



PLANNING COMMISSION MINUTES

September 20, 2010

7:00 p.m.

City Council Chambers

701 Laurel Street, Menlo Park, CA 94025

CALL TO ORDER – 7:00 p.m.

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

INTRODUCTION OF STAFF – Megan Fisher, Associate Planner; Justin Murphy, Development Services Manager; Kyle Perata, Planning Technician; Thomas Rogers, Associate Planner

A. PUBLIC COMMENTS

There were none.

B. CONSENT

Commissioners Kadvany and Eiref asked for discussion on the August 23, 2010 draft minutes.

The Commission had unanimous consensus to approve the draft minutes for the July 12, 2010, July 26, 2010, and August 30, 2010 meetings.

1. **Approval of minutes from the July 12, 2010 Planning Commission meeting.**
Continued from the meeting of September 13, 2010.

Commission Action: M/S Unanimous consent to approve.

Action approved 6-0-1 with Commissioner Ferrick abstaining.

2. **Approval of minutes from the July 26, 2010 Planning Commission meeting.**
Continued from the meeting of September 13, 2010

Commission Action: M/S Unanimous consent to approve.

Action approved 6-0-1 with Commissioner Ferrick abstaining.

3. Approval of minutes from the August 23, 2010 Planning Commission meeting.

Item pulled for discussion.

Commissioner Eiref referred to page 11. He had asked Mr. Wollenberg, the applicant, about efforts to canvas different businesses as potential tenants. He recalled that Mr. Wollenberg had indicated that the site needed a business that would pull traffic from El Camino Real such as the other corporate chain businesses in the shopping center. He said he had also asked the question about the impact to Beltramo's and Draeger's liquor sales when Safeway had closed for reconstruction but that was an error as he was reminded after the meeting that Safeway stayed open during reconstruction.

Development Services Manager Murphy said the second correction would be made with bracketed information in the subject set of minutes.

Chair O'Malley asked if the other Commissioners were agreeable to the minutes being reviewed and to include the comment by Mr. Wollenberg related to the type of business that would succeed in the mall. Commissioner Ferrick objected to that inclusion noting that comments opposing the project had not all been included. She said having a transcript of the item was the only way she would agree to adding comments.

Commissioner Kadvany said Kepler's was spelled incorrectly as it has only one "p" (page 16, first paragraph). He questioned, page 15, 2nd paragraph that Commissioner Riggs had commented the wine tasting had been described as "Happy Hour." Commissioner Riggs said that one of the members of the public had made that comment and perhaps including that information would make his comment clearer. There was consensus on that comment.

Commissioner Bressler, page 15, 4th paragraph, line 2, said it should read that "the price difference was not much lower at BevMo. There was consensus on that correction.

Commissioner Ferrick said the project approval had been appealed to the City Council. She asked if a transcript of the item could be prepared. Development Services Manager Murphy said the transcripts would run a few thousand dollars and he did not know if BevMo would be willing to pay for that. He noted that the appeal was being made by a member of the public. Development Services Manager Murphy said the minutes were recorded and streamed on the City's website. He said they could ask the minutes preparer to look at certain sections and review for accuracy. Commissioner Ferrick said the revision should include all of Mr. Wollenberg's comments. She said the applicant had stated he had only canvassed restaurant and other chain businesses and had not reached out to local and independent stores. Chair O'Malley said he remembered that comment.

Commissioner Keith said, page 18, that she had indicated she could not make the findings for numbers 3 or 4 and the minutes did not indicate that. Development Services Manager Murphy said that could be reviewed and revised as needed.

Chair O'Malley asked if it was satisfactory to the Commission to have both Commissioners Eiref's and Ferrick's comments reflected in the minutes. Commissioner Ferrick said that a transcript of Mr. Wollenberg's comments would be preferable. Commissioner Keith said she thought all of the Commission's discussion starting on page 18 after "The motion carried 7-0" should be transcribed. She said in response to Development Services Manager Murphy's question that the review should continue through pages 18 and 19. Development Services Manager Murphy said there was additional time before the item went to the Council. He suggested moving the item to the end of the meeting agenda at which time they could discuss the timing of the review of these minutes once reviewed and revised.

There was Commission consensus to hold the minutes until the end of the meeting.

4. Approval of minutes from the August 30, 2010 Planning Commission meeting

Commission Action: M/S Unanimous consent to approve.

Action approved 6-0-1 with Commissioner Kadvany abstaining.

C. PUBLIC HEARING

- 1. Use Permit/Christopher Tripoli/332 Marmona Drive:** Request for a use permit to demolish an existing single-story, single-family residence and construct a new two-story, single-family residence on a substandard lot with regard to lot width, depth, and area in the R-1-U (Single-Family Urban) zoning district. As part of the proposed development, a 21-inch heritage camphor in fair condition in the public right-of-way at the front of the property would be removed.

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

Questions of Staff: Commissioner Kadvany asked about the proposed tree removal and asked if the required size of the garage impacted the driveway width. Planner Rogers said the driveway width did not have to be 20 feet wide at the street edge but could be tapered. He said they had looked at what adjustment would provide access to the garage and protect the camphor tree. He said even with tapering the driveway width at the street that access to the garage would still be in tree impact zone. Commissioner Kadvany said the staff report indicated the tree impacted utility lines. Planner Rogers said there numerous street trees grow to such a height that they can conflict with utility lines and that the tree proposed for removal had that potential.

Public Comment: Mr. Chris Tripoli, project architect, said the property owners Michelle Loeb and Ricky Jones were also present.

Questions of the Applicant: Commissioner Kadvany asked about the camphor tree proposed for removal and the plan to screen the utility lines when the tree was removed. Mr. Tripoli said the utility lines along the street were well screened by other trees and that the utility lines were only visible right in front of this house.

Commissioner Keith said she liked the “hangout” space. Mr. Tripoli said that was his clients’ idea. Chair O’Malley asked how many neighbors had come to the open house to see the plans. Ms. Michelle Loeb, property owner, said that seven or eight adjacent neighbors had been invited of whom only three did not attend. She said those who attended had provided comments that were favorable.

Chair O’Malley asked for public comment; there being none, he closed the public hearing.

Commission Comment: Commissioner Riggs said he appreciated the applicants’ sensitivity to the neighbors but he would like to see the camphor tree kept as the street trees screened utility lines. He said the proposed location of the two-car garage made keeping the tree challenging. He said the neighborhood was mostly one-story and although this was not a subtle two-story residence, the two exterior elevations had less significance to the neighbors. He said there was no reference in Menlo Park for the proposed synthetic stone base. He said that despite some massing efforts this project would stand out as a new building that was not completely harmonious with the neighborhood. He said he was not sure if that was enough to send the project back for redesign.

Commissioner Ferrick moved to approve the use permit as recommended in the staff report. Commissioner Keith seconded the motion but said she would like discussion on the stone product.

Recognized by the Chair, Mr. Tripoli said the stone would give the home a strong face and that synthetic stone was much nicer than it had been in previous decades. He said he had used it on several homes and could provide addresses. Commissioner Riggs said it was used on several homes in his neighborhood and that the rhythm of the stone was not natural and appeared as a part rubble concept and part color. He asked if there was a more traditional stone shape and grout line that Mr. Tripoli could recommend to his clients. Mr. Tripoli said he was proposing a very thin long stone with a limestone slate metal look similar to materials used by Frank Lloyd Wright. Commissioner Riggs said that the proposed synthetic stone was not rectangular, slightly irregular and would be placed without grout. He said he would prefer a something more traditional. Mr. Tripoli said real stone work would be extremely expensive. Commissioner Riggs suggested a more rectangular shape rather than a more random shape. Mr. Tripoli said the stone was used for textural change and not color change. He said he was open to different synthetic stone with grout. Commissioner Riggs asked

for an amendment to the approval for an alternative synthetic stone to be presented and reviewed by staff. Planner Rogers said that was possible if agreed to by the Commission. Commissioner Keith said as the maker of the second to the motion that she was agreeable to the change. She asked where in Menlo Park the architect had used this stone. Mr. Tripoli said he had not used it in Menlo Park but in Palo Alto. Commissioner Ferrick said she was agreeable to the change as long as the property owners were.

Commissioner Kadvany asked if the stone qualified as a veneer. Mr. Tripoli said it did. Commissioner Kadvany said he had seen an increase in the use of synthetic rock on home projects, but was concerned with the quality of the material, noting that home improvements were such expensive investments that good quality materials should be used. He asked if the driveway could be narrowed to allow for a tree replacement. He said the street trees provided a public benefit and any loss of trees would become a cumulative loss for everyone. Mr. Tripoli said he thought that there were more trees surrounding this residence than anywhere else along the rest of the street. He said the arborist had indicated that the camphor tree's health was compromised. Commissioner Kadvany said it was important to camouflage the utility lines.

Chair O'Malley clarified for the applicant that Commissioner Kadvany's request was to plant a replacement tree. Mr. Tripoli said he did not know what kind of tree they could plant to allow for the driveway width. He said tree roots would impact the driveway because of the narrowness of the location. Commissioner Ferrick said there were trees whose roots do not impact driveways. Commissioner Kadvany said he thought the tree removal should be mitigated.

Planner Rogers suggested that staff confer with the City arborist and engineering division on types of trees that might be suitable to plant in a small area next to a driveway and if it was feasible to have the applicant plant a tree to replace the one being removed. Commissioners Ferrick and Keith, the maker of the motion and second, agreed to add the feasibility of a replacement tree as potential mitigation to the motion.

Commission Action: M/S Ferrick/Keith to approve the use permit as recommended in the staff report with the following modifications.

1. Make a finding that the project is categorically exempt under Class 3 (Section 15303, "New Construction or Conversion of Small Structures") of the current CEQA Guidelines.
2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
3. Approve the use permit subject to the following **standard** conditions:

- a. Development of the project shall be substantially in conformance with the plans prepared by Christopher Tripoli Architect, consisting of eight plan sheets, dated received September 9, 2010, and approved by the Planning Commission on September 20, 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.
4. ***Approve the use permit subject to the following project-specific conditions:***
- a. ***Simultaneous with the submittal of a complete building permit application, the applicant shall provide alternative details and specifications for the stone trim at the base of the first story. The applicant may revise the stone trim type with the intent of providing a more traditional style, subject to review and approval of the Planning Division.***
 - b. ***Prior to the submittal of a complete building permit application, the applicant shall review with the Planning Division and the City Arborist the possibility of narrowing the driveway and planting a new***

street tree. If feasible, the applicant shall revise the site plan accordingly and submit it simultaneous with a complete building permit application. The revised site plan shall be subject to review and approval of the Planning Division.

Motion carried 7-0.

- 2. Use Permit/Daniel Spiegel/580 Cotton Street:** Request for a use permit to demolish an existing single-story, single-family residence and construct a new single-family residence that is predominantly single-story with a three-story portion in the front left corner of the proposed structure on a substandard lot with regard to lot width in the R-E (Residential Estate) zoning district. The applicant is proposing to remove of two heritage size trees, a 24.2-inch cedar in fair condition and a 17.9-inch diameter maple in poor condition.

Staff Comment: Planner Fisher said staff had no additional information to present.

Public Hearing: Mr. Dan Spiegel, project designer/architect and son of the property owners, said his family had lived at this residence for 30-plus years. He said the house was meant to nestle into the landscape noting there are 13 heritage trees. He said the goal was to locate the house to maximize solar access and natural ventilation. He said they were committed to innovative energy systems and would use extensive solar photovoltaic cells. He said that the three-story element in the front corner was a children's bedroom wing and noted the tall pines would protect privacy.

Chair O'Malley closed the public hearing.

Commission Comment: Commissioner Riggs moved to approve the use permit as recommended in the staff report. He commented favorably on the architecture and neighbor sensitivity and outreach. Commissioner Ferrick seconded the motion. She said that the setbacks had been corrected through the project.

Commission Action: M/S Riggs/Ferrick to approve the use permit as recommended in the staff report.

1. Make a finding that the project is categorically exempt under Class 3 (Section 15303, "New Construction or Conversion of Small Structures") of the current CEQA Guidelines.
2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
3. Approve the use permit subject to the following ***standard*** conditions:

- a. Development of the project shall be substantially in conformance with the plans prepared by Dan Spiegel, consisting of 17 plan sheets, dated August 23, 2010, and approved by the Planning Commission on September 20, 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.
4. Approve the use permit subject to the following **project-specific** condition:
- a. Concurrent with the submittal of a complete building permit application, the applicant shall modify the site plan to revise the driveway design to move it a minimum of two feet away from the cedar by reducing the driveway width, subject to review and approval by the Planning Division.
 - b. Concurrent with the submittal of a complete building permit application, the applicant shall indicate on the site plan the location of a minimum 24-inch box red maple replacement tree, subject to review and approval by the Planning Division.

Motion carried 7-0.

3. **Use Permit/Brenda Pai/470 Santa Rita Avenue:** Request for a use permit for interior and exterior modifications and an addition to the front right-side of the existing nonconforming, single-story, single-family residence located in the R-1-S (Single-Family Suburban) zoning district. The proposed modifications would exceed 75 percent of the replacement value of the existing structure in a 12-month period.

Staff Comment: Planning Technician Perata said staff had no additional comments.

Questions of Staff: Commissioner Riggs noted the conforming lot and the scope of work and asked for the record that staff clarify what required Commission consideration of the project.

Planning Technician Perata said that the zoning ordinance allows a certain amount of work to be done to a nonconforming structure within a one year period without a use permit but based on the total cost estimates for the value of the work, the proposed project exceeded 75 percent of the replacement cost of the existing structure in a 12-month period and thus required a use permit.

Commissioner Riggs suggested at a future time the Commission should consider whether there should be levels of non-conforming structures that would not have to come to the Commission. He said he thought this project would be suitable for a different process.

Public Comment: Ms. Brenda Pai introduced her husband, Mr. Tom Pai. Mr. Pai said he had inherited the house from his mother. He said although the house had a Santa Rita Avenue address it faced Middle Avenue. He said they proposed to put a front door on the Santa Rita Avenue side and to update the house. He said they would do enhancements without changing the style of the existing home.

Questions of the Applicant: Chair O'Malley asked whether the old entry way on Middle Avenue would remain. Ms. Pai said that the doorway was indented two feet. She said their original idea was to make that area flush with the wall but there was not sufficient floor area to allow for that. Planning Technician Perata said the required corner side setback was 12-feet and this house was setback at 9.6 feet so the nonconforming wall could not be extended unless a variance was obtained. Commissioner Eiref asked questioned whether the doorway fell within the footprint of the house. Planner Technician Perata acknowledged it did but said there was a difference between existing coverage and adding floor area in the side setback. Commissioner Kadvany asked if it would have to be noticed to request a variance. Planner Technician Perata said it would have to be noticed. He said staff had recommended that the applicants not request a variance as there were findings that did not seem possible to make.

Commissioner Kadvany asked if the landscaping would be reworked as part of the project. Mr. Pai said that was correct.

Chair O'Malley closed the public hearing.

Commission Comment: Commissioner Bressler moved to approve as recommended in the staff report. Commissioner Riggs seconded the motion and indicated that keeping the indentation was preferable as otherwise there would be a 60-foot stretch of wall with only four plain windows.

Commission Action: M/S Bressler/Riggs to approve as recommended in the staff report.

1. Make a finding that the project is categorically exempt under Class 3 (Section 15303, "New Construction or Conversion of Small Structures") 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 J&M Design, consisting of six plan sheets, dated received September 7, 2010, and approved by the Planning Commission on September 20, 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.

Motion carried 7-0.

D. REGULAR BUSINESS

1. **Architectural Control, Heritage Tree Removals, and Capital Improvement Plan General Plan Conformance/City of Menlo Park/501 Laurel Street:**

Proposal to demolish the existing 17,400-square-foot gymnasium and gymnastics building and construct a new approximately 19,400-square-foot gymnastics facility at the location of the existing gymnasium and gymnastics building and associated site improvements located at the Civic Center Complex in the P-F (Public Facilities) zoning district. As a result of this proposal, 6 heritage trees are proposed for removal. The trees proposed for removal include a 36-inch Monterey pine in fair condition, a 32-inch Monterey pine in good condition, a 23-inch Monterey pine in fair condition, two 24-inch Monterey pines in fair condition, and an 11-inch coast live oak in poor condition. The Planning Commission will make a recommendation to the City Council on the architectural control for the proposed Burgess Gymnastics Center design, the 6 heritage tree removals, and consider whether the proposed capital improvement plan (CIP) project conforms to the General Plan.

Staff Comment: Planner Fisher said that Mr. Matt Oscamou, Engineering Division, would make a presentation. She said the Commission could vote on the three areas of consideration either separately or together.

Staff Presentation: Mr. Matt Oscamou, Engineering Division, said the project started in April 2007 with unanimous approval of the City Council to use Measure T funds to replace the gymnasium and gymnastics center. He said staff and the Parks and Recreation Commission conducted public outreach meetings through which alternative plans were developed for the gymnasium and gymnastics center. He said ultimately the decision was made to build two separate buildings for the gymnasium and gymnastics

center respectively. He said the required changes to the existing facility to convert it to a sole gymnastics center were nearly as expensive as deconstructing and replacing the existing facility. He said the Commission considered the EIR for the two projects in June 2009 and made recommendations to the City Council. He said the City Council certified the EIR on July 29, 2009 and made a statement of overriding considerations. He said the EIR was for both the gymnasium and gymnastics projects. He said the Council approved the review and approval process for the gymnastics center project on July 31, 2010.

Mr. Oscamou said the proposal was to replace the existing facility with a 19,400 square foot facility and to move the entry to face the campus and face parking lot 4 next to the playfield. He said that five Monterey pines and one Live Oak were proposed for removal. He said the pines were in fair condition and the Live oak tree's roots were intertwined with the roots of two Monterey pines.

Mr. Oscamou said there were 5,000 participants in the existing gymnastics programs. He said those programs were the most popular of the Community Services' recreational program. He said the programs run quarterly and there was a waiting list. He said the proposed floor layout included a large preschool area in one location that would allow the rest of the floor to be opened for more traditional uses. He described the equipment that would be installed including an eight-foot foam pit to help with aerial work. He said they have added areas for community use and recreation including an exercise room and a multi-purpose room.

Mr. Oscamou said the design included brick, wood siding, and outrigger beams to transition from the campus area to the residential area across the street. He said the south elevation was the view from the playing field at which place the berm would be dropped. He said the building would have clerestory and operable windows and that the side would be sunk to match the existing floor elevation of the new gymnasium. He said the north elevation was the view from Laurel Street and had an additional set of windows and expansive area that would be screened by trees. He said the east elevation was the interface between the swimming pool and the gymnastics center and that the foyer between the two was still under consideration and might change. He said the Laurel Street elevation was presented to the neighboring homeowners and residents. He showed the sidewalk elevation along Laurel Street and noted that the peak of the clerestory windows was 39.6-feet with the actual ridge line at 35.3-foot. He said that would be a few feet higher than the existing gymnasium but this building would be set back further from Laurel Street. He said the building materials would be very similar to the gymnasium including a concrete tiled roof, copper gutters, pylon beams and wood veneer. He said there was a colors and materials board for the Commission's consideration.

Mr. Oscamou said the City had held a public outreach meeting and notice residents to the limits of Willow Road to Ravenswood Avenue to El Camino Real. He said only one resident attended the meeting. He said as the project moved into construction phase the City would hold more public meetings. He said there would be no changes to

parking lot 3. He said the parking studies conditioned with the gymnasium project would be held until both facilities were built to get an accurate count. He said 14 spaces were added to parking lot six between the gymnasium and library. He said an agreement with SRI had been executed to allow use of their parking lot during off hours. He said the City would slurry seal the lot.

Mr. Ocamou said the Commission was requested to make a General Plan conformance finding. He said the five year CIP that the Commission had previously considered for General Plan conformance had not included this project. He said the offer from the donor had been made after that finding.

Public Comment: Mr. Don Brawner, Menlo Park, said the City was determined to build as much as was possible without considering if it was need. He said the gym should never have been built on Alma Street as there were plenty of gyms in the City and he questioned building another space that was even larger. He questioned related to the gymnastics programs how many Menlo Park children were in those programs and how many children were from other areas. He questioned the use of the SRI parking lot from 6 p.m. to 2 a.m. He asked how many people would need to be hired for the gymnastics center. He said there should be additional parking analysis. He said it was indicated that the Transportation Division would keep a log of complaints regarding parking, which was insufficient. He said a notice of a meeting at 6 p.m. on August 25 was inadequate as no one would want to meet at that time. He said the project should be delayed until a new Council was elected.

Questions of Staff: Commissioner Bressler said the new center had no basketball facilities and it did currently and questioned the doubling even tripling of floor space if only gymnastics were located in the facility. He said if 5,000 people used the center now for the gymnastics program he needed to see the data on how many people would use the new facility, how it would be funded and staffed.

Commissioner Keith said Menlo Park residents were given priority for the gymnastic classes sign up and asked if that would change.

Mr. Ocamou responded that the program is still in serious demand within the community. To respond to Commissioner Bressler, he said the project was identified as a project priority years ago by the Parks and Recreation Commission. He said in April 2007, the City Council unanimously agreed that this was a priority project.

Commissioner Ferrick said one of the reasons for the increase in floor space was for a floor exercise room that was needed. Commissioner Eiref said he was curious to know how many of the 5,000 users were basketball players or what type of use group. He asked what had driven the spaces architecturally. Mr. Ocamou said there were usually 1,200 gymnastics users during each quarter. He said that the existing gymnastics center had everything shoehorned into a very small footprint. He said the preschool gymnastics program was the most successful gymnastics program. Commissioner Eiref asked if the 5,000 users were just participating in gymnastics programs. Mr. Ocamou

said that was correct. Commissioner Eiref said that he had visited the toddler area and it was very small in the existing facility but it seemed most of the area proposed for the new facility was devoted to older users.

Mr. Kent Steffens, Deputy City Manager, said the facility master plan process began in 2007. He said consultants prepared a master plan for both the gymnasium and the gymnastic center which included a program study that incorporated input from user group and neighborhood meetings. He said the site locations and basic floor plans had been developed through community meetings and then reviewed and approved by the City Council.

Commissioner Bressler said what was being proposed looked like a program change. He said it appeared to be very expensive to provide a full gymnastics facility for teenagers and suggested that it might be operated by a private entity similar to the swimming pool. He said his wife had served on the Parks and Recreation Commission when this project was being considered by them and he was not aware of any discussion related to the change in programming. He questioned removing trees to accommodate a larger building since there was a program change which he did not think was vetted. He asked if this was a program change.

Mr. Steffens said the facility would serve the same purpose as the current facility. It was a gymnastics training facility and a space for youth sports. He said the bigger and better facility was intended to allow the younger children to stay and grow with the more advanced gymnastics programs. He said the gymnastics program already used the existing gymnasium space and often equipment has to be moved in and out of different spaces to accommodate the classes. Commissioner Bressler said an appropriate analysis of the need for a full gymnastics facility would look at what existed presently in the community and how this facility might impact those businesses.

Commissioner Ferrick said the proposed cubby corral looked very small and that concerned her as the existing cubby corral was very congested. She said she was concerned with the size of the locker room; she said also people had been dissatisfied with how small the locker rooms were for the pool. Mr. Ocamou said the lockers in the new facility would be double height. He said the locker room was only for changing and there would not be any showers.

Commissioner Ferrick said the partnership with Mr. Arriliaga was wonderful and that she liked having the entry face the pool entrance as people would be encouraged to park in back rather than in the front. She said the wood vertical siding however seemed dated and brick would be more preferable to her.

Commissioner Keith asked if there would be tables and chairs available for use in the multipurpose room and if that space could be rented for birthday parties. Mr. Steffens said it was one of the intended purposes for that space to accommodate birthday parties for children in the gym programs. Commissioner Keith said she expected more than one class to occur at a time which currently meant children rotated through

different rooms. She said the new gym layout would alleviate this problem. Mr. Steffens said that was the reasoning.

Commissioner Keith asked about the preschool area and if that was carpeted. Mr. Oscamou said the preschool area had a half height wall, floor pads, apparatus, and a tumble track which looked like a linear trampoline. She questioned whether the half height wall limited the use of the space and asked about the glass door front wall. Mr. Oscamou said the intent was to keep the preschool program in the gymnastics area, to provide viewing and control the temperature, but keep the noise down. He said the half wall had been requested by the coaching staff to keep younger children from wandering out of the space to other gymnastics areas and possibly being hurt. Commissioner Keith asked if the glass front wall went up to the ceiling. Mr. Oscamou said it went high but not entirely to the ceiling which was very high. Commissioner Keith asked about the exercise room and how large it was. Mr. Oscamou said it would be for such activities as spinning and aerobics and it was 25-feet by 15-feet. Commissioner Keith said she had the same concern about the cubby corral as Commissioner Ferrick. She also agreed with the comments made about the exterior. She said it was important for the building to blend with the rest of the campus but it would be preferable if the appearance was updated. She said her 12-year old looked at the proposed design and said the building looked really old. She asked about the use of solar panels. Mr. Steffens said that solar panels were not currently budgeted and very expensive and it took a long time to recoup the cost. He said there were other green features they intended to include such as thicker insulation, operable windows, and lighting controls. He said the building would not be air conditioned. Commissioner Keith said it was surprising that only one person showed up to the noticed meeting to the community to discuss the gym. She asked how they determined the parking hours. Mr. Steffens said SRI would not allow the City to use the parking lot during working hours. They assigned 6 p.m. to 2 a.m. to indicate that overnight parking was not permitted. He said the City was slurry sealing and striping the parking lot. Commissioner Keith asked how much that would cost the City. Mr. Oscamou said it was \$1.12 per square yard and the cost was between \$20,000 to \$30,000. Commissioner Keith asked about the traffic impact analysis. Mr. Steffens said there was a traffic analysis done as part of the EIR and that included both facilities with this project slated at a higher square footage of 22, 000. He said the project was now in the 18,000 square foot range. He said the traffic impact analysis was reviewed, and approved by the City Council about a year prior.

Commissioner Eiref said he would encourage staff to look at the numbers in terms of the demographics and the distribution and proper use of space. He said there seemed to be a great increase in the number of younger children residing in the City. He said the multi-purpose and exercise room seemed to be small and not very practical. He said architecturally there could be more windows on the long side and ends of the building. He said the brick on the front seemed to undulate and looked very 1970s. He questioned if there would be drainage problems.

Commissioner Kadvany asked about the bike racks. Mr. Oscamou said there would be the same number of bike racks as existing. Commissioner Kadvany said there should

be more bike racks and that there were new types that took up less space. He asked about the plan for persons being dropped off. Mr. Oscamou said most of the children are younger so their parents park and bring them into the facility. Commissioner Kadvany asked if the lighting at the parking lot at SRI was adequate. Mr. Steffens said that it was. Commissioner Kadvany said there was no lighted crosswalk and noted that the parking lot would be used in the evening. Mr. Steffens said that Laurel Street had a raised crosswalk. He said a path would be designed from the parking lot to connect to that crosswalk. He said Laurel Street was lighted on both sides. Commissioner Kadvany said he was glad to hear that there was no air conditioning planned for this facility but confirmed that air conditioning was part of the gymnasium being constructed. He asked if there was any signage plan for the gymnastics center. Mr. Steffens said they had not gone that far into the design. Commissioner Kadvany said he would suggest something modest. He said he had heard numerous complaints about the locker room for the pool and asked if the lockers could be improved as part of this project. Mr. Steffens said that the City was looking at that improvement as a separate project and there was room to expand on site but there were no funds for it. Commissioner Kadvany said he thought people would either really like the building or not because they looked like really big cottage-style buildings. He said he thought overall that the architectural statement would be a success.

Commissioner Riggs asked about the location of the temporary gymnastics site during construction. Mr. Oscamou said the auxiliary field space which was first identified as a potential site was difficult to access for electricity and to level out. He said they now planned to use the outdoor basketball court for the temporary site as the new gym would be open by then and would have two new basketball courts. He said they hoped they could encourage users of the outdoors basketball court to use the gym courts. Commissioner Riggs asked if the doors would be left open for ventilation. Mr. Steffens said there would be heating and forced air to meet building code for indoor air quality but there would be no chiller for air conditioning.

Commissioner Bressler said the meeting notice for this meeting looked like a heritage tree removal permit notice and that it was only in the fine print that it stated the meeting was about the gymnastics center. He said there should be roof windows. He said the existing facility was very hot in the summer and he hoped that this would be built so it could be cooled down in the summer. He said they could keep lights turned off. He suggested that the roof color should be lighter and not brown. Commissioner Keith said she agreed that it would be a shame to build another building and have the same problem with summer heat and needing to keep doors open and fans running. Mr. Steffens said the new building would have a lighter roof and cement shingles with higher reflection value. He said similar to the new gymnasium this facility would have five foot insulation decks. He said the facility was designed specifically to be reasonably comfortable temperature-wise all year round. He said the current gymnastics center has skylights, which let in a lot of light and collected heat. Commissioner Keith suggested revisiting solar panels and see if there was some way to incorporate them into the design; she suggested a possible partnership such as with the state.

Commissioner Ferrick asked if they had looked at water collection systems because of the large roof. Mr. Steffens said it was not very cost effective in California to do water collections as water would only be collected during the rainy season when irrigation water was not used and systems to keep water for a longer period of time would need to be very large and probably located underground.

Chair O'Malley said he was also worried about the ventilation system. He agreed that there should be more bike racks and to provide lighted crosswalks. He said the extra rooms that were added were very small and hoped those would be as functional as needed. He said the exterior of the proposed building looked very old fashioned. He said he was very appreciative of the donation.

Chair O'Malley closed the public hearing.

Commission Comment: Chair O'Malley said the Commission would make a recommendation to the City Council on the architectural control, heritage tree removal, and make a finding as to the project's conformance to the General Plan.

Commissioner Riggs asked if they would consider items separately. Commissioner Keith said there was probably consensus on findings 1 and 2. Commissioner Riggs said he would prefer to separate considerations. Chair O'Malley suggested starting on page 8 with staff's recommendation.

Commissioner Riggs moved to make the findings that the Certified Environmental Impact Report for the Burgess Gymnasium and Gymnastics Center, prepared by LSA Associates, Inc. and dated June 2009, provides adequate environmental documentation of the proposed project and to adopt a finding as per Government Code 65401, regarding project consistency with the General Plan, that the proposed capital improvement project is consistent with General Plan Goal #I-H. Commissioner Keith seconded the motion.

Commission Kadvany asked what the General Plan Goal E1-H was. Mr. Steffens said it was to promote the development and maintenance of adequate public and quasi-public facilities and to meet services the needs of Menlo Park's residents, businesses, workers and visitors.

Commissioner Bressler asked whether the building was divided appropriately noting that the new toddler space was not much more than what was currently offered. Commissioner Keith suggested that the toddler space not be blocked off so that the space could be expanded. Mr. Steffens said they worked closely with the manager of the gymnastics program and that person had asked specifically for that wall to protect the children in the toddler program so they are in a safe and confined area but still visible to parents. He said the wall was not load bearing and could easily be changed in the future. Commissioner Bressler said there were too small spaces and a great deal of space dedicated to a large gymnastics center, which the facility does not currently offer.

He said currently the toddlers program was the largest program and this new facility did not serve those users.

Commissioner Riggs said it appeared that this project design layout was targeted to meeting a clearly defined need as crafted by Council, Parks and Recreation Commission and Community Services over the past years. He called for the vote.

Chair O'Malley asked if Commissioner Riggs would allow Commissioner Keith to comment. Commissioner Keith indicated her comments related more to item 4.

Commissioner Kadvany said he was not familiar with the gymnastics programs but he recalled the summary of the consultant's report which was somewhat speculative because of uncertainty.

Commissioner Eiref said that the Commission should express to the Council that there was a great deal of concern about the layout. Both Commissioners Riggs and Keith suggested that concern would be best stated under item 4.

Commission Action: M/S Riggs/Keith to make the findings number 1 and 2 as recommended in the staff report.

1. Make a finding that the Certified Environmental Impact Report for the Burgess Gymnasium and Gymnastics Center, prepared by LSA Associates, Inc. and dated June 2009, provides adequate environmental documentation of the proposed project.
2. Adopt a finding, as per Government Code 65401, regarding project consistency with the General Plan, that the proposed capital improvement project is consistent with General Plan Goal #I-H.

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

Commissioner Kadvany asked what the best place to make recommendations about the design was. Commissioner Riggs said item 4 related to architectural control and was defined by the four findings. He said had issues with findings "a" and "c." He said related to "a" that the character of the neighborhood was not defined by the two-story homes across the street but referred to the Civic Center. He said the new gym and the administration buildings were nice architecture. He said this design needed to look at how it fit within the campus itself. He said related to "c" that the City had the right to define its desirability of investment based on the quality of the Civic Center.

Commissioner Eiref said this project had four times the space of the existing building and much of that space would be dedicated to older children. Commissioner Riggs said presently the Commission was considering architectural control.

Commissioner Kadvany said they had been discussing concerns about the use of the space and where those might be best addressed and it had been indicated that was best under number 4. Planner Fisher said that those comments and others could be summarized for the Council.

Commissioner Riggs moved to not make the findings. He said there was intent to remove two clusters of mature pines. He said although the pines near the entryway needed to be obviously removed that the other very significant pines were being removed to level the ground between the playfield and the building which he objected to and asked if the Commission could state so in its recommendation. Development Services Manager Murphy said the Commission could differentiate between the areas of trees proposed for removal in their recommendation to the Council.

Commissioner Riggs asked if the Commission could make the findings to recommend with the exceptions of trees numbered 72 and 73. Commissioner Kadvany said they might recommend a more stringent mitigation for removing the trees from the berm. Mr. Steffens said that trees numbered 72 and 73 were very large Monterey pines and at their base was dripping sap indicating bark beetle infestation, which meant the trees were nearing the end of their lives. He said they could look at ways to save the trees but the arborist had said they should be removed. Commissioner Keith asked about Oak trees numbered 72 and 70. Mr. Steffens said 72.1 was the Oak tree. He said there was only one heritage Oak. He said he thought 72.1 could be saved. Commissioner Riggs said tree 72.1 seemed to be on the playfield not on the berm. Mr. Ocamou said that the Oak's roots – tree numbered 72.1 – were intertwined with the Monterey tree roots and its canopy had been compromised by the larger Monterey pine. Commissioner Riggs said when a Monterey tree was cut down that the roots no longer functioned, which would give the Oak tree the possibility of a future. Mr. Steffens said if the pine trees were removed the intent was to remove the roots and grade for landscaping. Commissioner Ferrick said tree 72.1 was listed in the report as in fair condition, tree 72 was listed in good shape as well as number 73. Mr. Steffens said he discussed the trees in the field but had not reviewed the arborist report. Commissioner Riggs said that was different information than what had been presented. Chair O'Malley said if the two Monterey pines were infested with bark beetles then they probably should be removed. Commissioner Ferrick said for the record that the arborist report indicated that tree number 72 has old turpentine beetle pitch tube but that was not indicated under tree number 73. Commissioner Riggs said that there could be longevity for trees even when infested with beetles. Commissioner Keith asked what the average life span of a Monterey pine was. Commissioner Riggs said he was hesitant to second guess staff. He moved to recommend the findings under 3 with a suggestion to Council that staff be asked to confirm the conditions of trees numbered 73, 72, and 72.1 prior to removal with the goal of preserving them. Chair O'Malley seconded the motion. Commissioner Keith said the life span of a Monterey pine was 80 to 90 years. Commissioner Kadvany asked if they could add to preserve the trees if the expected life was 10 years or more. Commissioner Riggs said he hesitated to add more qualifiers to the motion regarding the trees as they might not have sufficient information to make such qualifiers.

Commission Action: M/S Riggs/O'Malley to recommend making the findings with a suggestion to have staff review the health of trees numbered 73, 72, 72.1 with the goal of preserving them.

3. Adopt findings, as per Chapter 13.24 of the Municipal Code, regarding heritage tree removal and approve the Heritage Tree Removal permit:
 - a. The trees proposed for removal conflict with the proposed construction and site improvements.
 - b. The heritage trees would be replaced at a two-to-one ratio with trees that range in size and variety.

Motion carried 7-0.

Commissioner Riggs said there was a hope the facility would have natural ventilation but there had to be a determination on how that would occur and that had to be clarified before the project went to Council. He said he was concerned about the appearance of the building proposed. He said some of the same elements that were being used in the new gym were going to be used in this building but not as well. He said perhaps Council needed to find additional funding to ask for richer architecture and have a higher goal for the campus than what was represented in the drawings. He suggested that the design be reconsidered and he thought based on other comments that they should not make the fourth finding. Commissioner Bressler said if they could not recommend the fourth finding then they could not move any further recommendations.

Development Services Manager Murphy said he would not necessarily recommend that they make the overall findings but rather that they describe more constructively the matters of issue. He said the Commission should provide input on items 5 and 6 and it was a matter of what message the Commission wanted to send to the Council: was the project as proposed generally meeting the findings or did it categorically not meet the findings? He said they could either not make the findings and explain the reasons why or that they can generally make the findings if certain things were refined.

Commissioner Riggs moved to recommend the findings for architectural control under item 4 subject to reconsideration of the exterior materials particularly of the fenestration and of the particularly high windows on the north and south elevations with similar design quality as the very attractive Arrillaga family gym. He said that there was a particular effort to be harmonious with the neighborhood across the street whereas he thought the design tried too hard in that regard. He said the City should be proud of this building when it is built and for it to be an attractive building that relates well with the 1970s campus but has a modern level and quality of materials.

Commissioner Kadvany said the space for the programs' use should be a separate consideration. He said the project did not appear to meet the aesthetics of the new gym

and recommended changing the design. Commissioner Riggs said unless the design was refined he could not make the findings. Commissioner Bressler said that they should not make the findings so the message to the Council was clear. Commissioner Ferrick said she could still make the findings even if there was no redesign.

Commissioner Keith asked if there was an option of seeing other exterior materials. Commissioner Eiref said the neighborhood context included the new gym and the new pool and their crisp modern look. He said the proposed architecture for this project did not fit with those buildings. Commissioner Ferrick said she did not want to send the message that they were anti-gymnastics center. Commissioner Keith said she was appreciative of the donor funding the project but without being disrespectful she would prefer to have a design that was not so dated.

Mr. Steffens said his recommended approach was to make the findings with a recommendation to make changes to the exterior. He said Mr. Arrillaga was involved with the design of this building and had been open minded about making changes. He said that he would be concerned if the Commission rejected the architecture outright but that it was fine to ask for improvements. Commissioner Keith asked if the improvements could come back to the Commission for review. Mr. Steffens said the Commission could make that request to Council but the decision would be the Council's. He said he was concerned about with so many things to coordinate to meet the window of construction which was to start construction in late December or early January.

Commissioner Riggs said every Commissioner had expressed some disappointment with the exterior and that would be conveyed to Council even without a motion.

Commissioner Keith asked what the time frame would be if the Commission recommended making the findings for number 4 but recommended changing the exterior. Mr. Steffens said the project was scheduled to go before the Council on October 5. He said if the Council decided to return the project to the Commission for consideration that would happen before the end of October. He said he expected that would cause about a month's delay past January.

Commissioner Bressler asked if Mr. Arrillaga expressed a preference for the floor layout and this type of gymnastic center. Mr. Steffens said the City had a floor plan prior to Mr. Arrillaga becoming involved and though after Mr. Arrillaga's involvement there had been refinements, there had been no substantive changes to the layout and space use.

Chair O'Malley asked for a second to Commissioner Riggs motion to recommend the findings for architectural control under item 4 subject to reconsideration of the exterior materials particularly of the fenestration and particularly the high windows on the north and south elevations with similar design quality as the very attractive Arrillaga family gym. Commissioner Ferrick seconded the motion.

Commissioner Eiref asked if they wanted to summarize all of the suggestions around item 4 such as the ventilation and the floor area of the toddlers section. Chair O'Malley said that they would summarize all of those items. Commissioner Keith asked if a

month delay was worth it to get better architecture. Commissioner Riggs said his motion did not include having the project come back to the Commission. He said a month delay in the construction schedule might be a problem for Mr. Arrillaga and would have some effects on the gymnastics programs. Mr. Steffens said they would not lose any sessions if there was a delay to construction. Commissioner Keith asked when the children would be moved to the temporary facility. Mr. Steffens said that would be based on when the construction begin date was. Commissioner Riggs said he would like the Commission to be as constructive as possible with recommendations that would not require another Commissioner hearing. Development Services Manager Murphy suggested that forming a Commission subcommittee might be the most expeditious way if there was a position for the Commission to have more input. He said that would depend on the Council approving the subcommittee to provide input on the design and that would occur after October 5. Commissioner Kadvany said he thought the Commission needed to be more specific for the Council to hear the concerns. He said they could suggest reducing the amount of vertical siding and using decorative features that would not affect the roofline, elements that would tie it into the Arrillaga gym. Chair O'Malley suggested summarizing the specific details. Commissioner Kadvany asked Commissioner Riggs what he thought. Commissioner Riggs said they had to be careful not to design from the dais so he was trying to keep comments general to steer the Council towards what materials should be used (siding vs. brick) and looking at integration of the high windows north and south. Commissioner Kadvany asked if they were mainly talking about the finish appearance. Commissioner Riggs said finish and fenestration. Chair O'Malley asked if Commissioner Riggs' motion included the statement to have a building that inspired. Commissioner Riggs said he mentioned higher design goals that were more inspired by the new Arrillaga gym and the addition to the administration building. He said the intent would be to have inspired buildings that did not conflict with other campus buildings. He said it did not have to harmonize with neighboring residences but should stand alone. Commissioner Keith said the pool building had that type of standalone design. Commissioner Ferrick suggested making a list of suggestions prior to making the findings on number 4. Commissioner Bressler said if the Commission said this project met the findings but we want to have a more inspiring design and built on time that would not be heard. Commissioner Ferrick said that they seemed to agree on the footprint, the roofline, and the walls but not on the structural treatment of the exterior. Commissioner Riggs suggested rethinking the exterior materials based on other campus buildings they find more inspiring. Commissioner Kadvany asked if there was guidance that could make more salient points about the new gym being built that was lacking with this design. Commissioner Riggs said he thought the finish materials and fenestration were those points. Commissioner Eiref said if they meet the high quality of design that the gym and pool buildings have that would be the goal of changes to the plan. He said there was a section called "Potential Design Refinements" which indicated work to be done on the design; he suggested the Commission could tie its remarks to that section. Commissioner Riggs said he hoped the phrasing of his motion met that goal.

Chair O'Malley called for the vote. Commissioner Keith asked if there would be another motion about their other concerns. Chair O'Malley said there would be. Commissioner

Bressler asked if this motion should include forming a subcommittee. Chair O'Malley said that when they expressed their concerns they could indicate they were amenable to forming a subcommittee. Commissioner Riggs asked if it was appropriate after they made the findings to indicate the desire for a subcommittee. Recognized by the Chair, Development Services Manager Murphy said that was fine.

Commission Action: M/S Riggs/Ferrick to recommend the findings for architectural control as stated subject to reconsideration of the exterior materials and the fenestration, particularly the high windows on the north and south elevations with similar design quality as the very attractive Arrillaga family gym.

4. Make the following findings, as per Section 16.68.020 of the Zoning Ordinance, pertaining to architectural control approval:
 - a. The general appearance of the structure is in keeping with the character of the neighborhood.
 - b. The development will not be detrimental to the harmonious and orderly growth of the City.
 - c. The development will not impair the desirability of investment or occupation in the neighborhood.
 - d. The development provides adequate parking as required in all applicable City Ordinances and has made adequate provisions for access to such parking.

Motion carried 7-0.

Chair O'Malley said he would like to continue with items 5 and 6 as those were standard conditions.

Commission Action: M/S Ferrick/Kadvany to recommend the following findings to the City Council.

5. Approve the architectural the architectural control subject to the following **standard** conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by Tolbert Designs, consisting of 13 plan sheets, dated received September 14, 2010, and recommended by the Planning Commission on September 20, 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 applicant shall comply with all Sanitary District, Menlo Park Fire Protection District, Recology and utility companies' regulations that are directly applicable to the project.
 - c. Prior to building permit issuance, the applicant shall comply with all

requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.

- d. Concurrent with the submittal of a complete building permit application, the applicant shall also submit a heritage tree preservation report and plan from the project arborist, detailing the location of and methods for all tree protection measures. The project arborist shall submit a letter to the Building Division confirming adequate installation of the tree protection measures prior to construction commencing. The applicant shall retain an arborist throughout the term of the project, and the project arborist shall submit monthly inspection reports to the Building Division. The heritage tree preservation report and plan shall be subject to review and approval by the Planning Division prior to building permit issuance.
- e. Concurrent with the submittal of a complete building permit application, the applicant shall submit a plan for 1) construction safety fences around the periphery of the construction area, 2) tree protection fencing, and 3) construction vehicle parking and staging. The plans shall be subject to review and approval by the Building Division prior to building permit issuance. The construction safety and tree protection fences shall be installed according to the approved plan prior to commencing construction.
- f. Concurrent with the submittal of a complete building permit application, the applicant shall submit a plan for any new utility installations or upgrades for review and approval by the Planning, Engineering, and Building Divisions. Utilities shall be placed underground. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened. The plan shall show locations, dimensions, and colors of all meters, transformers, junction boxes, relay boxes, and other equipment boxes. The utility plans shall also show backflow and Double Check Detector Assembly (DCDA) devices. The utility plan shall be approved by the Planning, Engineering, and Building Divisions prior to building permit issuance.
- g. Concurrent with the submittal of a complete building permit application, the applicant shall submit a heritage tree replacement plan, showing the location and size of the proposed plantings. This plan shall be subject to review and approval by the Planning and Engineering Divisions. The replacement trees shall be installed prior to final inspection of the building.

- Limit traffic speeds on unpaved roads to 15 mph;
 - Install erosion control measures per the approved erosion and sediment control plan to prevent silt runoff to public roadways;
 - Replant vegetation in disturbed areas as quickly as possible;
 - On-site idling of construction equipment shall be minimized as much as feasible (no more than 5 minutes maximum);
 - All construction equipment shall be properly tuned and fitted with manufacturer's standard level exhaust controls;
 - Contractors shall consider using alternative powered construction equipment (i.e., hybrid, compressed natural gas, biodiesel, electric) when feasible;
 - Contractors shall use add-on control devices such as diesel oxidation catalysts or particulate filters when feasible; and
 - All contractors shall use equipment that meets California Air Resources Board's (ARB) most recent certification standard for off-road heavy duty diesel engines. (MM AIR-1)
- b. Concurrent with the submittal of a complete building permit application, a design-level geotechnical investigation shall be prepared and submitted to the Building Division for review and confirmation that the proposed development fully complies with the California Building Code. The report shall determine the project site's surface geotechnical conditions and address potential seismic hazards such as liquefaction and subsidence. The report shall identify building techniques appropriate to minimize seismic damage, and shall be approved by the Building Division prior to building permit issuance. In addition, the following requirement for the geotechnical and soils report shall be achieved:
- The analysis presented in the geotechnical report shall conform to the California Division of Mines and Geology recommendations presented in the Guidelines for Evaluating Seismic Hazards in California. All mitigation measures, design criteria, and specifications set forth in the geotechnical and soils report shall be implemented as a condition of project approval.
 - In locations underlain by expansive soils and/or non-engineered fill, the designers of proposed building foundations and improvements (including sidewalks, roads, driveways, parking areas, and utilities) shall consider these conditions and design the project to prevent associated damage. The design-level geotechnical investigation shall include measures to ensure that potential damage related to expansive soils and non-uniformly compacted fill is minimized. All mitigation measures, design criteria, and specifications set forth in the geotechnical and soils report shall be implemented. (MM GEO-1 and GEO-2)

- c. Concurrent with the submittal of a complete building permit application, the applicant shall prepare a grading and drainage plan that fully complies with the San Mateo Countywide Water Pollution Prevention Program (SMCWPPP), which maintains compliance with the National Pollution Discharge Elimination System (NPDES) Storm Water Discharge Permit. The Grading and Drainage Plan shall be prepared based on the City's Grading and Drainage Plan Guidelines and Checklist and the Project Applicant Checklist for the NPDES Permit Requirements. Responsibilities include, but are not limited to, designing BMPs into the project features and operation to reduce potential impacts to surface water quality associated with operation of the project. These features shall be included in the project drainage plan and final development drawings. Specifically, the final design shall include measures designed to mitigate potential water quality degradation of runoff from all portions of the completed development. The Planning and Engineering Divisions shall review and approve the grading and drainage plan prior to building permit issuance. (MM HYD-1b)
- d. Concurrent with the submittal of a complete building permit application, the applicant shall submit a lighting plan, providing the location, architectural details and specifications for all exterior lighting subject to review and approval by the Planning Division. The lighting plan shall minimize glare and spillover onto adjacent properties and the public right-of-way. The lighting plan shall be approved prior to building permit issuance (MM AES-1).
- e. Prior to building permit issuance, a plan shall be provided that details that all on-site permanent stationary noise sources for building operations shall comply with the standards listed in Section 08.06.030 of the City's Noise Ordinance. This plan shall be subject to review and approval by the Building and Planning Divisions. Additionally, the project shall comply with the following noise reduction measures:
 - General construction activities shall be allowed only between the hours of 8:00 a.m. to 6:00 p.m. on weekdays.
 - All heavy construction equipment used on the project site shall be maintained in good operating condition, with all internal combustion, engine-driven equipment fitted with intake and exhaust mufflers that are in good condition.
 - All stationary noise-generating equipment shall be located as far away as possible from neighboring property lines.
 - Post signs prohibiting unnecessary idling of internal combustion engines. (MM NOISE -1)

- f. Prior to building permit issuance, a Transportation Demand Management (TDM) program shall be prepared. The TDM program shall be subject to review and approval by the Planning and Transportation Divisions and shall be implemented prior to occupancy. (MM TRANS 1-a)
- g. Prior to building permit issuance, the applicant shall pay the Transportation Impact Fee (TIF).
- h. Following occupancy of the gymnastics center, the City shall implement a Parking Management Plan. The City will monitor the parking on campus by conducting three parking counts within the first year of operation at the 3 month, 6 month, and one year mark, and two parking counts the following year (one during the summer and one while school is in session). The results of the parking counts shall be reviewed by the Planning, Transportation, and Library Commissions. Additionally, the Transportation Division will keep a log of complaints regarding inadequate parking, and will evaluate whether the complaints are the result of a chronic parking shortage or an atypical incident due to multiple events simultaneously occurring on the campus. The parking counts and complaint log will be used to better assess the parking conditions on campus and determine if improvements are necessary. Improvements could include designated employee parking areas, designated library parking, parking time restrictions, and coordination of events throughout the campus.

Motion carried 7-0.

Chair O'Malley said the Commission had questioned the adequacy of the space for the toddlers' program, whether the additional rooms were too small for their intended purposes, and had concerns about the layout, ventilation and exterior appearance. He asked if staff had the Commission's concerns noted. Development Services Manager Murphy said he thought his notes had that information. Commissioner Bressler said they should have a motion that was very specific. Commissioner Kadvany suggested the motion might be that while the Commission was strongly supportive of the project that they have the following serious concerns and list them: aesthetic design, adequate natural ventilation, layout, and programming. Commissioner Bressler said they should include that the ancillary rooms are too small. Commissioner Kadvany said that could be noted under programming. Commissioner Eiref said he liked packaging the comments. He said they could indicate the Commission was excited about project and wanted it to succeed but have substantial concerns about these design details. Commissioner Ferrick said that they wanted a project the City could be proud of. Commissioner Eiref said he thought they should suggest refinements. Commissioner Kadvany said the architectural issues were addressed by the motion language for number 4 and they could refer back to architectural exterior work as mentioned in item 4. He said he was in favor of not having air conditioning in the building but there was a concern with the adequacy of the proposed natural ventilation system. He said they

needed details about the layout and programming such as the adequacy of the space for the toddlers and whether the size of the small rooms was adequate to be functional. Chair O'Malley asked if they should include that the Commission unanimously thought the exterior was not aesthetically pleasing and seemed dated. Commissioner Riggs said that was probably not necessary to indicate unanimity. Commissioner Bressler said they were very concerned that the building would be too warm in the summer, that the room designated for the toddlers' program would not alleviate the crowding due to the popularity of that program, and the exercise, cubby corral, and multi-purpose rooms seemed too small. Commissioner O'Malley said he thought the break room was too small. Commissioner Kadvany said he thought that was enough detail to inform the Council of a need to review the layout with possible design changes. Commissioner Riggs said he did not think the break room was a concern.

Planner Fisher suggested stating that the Planning Commission was very supportive of the project but had serious concerns about design details and would like to see refinements made to the following areas:

- Aesthetic design as articulated in the architectural control findings
- Adequacy of the ventilation systems and concerns that the new gymnastics center would continue to be too hot in the summer
- Concerns about the layout of floor space as it related to programming and suitability to the needs of toddler programs
- Concern that the cubby corral, exercise and multi-purpose rooms were not large enough to meet the programming needs of the City.

Commissioner Bressler made a motion that the Planning Commission was very supportive of the project but had serious concerns about design details and would like to see refinements made to the following areas as listed. Commissioner Keith seconded the motion. Commissioner Riggs asked if they had abandoned forming a subcommittee. The Commission was interested in forming a subcommittee to work on the items listed. Planner Fisher suggested that was best noted separately. Commissioner Riggs asked when the Commission was meeting next. Chair O'Malley suggested forming the subcommittee this evening. A subcommittee of Commissioners Eiref, Ferrick and Riggs was formed by unanimous consensus.

Commission Action: M/S Bressler/Keith that the Planning Commission was very supportive of the project but had concerns about design details and would like to see refinements made to the following areas:

1. Aesthetic design as articulated in the architectural control findings
2. Adequacy of the ventilation systems and concerns that new gymnastics center would continue to be too hot in the summer
3. Concern of layout of floor space as it related to programming and suitability to the needs of toddler programs
4. Concern that the cubby corral, exercise and multi-purpose rooms were not large enough to meet the programming needs of the City.

The Commission has formed a subcommittee to work with staff on the design details listed should the Council decide to pursue refinements in the areas listed.

Motion carried 7-0.

E. COMMISSION BUSINESS

1. Update on pending planning items.

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

Development Services Manager Murphy said staff had provided the environmental consultants with comments on the latest administrative draft EIR and were awaiting an updated schedule from them. He said once there was certainty about the release of the EIR, staff would meet with the subcommittee of Commissioners Bressler, Ferrick and Riggs to discuss next steps and how to make the process as productive as possible. He said staff had discussed the Commission's desire to have the potential to hold additional meetings with the Council subcommittee and they were generally interested in accommodating the Commission. He said the release of the EIR would dictate some of the next steps.

Commissioner Ferrick said that she was concerned that the El Camino Real/Downtown Specific Plan (Phase II) be kept on track noting some members of the public who were very vocal and disbursing inaccurate information. Mr. Steffens said that about two months prior, teams consisting of members of the Council subcommittee and staff visited every business downtown to provide information and provide sources where business owners and managers can get information from the City. He said they found that many people were aware of the plan and that this outreach effort was a good way to make sure people had an objective perspective of the process. He said there had been also ideas to do short critical pieces on individual topics. He said the City was making efforts to get additional information out about the plan.

Commissioner Riggs asked which staff member visited Mr. Mark Flegel. Mr. Steffens said that Dave Johnson, the Business Development Manager, had met with him. Development Services Manager Murphy said that Planner Rogers was also in that meeting. Commissioner Ferrick asked what percentage of business owners they met with. Mr. Steffens said at least 50 percent of them. He said where there was no business owner or manager they left information and their business cards.

Commissioner Kadvany said there was still much more to be done on the Phase II Plan such as the El Camino Real and connectivity. He said that there had to be dialogue among the Commission, Council, staff and the public to take a long strategic look at how to accomplish those elements. He said there had to be multiple public interactions to consider El Camino Real separately and downtown separately. He said there had to be feedback from the Planning Commission to the Council. He suggested that next the

City should begin work on the El Camino Real part and let the downtown plan cool down. He said after that they should consider connectivity, then the downtown and then finally wrap it all up. He said they had to determine how much time was reasonably needed to best accomplish this complex project. He said the Planning Commission had to take leadership on how the City should think about this.

Commissioner Bressler said he agreed and was concerned that the subcommittee had not met in a long time and that the Specific Plan would be presented as a finished document. He said the Specific Plan needs to be carefully reviewed as this would be a plan for the next 30 years at least.

Commissioner Keith suggested that staff might go to the Farmer's Market and reach out to that group as well as to the Chamber. Mr. Steffens said there had been outreach and there had been discussion about distributing information at the Farmer's Market. Commissioner Keith said there was misinformation being spread every Sunday that the plan would get rid of the Farmer's Market.

Commissioner Ferrick said there had been some candidates who had passed out the information shared with the business owners but it was being used in a partisan way. She said the Plan was not a Council plan but a community plan. Commissioner Keith said the Plan was also being characterized as a "done deal" and there was no opposition being made to that viewpoint. Commissioner Kadvany said there needed to be forums to address such things. He said City staff was a stakeholder group and there were many stakeholders. He said there needed to be leadership to unite the groups to move the plan forward. He said there had to be a process so the concepts about how this plan would work could be repeated, communicated and understood. He said this should not be an EIR-driven process; this was community design and vision.

Commissioner Eiref asked if there was a budget issue as he thought it would be good to have some more Town Hall meetings. Commissioner Bressler said he did not think that Town Hall meetings were that productive. He said he thought the Planning Commission was the best forum to allow people to discuss the Plan in a public forum.

Commissioner Ferrick said that in PG&E's list of the 100 highest risks gas lines in California it appeared that 95th on the list seems run through the property of the proposed Gateway Project. Mr. Steffens said that none of the 100 high risk lines were in Menlo Park but the City was interested in where the high pressure gas mains were. He said he would be meeting with PG&E the next day. He said there are high pressure gas mains in Menlo Park. He said line Commissioner Ferrick names was in East Palo Alto. Development Services Manager Murphy said the cross streets were Donahue and Dumbarton.

Development Services Manager Murphy said there would be an appeal of the heritage tree removal for 240 University Drive and staff would let the Commission know the date of that appeal when it was set. He said the Willow Business Area item would be heard by the Council the next evening.

B. Appeal of proposed BevMo application at 700 El Camino Real

Development Services Manager Murphy said the appeal date would be the end of October. He asked the Commission to email their input on the August 23 minutes for the BevMo application. He said the reviewed and redlined minutes would be brought back to the Commission for review.

F. REPORTS AND ANNOUNCEMENTS

1. Announcement and Reminder about the October 12, 2010 City of Menlo Park Commissioners Appreciation Event

ADJOURNMENT

The meeting adjourned at 11:11 p.m.

Staff Liaison: Justin Murphy, Development Services Manager Murphy

Recording Secretary: Brenda Bennett

Approved by Planning Commission on October 4, 2010