



PLANNING COMMISSION MINUTES

November 1, 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 – Deanna Chow, Senior Planner; Megan Fisher, Associate Planner; Kyle Perata, Planning Technician; Thomas Rogers, Associate Planner

A. REPORTS AND ANNOUNCEMENTS

1. Update on Pending Planning Items.

- A. Appeal of proposed tree removal application at 240 University Drive – October 26, 2010

Planner Chow said the Council heard the appeal of the proposed tree removal application at 240 University Drive and directed that there be a third party peer review to see if there were other design alternatives that would allow for the preservation of the subject tree. She said that information would come back to the Council for consideration. Commissioner Riggs, who had attended the Council meeting at which the appeal was heard, said the Council wanted alternatives in addition to the ones the applicant had provided the Commission.

- B. Appeal of proposed BevMo application at 700 El Camino Real – November 9, 2010

Planner Chow had no additional comments.

- C. One-year Review of Gross Floor Area – tentatively scheduled for November 16, 2010

Planner Chow had no additional comments.

- D. Council action on revisions to 1460 El Camino Real – meeting date to be determined

Planner Chow said the item would most likely be heard in the next calendar year.

B. PUBLIC COMMENTS

There were none.

C. CONSENT

Chair O'Malley pulled the September 13, 2010 minutes from the consent agenda.

1. Approval of minutes from the September 13, 2010 Planning Commission meeting.

Commissioner Ferrick suggested that inserting “pipeline” between “pressure” and “maps” on page 13, 2nd paragraph, 1st line, would clarify the meaning.

Commission Action: Unanimous consent to approve the minutes with the following modification.

- Page 13, 2nd paragraph, 1st line: Replace “pressure maps” with “pressure pipeline maps.”

Consent action was 7-0.

2. Approval of minutes from the October 4, 2010 Planning Commission meeting.

Commissioner Ferrick said on page 16, the 2nd paragraph, 4th line, that adding “related to management of in-lieu fees and their use toward the purchasing of housing” at the end of the sentence after the word “business” would clarify the meaning. She noted also that the vote as recorded on page 18, 1st paragraph, 1st line, should read “5-0 with Commissioner Eiref absent and Commissioner Ferrick abstaining.”

Commission Action: Unanimous consent to approve the minutes with the following modifications.

- Page 1, last paragraph, 1st line: Replace “in Mt. View related to development along the railroad tracks” with “related to development in downtown Mountain View.”
- Page 16, 2nd paragraph, 4th line: Insert “related to management of in-lieu fees and their use toward the purchase of housing” at the end of the sentence after the word “business.”
- Page 18, 1st paragraph, 1st line: Replace “6-0” with “5-0 with Commissioner Eiref absent and Commissioner Ferrick abstaining.”

Consent action was 7-0.

D. PUBLIC HEARING

1. **Use Permit/Jack McCarthy/739 Cambridge Avenue:** Request for a use permit to demolish the existing single-story, single-family residence and to construct a new two-story, single-family residence, located on a substandard lot with regard to lot width in the R-2 (Low Density Apartment) zoning district.

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

Public Comment: Mr. Jack McCarthy, Project Designer, said that because of the lot constraints that they were proposing a two-story, single-family residence, rather than two single-family residences.

Commissioner Kadvany noted a stucco finish on a house at 663 Cambridge Avenue and asked if this project would have the same finish. Mr. McCarthy said it would not. Commissioner Riggs asked if the stucco the applicant was intending to use was smooth stucco. Mr. McCarthy said it was stucco that had a hard glaze with a rough face underneath.

Commissioner Eiref asked if they had considered using ceramic tile for the roof rather than asphalt. Mr. McCarthy said that it was a question of cost and concerns about repairing ceramic tiles on the second story. Commissioner Eiref asked if the home was a spec home. Mr. McCarthy said it was.

Chair O'Malley closed the public hearing.

Commission Comment: Commissioner Keith asked if the roof material could be upgraded. Mr. McCarthy indicated it was possible. Commissioner Riggs asked if the applicant would consider flat ceramic tile. Mr. McCarthy said he would prefer flat ceramic tile over barrel ceramic tile.

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

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 Jack McCarthy Designer, Inc., consisting of eight plan sheets, dated received October 25, 2010, and approved by the Planning Commission on November 1, 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 install new City standard concrete curb, gutter and sidewalk along the entire frontage per the applicable City standard detail. 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.
- h. Prior to building permit issuance, the applicant shall submit proposed landscape and irrigation documentation as required by Chapter 12.44 (Water-Efficient Landscaping) of the City of Menlo Park Municipal Code. If required, the applicant shall submit all parts of the landscape project application as listed in section 12.44.040 of the City of Menlo Park Municipal Code. This plan shall be subject to review and approval by the Planning and Engineering Divisions. The landscaping shall be installed and inspected prior to final inspection of the building.

4. Approve the project subject to the following project-specific condition.

- a. Simultaneous with the submittal of a complete building permit application, the applicant shall submit revised plans showing flat ceramic roof tiles instead of asphalt shingle roofing on the elevations, subject to review and approval of the Planning Division.**

Motion carried 7-0.

- 2. **Use Permit/Ellen Ackerman for Kateeva/1430 O'Brien Drive, Suite G:** Request for a use permit for indoor storage and use of hazardous materials for the research and development and prototype manufacturing of organic light emitting diode (OLED) displays located in an existing building in the M-2 (General Industrial) zoning district. Kateeva also operates in Suite A.

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

Questions of Staff: Commissioner Riggs said the applicant's EPA number was pending and asked if the Commission was still able to move forward with the request for a use permit. Planning Technician Perata said that all of the authorizing agencies had reviewed the hazardous materials business plan and found it complied with all of their standards and guidelines. He said the EPA compliance was not necessary for the Commission's review.

Commissioner Riggs said that there was a chemical listed as "tbd" and suggested that it be lined out as a chemical inventory. Chair O'Malley said he had never seen a chemical listed as "tbd" and would have trouble approving it.

Public Comment: Mr. John Tarlton, Menlo Business Park, introduced Mr. Connor Madigan, CEO of Kateeva. Mr. Madigan said he co-founded Kateeva two and a half years prior. The firm's goal was to develop and manufacture TVs that were large enough to fill a living room wall yet light enough for one person to lift, that were flexible and durable, and energy efficient. He said they were developing manufacturing equipment to make the units through leveraging a proprietary printing technology they had established at MIT. He said they had moved their firm to Menlo Park, to Suite A of this building in 2008 with a handful of employees. He said there

were now 32 employees and they were actively recruiting for 10 more. He said they had raised 30 million dollars in venture capital investment and developed the initial technology, which they would bring to market in the next year including building the manufacturing equipment and also developing a reference process to demonstrate the machines performance ability to potential customers. He said they needed to use small quantities of chemical inks and fabricate small quantities of small flat panel display devices. He said they currently use small quantities of hazardous materials for those purposes and were expanding into Suite G. He said they were not changing the use but would use the same chemicals in Suite G as they use in Suite A.

Mr. James Carr, East Palo Alto, said the rear of his home faced 1430 and 1490 O'Brien Drive and he was concerned for his family including his grandchildren who reside there. He said his friend had never recovered from the illness that came from exposure to toxic materials at Romic where he had worked. He said the noticing of this project to his neighborhood was poorly done. He said that he would like the City Council of East Palo Alto to consider this permit if possible.

Chair O'Malley said he did not think that it was possible for East Palo Alto to consider the project as it was located in the City of Menlo Park. He said Romic was no longer in business. He said that company had dealt with large quantities of hazardous materials, but in this instance the company already had approval for the use of a small quantity of hazardous materials and wished to do the same type of business in another location. He asked staff to address the noticing.

Planning Technician Perata said that the noticing for hazardous materials use permit applications was done for a quarter-mile radius of the subject property, which was greater than the typical 300-foot noticing and noticed all jurisdictions' property owners and tenants within that quarter-mile radius. He said he could show the notes and records for the noticing. Responding to Commissioner Keith, he said the notice was printed in The Almanac. Mr. Carr said he was not familiar with The Almanac and asked if it was an East Palo Alto newspaper. Planning Technician Perata said The Almanac was general circulation and found at newspaper stands in East Palo Alto.

Chair O'Malley said that four agencies reviewed the hazardous materials business plan before the Commission saw it. He said these hazardous material use permits were for small quantities of hazardous materials, which were contained indoors and had quality control, safety and spill procedures in place. He said the employees receive annual training on handling these materials.

Mr. Carr said the project's emergency plan indicated notification of many different agencies but he asked how he would be notified if there was an emergency. Recognized by the Chair, Planning Technician Perata noted that the Menlo Park Fire Protection District also serves the City of East Palo Alto.

Mr. Ravi Haq, City of East Palo Alto, said he was an engineer at the Stanford Linear Accelerator Center, now retired. He asked if the applicants were using some type of a carbon laser or other kind of laser, and if so, if there was a target to collect the radiation. He said his concern was that there be sufficient shield to keep the gamma radiation from penetrating the building. He said researchers tended to work at the edge and increase function in their testing for improvement. He said one evening he had spoken with the company's building maintenance manager because he a continuous noise coming from the building which he estimated at a 300 hertz level, and had asked if the company had been using a laser. He said he spoke with Mr.

David Tarlton, the property manager, who indicated that the firm did not have approval to use a laser in the building.

Mr. Madigan said his firm was not using any lasers in their facilities. Commissioner Bressler asked if they used any ionizing radiation in their processes. Mr. Madigan said they did not.

Commissioner Kadvany asked about the chemical that was listed as “tbd.” Ms. Ellen Ackerman, Green Environments, San Carlos, said to do research and development the firm needed a little flexibility as the scientists could not list all chemicals needed in the next five years. She said that the material listed as “tbd” was within a certain hazard class in the section it was listed in and would not be in a different class. She said the “tbd” had been used in other applications. Commissioner Keith asked how often Ms. Ackerman listed chemicals as “tbd.” Ms. Ackerman said about one out of three times. Commissioner Keith asked about how many times over the last five years for the City of Menlo Park. Ms. Ackerman said probably about three to five times. She said the Menlo Park Fire Protection District, County Environmental Health, and West Bay Sanitary District had signed off on the application with the “tbd” listing. She said the threshold of reporting to the County on the hazardous materials was higher than the precise information that the City required them to report. Commissioner Keith noted that there were listed one Class 1b as “tbd” and 10 others named. She asked if there was a way to list three more chemicals and get rid of “tbd.” Ms. Ackerman said there was no way to know what the actual chemicals would be as this was research and development.

Commissioner Bressler asked Ms. Ackerman about the classes of chemicals listed and their distinctions. Ms. Ackerman said that said that flammable liquids were classed by flashpoint and the lower the class number the more highly flammable the chemical is. Commissioner Bressler noted that some Class 1b chemicals were common household chemicals such as acetone and isopropyl alcohol.

Chair O’Malley asked if the material “tbd” when identified would be reported to the authorizing agencies. Ms. Ackerman said she would communicate that information to County Health and the Menlo Park Fire Protection District.

Commissioner Keith asked if the Fire District inspected the premises quarterly. Ms. Ackerman said there was an annual hazardous materials plan update. She said that the “tbd” chemicals might be one or two type of solvents and confirmed for Commissioner Keith that the total amount of the “tbd” chemicals would be up to 10 gallons in aggregate.

Commissioner Ferrick asked what the noise might have been that happened overnight. Mr. John Tarlton said his brother Dave Tarlton, who is the property manager, had mentioned to him that a neighbor had inquired about the noise. He said it could have been construction noise or a mechanical unit on roof with a bad belt but that he was happy to give his phone number to anyone. Commissioner Eiref suggested that Mr. Tarlton might want to offer Mr. Carr and Mr. Haq a tour of the facility. Commissioner Kadvany asked if the Fire District did neighborhood outreach so the community could understand the nature of the hazardous materials storage and handling. Mr. Tarlton said previously they had held an open house for Trinity BioSystems as requested by the Commission. They noticed the event to a quarter-mile radius and delivered invitations. He said they held the open house, provided food and drinks, but only one person from the community attended. He said they wanted to be open with the community but they also did not want to keep innovators such as Mr. Madigan out of Menlo Park.

Commissioner Riggs said he had never noticed “tbd” before. He suggested adding a condition to the use permit approval to require ongoing agency review of any “tbd” chemical when it was determined. Ms. Ackerman said they notify the Fire District for any new chemical in the amount of 10 gallons and they report to the County whenever the quantities are reportable.

Commissioner Kadvany asked if a greater characterization could be made for these “tbd” chemicals. Ms. Ackerman said the Fire District liked the Fire Code characterization. Commissioner Kadvany asked how they knew that a “tbd” would not induce some cross classification of relevance. She said if it was believed there would be a problem they would show it in another category. Commissioner Kadvany asked if the chemicals were being kept secret by labeling them “tbd.” Ms. Ackerman said such chemicals would be listed as “confidential.”

Mr. Tarlton said that Menlo Labs was basically a large “tbd” facility and there were absolute caps on the quantities. He said the “tbds” were within classifications. He said they insist their tenants have either Ms. Ackerman or someone with her expertise to manage hazardous materials business plan. He said Tarlton Properties has the greatest liability.

Chair O’Malley closed the public hearing.

Commission Comment: Commissioner Keith moved to approve the item as recommended in the staff report. Commissioner Bressler seconded the motion. Commissioner Riggs said this was the first time he had seen “tbd” and felt this left the Commission open to something that they might not be familiar with. He asked if there was any issue with having a condition of approval that it was understood in writing what would occur once the “tbd” was determined. Ms. Ackerman said she would not be opposed to a condition that stated when the “tbd” was identified that the applicant would follow all appropriate regulations and be reported to the appropriate regulatory authority. Commissioner Keith said that was what had to be done anyway. Ms. Ackerman said that was correct but the condition would make it more explicit. Commissioner Riggs said his concern was for neighbors and that there be a mechanism for a use permit violation if the company did not get around to informing the appropriate regulatory agencies and said that Ms. Ackerman’s language worked. Planner Chow said some quantities of chemicals needed no review. Commissioner Riggs said that the condition would indicate that anything over the quantity should be reviewed by the appropriate agency. He said they were making an assumption about a “tbd” and for the comfort of the neighbors, they should not leave that gap. Commissioner Bressler said he was concerned that the City required more stringent information than other agencies require and were now suggesting another layer of bureaucracy. Commissioner Riggs said the wording would not add more work for staff or qualify this approval but confirm as part of the approval that the process as represented particularly for something “tbd” was being followed. Commissioner Keith called for the vote.

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

1. Make a finding that the project is categorically exempt under Class 1 (Section 15301, “Existing Facilities”) of the current CEQA Guidelines.
2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the

neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.

3. Approve the use permit subject to the following **standard** conditions:

- a. Development of the project shall be substantially in conformance with the plans provided by DES Architects/Engineers, consisting of 6 plan sheets, dated received October 20, 2010, and approved by the Planning Commission on November 1, 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, 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. If there is an increase in the quantity of hazardous materials on the project site, a change in the location of the storage of the hazardous materials, or the use of additional hazardous materials after this use permit is granted, the applicant shall apply for a revision to the use permit.
- e. Any citation or notification of violation by the Menlo Park Fire Protection District, San Mateo County Environmental Health Department, West Bay Sanitary District, Menlo Park Building Division or other agency having responsibility to assure public health and safety for the use of hazardous materials will be grounds for considering revocation of the use permit.
- f. If the business discontinues operations at the premises, the use permit for hazardous materials shall expire unless a new business submits a new hazardous materials business plan to the Planning Division for review by the applicable agencies to determine whether the new hazardous materials business plan is in substantial compliance with the use permit.

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

Commissioners Bressler and Kadvany indicated they would like to comment. Chair O'Malley said he would prefer the have this topic listed for a future agenda. Planning Technician Perata asked about what topic. Chair O'Malley said to add the language related to "tbd" chemicals. Commissioner Bressler said the only real protection and sense of safety and security was the reputation of the people that come before the Commission with these applications. He said he did not like bureaucracy.

3. **Use Permit/Ellen Ackerman for Auxogyn/1490 O'Brien Drive, Suite A:** Request for a use permit for indoor storage and use of hazardous materials for the research and development of products to improve reproductive health located within an existing building in the M-2 (General Industrial) zoning district.

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

Public Comment: Mr. John Tarlton, Menlo Business Park, said they were pleased to have been able to attract Auxogyn to Menlo Park.

Ms. Melissa Goldenstein, CEO and founder of Auxogyn, said this was a startup based on technology out of Stanford. She said they were funded in May and would have 12 full time employees and expected to double within a year. She said the product and technology involved a microscope and video camera to watch embryos develop and using an algorithm to determine which embryo was most likely to survive implantation. Ms. Goldenstein said this was the second startup she had built in Menlo Park.

Chair O'Malley closed the public hearing.

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

1. Make a finding that the project is categorically exempt under Class 1 (Section 15301, "Existing Facilities") of the current CEQA Guidelines.
2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
3. Approve the use permit subject to the following **standard** conditions:
 - a. Development of the project shall be substantially in conformance with the plans provided by DES Architects/Engineers, consisting of 6 plan sheets, dated received October 20, 2010, and approved by the Planning Commission on November 1, 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, 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. If there is an increase in the quantity of hazardous materials on the project site, a change in the location of the storage of the hazardous materials, or the use of additional hazardous materials after this use permit is granted, the applicant shall apply for a revision to the use permit.
 - e. Any citation or notification of violation by the Menlo Park Fire Protection District, San Mateo County Environmental Health Department, West Bay Sanitary District, Menlo Park Building Division or other agency having responsibility to assure

public health and safety for the use of hazardous materials will be grounds for considering revocation of the use permit.

- f. If the business discontinues operations at the premises, the use permit for hazardous materials shall expire unless a new business submits a new hazardous materials business plan to the Planning Division for review by the applicable agencies to determine whether the new hazardous materials business plan is in substantial compliance with the use permit.

Motion carried 7-0.

E. REGULAR BUSINESS

1. 2027 Menalto Avenue - Review of Revised Design

Planner Rogers said staff had no additional comments.

Public Comment: Mr. Mark Johnson, architect and applicant, said they had looked at various alternatives on this project. He said his client was interested in a certain style of home and she wanted the home they had presented. He said he reviewed his drawings with the owner that had parking in the rear and she was opposed to that configuration. He said having a driveway down the left side would create increased narrowness and she wanted to have an attached garage. He said he had done another rough site plan which he could distribute. He asked the Commission to review the design before them and asked if it might meet the Commission's approval.

Commissioner Riggs said he thought the proposed design was a brilliant solution. Chair O'Malley said it addressed his concerns as well. Commissioner Kadvany said the proposed design looked great. Commissioner Keith said she liked the design.

Planner Rogers said the project redesign would come back to the Commission for one of their December meetings.

Commissioner Bressler said the revised project addressed his concerns.

The Planning Commission will review and take action on the item at a future meeting.

The Commission recessed at 8:30 p.m.

The meeting reconvened at 8:37 p.m.

2. El Camino Real/Downtown Specific Plan – Review of Commission Subcommittee recommendation for an enhanced Planning Commission review process for review of the Draft El Camino Real/Downtown Specific Plan.

Chair O'Malley said the Commission's Subcommittee's recommendation to enhance the Commission's review process for the review of the draft El Camino Real/Downtown Specific Plan would include five Commission meetings that would focus on 1) general overview and background for public input, 2) the Station Area, 3) the Downtown, 4) the El Camino Real, and

5) a review and finalization of Commission recommendations. He noted this was not a public hearing but the Commission was open to public comment.

Ms. Jo Eggers, Menlo Park, business and property owner, said she appreciated the Commission enhancing the process. She asked if after the Planning Commission's four directed meetings whether the item then went to the City Council and then returned to the Commission for final public input, which was proposed meeting five.

Planner Rogers said the project was currently in Task 4 which was the Draft Specific Plan, EIR and FIA. He said the approved scope of work for Task 4 included one Commission hearing to review and provide direction on the Draft Specific Plan, EIR and FIA. He said after the Commission's review their recommendations would go to the City Council for their review and to receive public input. He said the Council would then direct changes to the draft Specific Plan, EIR, and FIA at which time the project would enter Task 5 or the Final Specific Plan and EIR and Amendments. He said the revised plan would then have a final review and recommendation by the Commission followed by a final review and action by the Council.

Ms. Eggers said she appreciated the Commission's proposal to enhance the review process and recognizing that there could be unintended consequences.

Chair O'Malley asked the Subcommittee members to comment.

Commissioner Bressler said the desire was to politically air the Plan to get public comment and get better recommendations for the Council and that meeting number 5 was the opportunity for an additional meeting depending on what came out of the discussions. He said it was important to look at the proposal and think whether there would be unintended consequences.

Commissioner Kadvany said a high level articulation of goals would be useful, including communication and learning. He said the Commission should be able to formulate conclusions for the Council and provide useful information for them while maintaining trust and credibility in this process. He said it was a quick timeline to hold four meetings in two weeks and that was a concern.

Commissioner Eiref asked if the proposed meetings would be like this evening's meeting or more like the town hall meetings. Chair O'Malley said similar to this format. Commissioner Eiref questioned if these meetings started in December whether there could be ample community and outreach beforehand. Chair O'Malley said that was an issue. Commissioner Eiref said it was a long time since the as public dialogue on this and suggested there should be some type of lead-in to coalesce people. Chair O'Malley asked Planner Rogers to address the timeframe and for Subcommittee members to respond. Planner Rogers said hypothetically these meetings could get going in December but it was a strong possibility that they would happen in the new year. He said approving the subcommittee's recommendations would not mean they would definitely start in December as it depended on the work on the draft EIR. He said about outreach that there were good tools in place such as email lists, City noticing and the newspaper. He said because of the gap since the last public process that the first proposed meeting would be used to get people oriented and create a common ground that would then be continued by refreshers throughout the proceeding meetings.

Commissioner Riggs said he supported a tight time frame for Task 4 as such projects benefited from higher levels of concentration.

Commissioner Ferrick said the subcommittee wanted to create momentum and spend less time in review to bring people up to speed. She said some people will only attend one meeting, which was why the subcommittee suggested an overall refresher at meeting 1, and short refreshers at the beginnings of meetings 2, 3, and 4. She said they discussed within the areas of focus to lead the discussion based on the types of property, either public or private. She said she would prefer a study session format and have the Commission sit at the same level as the public.

Commissioner Eiref said the draft Specific Plan and the draft EIR and FIA were all very large documents and the task would be to focus them down to a comprehensible level. Commissioner Ferrick said that was the intent of the suggestion to separate discussion between public and private spaces and for staff's presentation at each meeting to focus on a particular area. Commissioner Eiref asked if the consultants would still be involved. Planner Rogers said consultants were involved with the draft documents and would revise those drafts into finals based on Council's directions. He said additional meetings would be handled by staff and that was because of the way the meetings were scoped in the agreement with the consultants. He said staff would do more of the legwork but if there were questions for the consultants, staff could get their input as needed. Commissioner Eiref asked about the Oversight and Outreach Committee's role. Planner Rogers said he anticipated one more meeting of that committee after the release of the draft EIR and FIA. He said the Committee would review those documents and then get out the communication to the public.

Commissioner Kadvany said he liked the study session approach. He suggested strongly that visual aids and key graphics would be helpful. He said the schedule was not for the Commission's convenience. He said he had heard from Menlo Park residents that the project was being rushed. He said it was a lot to do in two weeks. He said the five categories (open space, massing, vibrancy, connectivity and circulation, etc.) identified in the visioning process should be used as metrics to the extent clarification was needed. He said the distinction between private and public was a bit odd and might invite trouble when it came to parking downtown.

Commissioner Ferrick said the intention was to have a dedicated space for people to be able to discuss the hot button issues. She said as a private resident that the five categories were much less defined for her than the difference between public and private. She said the intent was to make it clear to people when the area they were most interested in would be on the agenda.

Commissioner Bressler said these meetings would not be like a study session in one way as there would be staff recommendations that would then be discussed. He said some of the pieces might be more controversial than others and that breaking these items out separately gave the Council more information.

Chair O'Malley asked if staff would make recommendations for each meeting. Planner Rogers said the Plan would be the recommendations but staff would provide a structure for the Commission to use for their discussion. Chair O'Malley asked if there would be Commission action. Planner Rogers said that each meeting should end with tentative recommendations for each item and then the Commission would close out with an overall recommendation to the Council.

Commissioner Keith asked about the order of the geographic areas as she thought perhaps the Downtown might be more controversial and perhaps taken first. Planner Rogers said it was a deliberate action to start with Station Area as Downtown had received most comments. He said the Station Area was where Downtown and the Station Area come together, which would then spin to Downtown, and then to El Camino Real which has had the least amount of comments. Commissioner Keith said she thought the relationships of the areas should be explained at the first meeting in the overview.

Commissioner Eiref asked if there would be a series of reviews on the exact Plan as presented a year ago and whether the EIR and FIA would be an overlay. He asked if they would need to read all three documents. Planner Rogers said the meetings as outlined would be on the Plan and when the draft EIR and FIA were released those would inform the plan. He said there was a legal process for reviewing the draft EIR but all the documents were linked. He said that the ideal process would be to consider EIR and FIA first and then do meetings on the Plan.

Commissioner Kadvany said it seemed reasonable to start at the Station Area as this was somewhat neutral. He said he thought the El Camino Real should come before Downtown however to give that area some needed attention. He said his concern about the draft EIR and FIA was how to scale and extrapolate from those relative to the Plan. He said the worse thing suggesting things that would be infeasible. He asked if the Commission's main decisions would be refining and possibly creating zoning categories. Planner Rogers said that change to private development involved zoning districts and those standards could be changed, and the Commission would definitely look at zoning changes. He said that public improvements had potential effects that the Commission should review. Commissioner Kadvany asked about the latitude of the type of recommendations the Commission might make. Planner Rogers said there might be changes that would have clear ramifications, some that might have some impacts, and others the Commission might direct staff to look into and get back to them. He said staff would provide as much feedback as possible to the Commission for them to develop recommendations to the Council. Commissioner Kadvany said he thought they should stick with the five categories of the Plan as those had been used by people. He said in the summary in each session they should say something useful about each of the categories.

Commissioner Ferrick said it was not a problem incorporating those categories. She said that was why the subcommittee came up with five meetings to give the public sufficient time to consider the Plan. She said they would not make recommendations at the first meeting but they would at the next three and potentially at a fifth meeting. Commissioner Kadvany asked if at the first meeting the Commission would identify the issues. Commissioner Ferrick said the subcommittee anticipated a great deal of public comment which would be all over the map at the first meeting but then in the focused sessions they would hopefully identify the bigger issues to consider.

Commissioner Keith asked how many copies of the draft Specific Plan were at the Library. Rogers said there was one there and one at the City for review. Commissioner Keith said she was concerned about starting these discussions and not having the draft EIR and FIA. She noted that for the public, school was out December 18 through January 2 and that would not be the time to meet. Planner Rogers said Attachment A indicated schedule options. He said if the draft EIR was delayed substantially it was preferable to get going on the Plan. Commissioner Keith said she thought it was okay to have the first meeting if the draft EIR was not yet done but without it a review at the second meeting would be a waste of time.

Commissioner Riggs said he had three concerns, two of which he would voice. He said there have been multiple discussions about the effectiveness of the consultants' presentations. He said Commissioner Kadvany made a good point about cross-referencing documents and presenting visually for the meetings. He said the second concern was the frustration waiting for the EIR and draft elements which have to come to staff for comment and then go back to the consultants.

Planner Rogers said staff understood the frustration about the delay in the production of the draft EIR, noting that part of that was a water element they did not know about. He said the goal was to get a good product and get the document right. He said he believed they were pretty close to completion.

Commissioner Kadvany suggest the Commission Subcommittee in conjunction with the Oversight and Outreach Commission should design some visual posters to use at every presentation and have specific ones created for each area to be discussed.

Commissioner Ferrick said she agreed with Commissioner Keith that it would be frustrating to the public to not have the draft EIR and FIA when the discussion begins. She said she would prefer to start once those were released but not towards the end of the 45 days but in a couple of weeks after the release. She said that would put them out to January. Commissioner Kadvany asked if there was a separate meeting on the draft EIR. Planner Rogers said that was required by city code and state law and that they usually hold the public hearing toward the end of the 45-day public comment period to give more people time to read the document.

Commissioner Eiref said that this has been a two to two year process and other than releasing documents and having a series of meetings there had been no delivery of the historical context of where the City was going. Commissioner Bressler said he thought Commissioner Kadvany was addressing that with graphics and visual aids. Commissioner Bressler said he wanted more meetings so the Commission could meet in public and discuss. Commissioner Eiref commented that the Chambers might not be sufficient space for the number of people who may show up for the meetings.

Commissioner Kadvany said one clear goal for El Camino Real was to redevelop the car lots. He said the Downtown in contrast involved complex strategy and how changing public space might affect business. He said the Downtown Vision was not crisply summarized, and that was leading to a vacuum, and the issues with the Downtown had not been clarified. He said for the public that the Commission should minimize the general information, identify the key issues facing the City and show how this Specific Plan might contribute.

Commissioner Ferrick suggested having someone summarize the purpose of the meetings and give it context in a succinct way, and perhaps that should be the consultants as they were theoretically neutral on the outcome. She offered as just an idea that the consultants might make a presentation in the first meeting or come to the last meeting to help wrap it up. Commissioner Eiref suggested having the consultants tell the Commission what they have learned about this City, and what were the big concerns, which different groups they talked to, and perhaps interview members of the public who have attended many of these meetings over the years.

Commissioner Bressler said he thought it was important to figure out what was controversial and not, what might be resolved and what not. He said the Commission's role was to vet this so

it would not be completely chaotic when it got to the Council. Commissioner Eiref said it was important to point out that this was the framework but was not the decision on what would be developed, that this was a grand plan that might take 50 years to accomplish and that each project would have its own review process. Planner Rogers said there was a lot of context and it was interesting to consider a series of interviews to convey that context. Commissioner Kadvany said he recalled one of the consultants indicating that they would give the City a product and then the City would need to decide what to do with it. He said if they made an effort to characterize what that could be, people would respond favorably. He said while the Commission conducted these meeting the City Council would not be doing anything on the Plan, which he would further encourage the Council's silence. Commissioner Riggs said the Commission's job was to hold numerous meetings to vet the Plan so it went to the Council organized and ready for action. He said his third concern was how to present this to the public. He said if they wanted public approval that the series of presentations by the consultants would need to be user-friendly. He said he had suggested an animated flythrough which would show the likely result if the Plan were adopted.

Regarding the discussion on how best to present concepts to the public, and using visual aids to do, Chair O'Malley asked whether Commissioners were suggesting getting this done before the first meeting. He said if consultants were used that might delay things to spring. Commissioner Riggs said the design and media world do not operate that way. Commissioner Eiref said that at the original open houses they looked at two-dimensional visuals that did not provide the information needed. Commissioner Kadvany said there was a need for a presentation using whatever sources necessary to show what the Plan does and suggested permanent posters up for people to look at and think about with specific posters for subareas and ideas for presentations on the subareas. He said perhaps the basics could be done in-house and just a small amount would have to be contracted. Commissioner Bressler said the time for pictures and visuals was during the earlier larger public meeting to see what people in the community agreed upon in the Specific Plan. He said what was important now was to debate the impacts.

Commissioner Ferrick moved to approve the subcommittee recommendation to have a review process at the first meeting to start with an appropriate context setting introduction, to incorporate relevant visual aids, most of which were likely already available, and that the review process should commence in January after the release of the EIR and FIA.

Commissioner Riggs said he agreed with Commissioner Bressler about impacts and that was why the EIR was needed. He said one of the key impacts that people felt passionate about was aesthetics. He said for the public it would be helpful to have an image that shows the setback on the second story for structures having a height of 36 feet. He said his concern was whether they were seeking approval of a significant portion of the public or general direction.

Commissioner Ferrick said there are some visuals that exist for the different story setbacks and confident that between staff and the consultants they would get the visual aids needed for the meetings.

Commissioner Riggs asked if the preponderance of the first meeting would be public comment. Planner Rogers said that there would probably be a great deal of comment. Commissioner Kadvany suggested reviewing all of the areas and having each Commissioner make points in a brief period of time.

Commission Action: M/S Ferrick/Keith to approve the Commission Subcommittee recommendation with the following additions.

- The review process should start with an appropriate context-setting introduction, in both verbal and written formats;
- The review process should incorporate relevant visual aids, most of which are likely already available; and
- The review process should commence in January, after the release of the EIR and FIA.

Motion carried 7-0.

F. COMMISSION BUSINESS

There was none.

ADJOURNMENT

The meeting adjourned at 10:17 p.m.

Staff Liaison: Deanna Chow, Senior Planner

Recording Secretary: Brenda Bennett

Approved by Planning Commission on December 6, 2010