit subject to the following conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by Sunset Magazine, consisting of four plan sheets dated received February 17, 2010, and approved by the Planning Commission on February 22, 2010, except as modified by the conditions contained herein.
 - b. Three months prior to each annual event, the applicant shall submit a Traffic Control, Parking and Signage Plan for review and approval by the Director of Community Development. The plan shall address the following provisions:
 - i. The applicant shall contact all businesses within 2,000 feet of Sunset Magazine property to request the use of those businesses’ parking lots for the event.
 - ii. The applicant shall work with City staff to develop parking restrictions to prevent event parking in the following areas:

- area bounded by Willow Road, Blackburn Avenue, Middlefield Road, and Woodland Avenue;
 - Willow Road from western entrance of event to Alma Street;
 - Waverley Street from Willow Road to Laurel Street;
 - Linfield Drive from Middlefield Road to East Creek Drive;
 - Santa Margarita Avenue from Middlefield Road to Nash Avenue;
 - Santa Monica Avenue to Middlefield Road to Nash Avenue;
 - Paulson Circle (Lane Woods development);
 - Morgan, Pearl and Ballard Lanes (Morgan Lane development); and
 - Driveway behind Willow Market
 - **McKendry Drive;**
 - **Robin Way; and**
 - **Marmona Drive**
- iii. The applicant shall be responsible for all costs of traffic control, parking enforcement, and event cleanup for the event.
- iv. The applicant shall ensure that the public shall have pedestrian and bicycle access through the closed portion of Willow Road during the open house weekend. The applicant shall provide clear signage at both Willow Road entrances to the event to notify pedestrians that they can pass through the event to the other end of Willow Road without paying a fee for the event. The two entrances to the event include the east entrance located at the intersection of Willow Road and Middlefield Road, and the west entrance located near the intersections of Willow Road with both Willow Place and Waverley Street.
- v. The promotional literature produced for the event, all neighborhood notices, and Sunset's web page shall explain the use of the satellite parking lots, promote use of Caltrain to reach the event, and explain that shuttles will be provided from both the satellite parking lots and the Caltrain station. The promotional literature and notices shall also explain any parking restrictions.
- vi. Any signs for the event, including road closure signs, shall be placed in such a way so as to not block bicycle lanes, sidewalks, or roadways.

- vii. The applicant shall ensure that signs remain in a stable and upright position for the duration of the event.
 - viii. Planning and Transportation Division staff shall work with the Police Department to see if both left turn lanes on westbound Willow Road can remain open for vehicular traffic during the event.
 - ix. The applicant shall establish and conduct a clean-up program during and immediately following the event. The area of clean-up services shall include the event grounds, surrounding areas, all satellite parking lots and all adjacent neighborhoods in which parking has been allowed.
 - x. ***The applicant shall be responsible for monitoring the access points with a security guard for the Lane Wood community on Paulson Circle and the Morgan Lane community on Morgan Lane.***
- c. Three months prior to each annual event, the applicant shall submit a Noise Plan for review and approval by the Director of Community Development. The plan shall address the following provisions:
- i. The applicant shall provide a schedule and location map of music and amplified sound events.
 - ii. The applicant shall continue to consider alternatives to mitigate the potential noise impacts to residential neighbors, including location and screening of one or more stages, if necessary.
 - iii. ***The applicant shall provide additional restrooms at the eastern end of the event to minimize noise impacts to the nearby residences.***
- d. Three months prior to each annual event, the applicant shall submit a Notification Plan for review and approval by the Director of Community Development. The plan shall include the following provisions:

- i. The applicant shall establish an event liaison, and contact phone number so that any resident of the neighborhood can contact the liaison with concerns and problems up to, during, and after the event. The event liaison shall work to deal with these problems as they arise. All comments to the liaison shall be recorded and submitted to the Planning Division following the event. The neighborhood mailings that announce the upcoming event shall include the event liaison's name and contact number.
 - ii. The applicant shall publicize the contact name and phone number through mailings, magazine advertisements, newspaper articles, relevant websites, and any other reasonable additional means, such as the placement of signs prior to and during the event.
- e. The applicant shall prepare and submit a report on the annual Celebration weekend event within four months of holding the event. The report shall address any problems, complaints, or issues that arose during the event and how those problems, complaints, or issues were addressed. The reports should include all information required by the traffic control, parking and signage plan, noise plan, and neighborhood notification plan. The report should document any problems or complaints received during the reporting period and efforts made to address those problems and complaints. The report shall be submitted to the Director of Community Development for review. During the review, the Director may modify or add conditions to the use permit to address problems, complaints, or issues that arose during the event.
- f. The use permit revision will be valid for five years, expiring after the spring event in 2014, with the applicant having the option to request an extension of the permit from the Planning Commission at the end of five years.

Motion carried 6-0 with Commissioner Ferrick not in attendance.

D. REGULAR BUSINESS

1. Review of Five-Year Capital Improvement Program. *Continued from the meeting of February 8, 2010*

Chair O'Malley recognized that representatives from the City Manager's Office and Public Works were present. He suggested limiting discussion to 2010-2011.

Planner Chow introduced Mr. Ruben Nino, the Assistant Public Works Director, and Ms. Lisa Ekers, the Engineering Services Manager. Planner Chow said the Commission had received a summary of their questions about the CIP and staff's responses. .

Commissioner Pagee thanked Mr. Nino and Ms. Ekers for being present. She said she had questioned replacing a skylight in a building that was scheduled to be replaced but found out that in fact it was not being replaced in the near future. Ms. Ekers said that the Parks and Recreation Commission had prioritized the use of Measure T funds. She said eventually the existing gym and gymnastics center would be replaced with one large gymnastic center but there was not sufficient funding in this five year plan to do that. She said there were ongoing maintenance needs in the interim. Commissioner Pagee questioned mechanical equipment replacement and whether those would be reused in the new building. Mr. Nino said they replaced the ventilation system for the gymnastic area as there was concern with the heat to that area. He said the skylights were leaking and needed to be addressed. Commissioner Pagee said that there were traffic impact fees collected and how those were tracked. Ms. Ekers said page B25 listed projects by funding sources. Commissioner Pagee asked if the million dollars of traffic impact fees were used for streets impacted by projects. Ms. Ekers said those funds were used for projects throughout the City and not segregated by a street but governed by the overall street maintenance priorities. Commissioner Pagee asked if there would be funds to repair Alma and Ravenswood which would be heavily impacted with the construction vehicles for the new gym. Ms. Ekers said the City just received a Pavement Management Report and Alma Street was on the list to be resurfaced and that would be timed to after major construction was done on the gym. She said projects that included trenching required contractors to refinish the road surface and trench installations in the right-of-way were constructed to City standards at the contractors' cost. Commissioner Pagee said there was a lot of impact on the storm drainage system because of development within City and asked if the City was collecting enough impact fees to take care of it. Ms. Ekers said that this was regulated through NPDES to prevent an increase of storm water because of development. She said there were not enough storm drainage impact fees in the fund to do anything major but some improvements were identified for 2015/2016. Commissioner Pagee asked about the proposed reservoir project. Ms. Ekers said the City Council had approved a well location project rather than a storage reservoir system.

Commissioner Keith questioned spending \$140,000 to pave the Seminary Oaks pathway and going from a pervious to an impervious surface. Mr. Nino said the City tried to maintain the decomposed granite surface but they were in a state of disrepair and liability concerns. Commissioner Pagee said the \$140,000 would be better spent investigating a better way to surface paths for all the parks and not just one.

Commissioner Kadvany asked if a project was completed under budget whether the remaining funds went into the general fund or were under the purview of the manager for that project. Ms. Ekers said unspent funds for projects were returned to the original funding source. Commissioner Kadvany asked how many funds there were. Ms. Ekers

said there were about 15. Commissioner Kadvany asked if each was managed by an individual. Ms. Ekers said all funds were managed through the Finance Administration and funding allocations were approved by the City Council. Commissioner Kadvany asked how the LED streetlight project was arrived at and if there had been a demo project done at the City. Ms. Ekers said the City would use funds from a block grant and LED streetlights would be installed in the redevelopment area and along traveled collector streets that have high pressure sodium lights, which were the most expensive to energize. Commissioner Kadvany asked what was next for the climate action plan if there were more funds. Ms. Ekers said the Environmental Quality Committee had reviewed the five-year CIP and made recommendations to the City Council related to the implementation of the climate action plan including a method to analyze methane gas capture at Bayfront Park. Commissioner Kadvany said he would support more planning to realize projects under the climate action plan. Ekers said projects were programmed out at least two years if not longer periods. She said a number of projects would have a preliminary planning stage.

Commissioner Riggs said he was curious about the LED streetlights as he had recently compared commercial LED and fluorescent lighting and their energy usages were not very different. Ms. Ekers said LED streetlights per different sources used 50 percent less energy than high pressure sodiums.

Commissioner Riggs said the hot topic at the moment other than whether the Bohannon project would be able to pay for itself was the Specific Plan. He said there had been repeated requests that the Planning Commission and the Oversight and Outreach Committee each have an additional meeting with the consultant about certain concerns as to how the project would be presented to lay people. He said if the issue was that it was an extra meeting and not in the contract could the Planning Division make this right by augmenting the budget. Planner Chow said the ECRD budget was amended recently to accommodate some changes in the scope of work and if Planning Commission had consensus to add to the budget she would pass that along to the committee just as she had passed on the Commission's request for an additional meeting. Commissioner Riggs suggested for FY 2010/11 that additional funding might be budgeted for extra meetings. Chair O'Malley said that he did not see the relation of this discussion about the Specific Plan under the CIP discussion.

Commissioner Bressler said there were a lot of non-funded studies. Ms. Ekers said there were transportation related projects from the Transportation Commission which had been superseded which were kept on a legacy list. Commissioner Bressler asked why the studies were done by consultants and not by staff. Ms. Ekers said in some cases projects were very technical and in others the sheer volume of projects would not allow staff to keep up with day to day service to the community. Commissioner Bressler said with the economy that there were a lot fewer building applications and that staff could do things planned without using outside consultants. He suggested with the economic slowdown that the City should direct staff resources to planning for the future.

Commissioner Keith said that the maintenance funds for Bayfront Park would be exhausted. Ms. Ekers said that was anticipated by the end of this five-year plan. Commissioner Keith asked if maintenance would be paid for out of the general fund. Ms. Ekers said that was the Council's decision noting that maintenance costs annually were \$175,000 and expected to increase to \$195,000 in the future.

Chair O'Malley questioned why replacement of the Sand Hill Road/Branner signal mast arm was a priority. Ms. Ekers said it was a planned project to lengthen the signal arm to meet current standards and resolve an alignment problem. Chair O'Malley asked about Tinker Park and Hillview School playfield improvements. Mr. Nino said the City was negotiating with the Menlo Park School District through which to give them \$500,000 for synthetic turf and to replace Tinker Park. He said there would be a joint use agreement for the City to maintain synthetic turf and to replace Tinker Park. Commissioner Keith pointed out that synthetic turf had been an issue of concern for parents of students at Encinal School when artificial turf was suggested there. Mr. Nino said this was an entirely different situation and Hillview School had already done the environmental analysis of using synthetic turf and that the City's Park and Recreation Commission had approved its use unanimously. *(Upon reviewing the minutes and audio tape of the Parks and Recreation meeting dated November 18, 2009, it was discovered that there was no vote for or against synthetic turf at Hillview School by the Parks and Recreation Commission.)*

Commissioner Bressler said he was very involved in AYSO and they were underrepresented in the field allocation. He said private soccer leagues which were not necessarily a majority of Menlo Park or Atherton residents got as much time on the fields as AYSO which was primarily Menlo Park and Atherton residents. He said that AYSO also paid higher fees. Mr. Nino said there were a few things that would make play field use more flexible including lights and the use of a County Parks play field. He said grass play fields have to be closed six weeks for maintenance but that would not be needed with the synthetic turf.

Commissioner Keith noted a number of non-funded studies and that people got frustrated by studies. She said \$18,000 to do a study of the Willow Oaks Park path realignment seemed ridiculous and the \$18,000 should just be used to build the pathway. Commissioner Pagee questioned hiring someone to discuss a project and compare with other cities, how much City time went into selecting a consultant and who was watching the costs. She said it seemed better to have someone on staff who could draw a path and make a plan to develop it. Ms. Ekers said that the City has 60 ongoing projects either designed or implemented by staff and others and were suggesting 99 more over the next five years. She said they have six full time engineers and over 150 projects. She said they give staff opportunities to develop their skills and expertise.

Commissioner Kadvany asked whether there was enough expertise in the city to know what environmental projects to go after in the next twenty years. Ms. Ekers said within engineering people have sub-expertise areas. She said the Director Kent Steffens has

a significant amount of expertise in the energy issues and Mr. Nino in the design and implementation of solar systems and minor building conversion energy. She said the Council in FY 2009/10 had directed staff to research grant opportunities to bring on an energy expert, which so far was unsuccessful.

Chair O'Malley suggested the Commission consider if they supported the way the projects were prioritized, whether projects should be done, and if projects fit in with Council's goals.

Commission Action: M/S Riggs/Keith to support the prioritization of the projects.

Motion carried 6-0 with Commissioner Ferrick not in attendance.

Commission Action: M/S Pagee/Keith to generally agree with the projects and criteria listed in the document.

Motion carried 6-0 with Commissioner Ferrick not in attendance.

Commission Action: M/S Riggs/O'Malley to determine that the projects do not appear to conflict with the Council goals.

Motion carried 4-0 with Commissioners Keith and Pagee abstaining and Commissioner Ferrick not in attendance.

Chair O'Malley directed attention to the first question as to projects to be added. Commissioner Riggs asked why repaving was done alternate years. Commissioner Pagee said they do research in the one year and do the repair the next year. Ms. Ekers said in low funded years staff completed engineering design and in alternative years funded the work and that this was a workload consideration to allow sufficient time to do pave analysis, get the report, do the design, implement and do project closeout. She said they were now finishing FY 2007/08 and starting FY 2009/10.

Planner Chow said that there had been no direct answer to question number one which asked if the Commission was supportive of planning staff's current projects. Commissioner Bressler said that perhaps Commissioner Riggs' request for more involvement in the Specific Plan might be listed here. Planner Chow said it was a project that planning staff was currently working on and it was an opportunity to comment. Commissioner Keith said she would include Commissioner Bressler's comment here about the Planning Commission having more involvement with the Specific Plan.

Commission Action: M/S Keith/Bressler to support staff's current projects. With regard to the El Camino Real/Downtown Specific Plan, the Commission recommends the scope of work be modified to allow the Planning Commission to have a more ongoing role in the project.

Motion carried 5-1 with Commissioner O'Malley opposed and Commissioner Ferrick not in attendance.

Commissioner O'Malley opposed the motion because he did not feel that the Capital Improvement Program document was the appropriate place for discussion of the Specific Plan.

E. COMMISSION BUSINESS

1. Update on pending planning items.

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

Commissioner Riggs said a calendar indicated that two significant components were completed but there was nothing yet scheduled for the Planning Commission nor had the Oversight and Outreach Committee been contacted. He said he was very concerned that the implementation should not be misunderstood. He said Santa Cruz Avenue was presented as three-stories and public's perception was there would be three-story buildings immediately on Santa Cruz Avenue. He said no visual presentation had addressed the setback requirement for a third level. He said if the presentation did not specifically address such things that people would expect the worst. Commissioner Pagee said that the outer limits were being given but not the specifics and asked if the consultant had been asked to look at certain areas. Commissioner Riggs said that usually under a use permit projects were not built out to the daylight plane, but the graphics for the Specific Plan tended to represent a full buildout which was unlikely and undesirable. He said a graphic based on some evaluation of likelihood was needed. He said there was a potential to gather lots and build out to the maximum and was there something proposed in the zoning ordinance for the Plan to address that.

Commissioner Kadvany said there had to be a considerable strategy document for implementation. He said he had written emails to the consultant asking what the business plan model was for Santa Cruz Avenue but had received no answer. He asked why El Camino Real was so marginalized in this process. He said once the draft Specific Plan was released that the Commission would need at least a couple of sessions to study it based on the uncertainties and how to organize it into strategy.

Commissioner Bressler said this was a very political process and the Planning Commission needed to minimize it before it went to the City Council. He said they had to provide a process to allow the Planning Commission to have a little bit of control over permit processes on Santa Cruz Avenue.

Commissioner Keith asked if the Specific Plan was done. Planner Chow said there was a working draft that was being reviewed and that it was expected for the draft Specific Plan to be released in early spring, and the Final EIR and Final FIA released mid-to-late

spring after which there would be public meetings with the Outreach and Oversight Committee, Planning Commission and City Council to review. The consultant would then have opportunity to make revisions

Chair O'Malley said that the message should be carried strongly to Council that additional study sessions were needed. He asked if there were other action items. Riggs said that more than once the Commission had recommended to staff some measures for the consultant to address but have not seen the consultant. He asked if the Commission could have a subcommittee and request staff to arrange a meeting of the subcommittee and the consultant. Chair O'Malley said he assumed that Commissioners Riggs and Bressler were the subcommittee. Commissioner Riggs said there were not asked as part of the Oversight and Outreach Committee to be the Commission's subcommittee. Planner Chow said she would pass those suggestions to Planner Rogers. Commissioner Keith suggested a motion for the request. Planner Chow asked if a subcommittee meeting could perhaps be in-lieu if it was not possible to achieve an extra Planning Commission meeting. Commissioner Riggs said his suggestion was for the subcommittee to meet with the consultant to address concerns before the item was taken to the public. Commissioner Bressler said the consultant was meeting with staff already and it was only a matter of having the subcommittee join one of those discussions. Chair O'Malley suggested formalizing the subcommittee as Commissioners Bressler and Riggs and to have them meet with the consultant prior to any public vetting. Planner Chow said she would make that request for the subcommittee and would report back on that to the Commission at a future meeting.

Commissioner Kadvany said to make it very focused with the consultant they should have a list of implementation questions. Commissioner Riggs said there had to be answers for the "what if" questions.

B. 101-155 Constitution Drive and 100-190 Independence Drive (Menlo Gateway Project)

Planner Chow said tomorrow evening there would be an information item from the Council subcommittee to the Council. She said work was continuing on the Final Environmental Impact Report noting that the target release date had been delayed from February to March 2010. She said the Final Fiscal Impact Analysis would follow. She said the term sheet was now scheduled for the April 6 Council meeting and that the Planning Commission meetings were tentatively scheduled for April 19 and May 3. She said the Planning Commission schedule would be changed if previous dates were not met.

Commissioner Kadvany asked about the status of the draft term sheet. Planner Chow said there were weekly discussions as to what should be included and some of that was pending the release of the FEIR and FFIA as the negotiation team was not able to complete negotiation process because of the delay of those documents. Commissioner Kadvany said there would be overload with considering the FEIR, FFIA and term sheet

all at once. Commissioner Bressler said he wrote an article for the Almanac as it was exactly how Kadvany described and the public would not have opportunities to influence the negotiations. Commissioner Kadvany said he had thought of writing a piece for the Almanac expressing his views but he had gotten feedback that might bollix the approval process. He said that they should be able to comment on the part of the project under the General Plan; he said the general issue was the Commission's ability to discuss this item. He referred to a letter to the Almanac disrespecting the Commission's role in these discussions. He said he had previously gotten an email from the writer of that letter and responded in depth but had received no response. Chair O'Malley said he understood Commissioner Kadvany's frustration. Chair O'Malley said he had a problem expressing where he stood until he had heard all of the input. Commissioner Bressler said he would assert the right of any member of the public and the Commission to provide input to the Council on how this might be negotiated. Commissioner Keith said there was no way of knowing whether the Commission's comments had been heard or were part of the negotiations but they would see the project again.

Commissioner Kadvany suggested for upcoming study sessions that laptops and listing discussion visually would be useful. He said he had gotten a book on planning process for California which he would let staff review and if it was useful he suggested they get a few copies for new and existing Commissioners.

F. REPORTS AND ANNOUNCEMENTS

Planner Chow provided the Commission with handouts on the upcoming 2010 Census and encouraged them to reach out to others on the importance of completing the survey.

ADJOURNMENT

The meeting adjourned at 10:43 p.m.

Staff Liaison: Deanna Chow, Senior Planner

Recording Secretary: Brenda Bennett

Approved by Planning Commission on June 14, 2010