



## **PLANNING COMMISSION MINUTES**

**February 28, 2011**

**7:00 p.m.**

**City Council Chambers**

**701 Laurel Street, Menlo Park, CA 94025**

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**CALL TO ORDER** – 7:00 p.m.

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

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

### **A. REPORTS AND ANNOUNCEMENTS**

#### **1. Update on Pending Planning Items**

##### **A. Belle Haven and Willow Business Area Design Charrette – March 5, 2011**

Planner Chow said a flyer was distributed to the Commission at the dais regarding the Belle Haven and Willow Business Area Design Charrette, a cooperative effort by the San Mateo County Association of Architects and the City of Menlo Park to consider the intersection of Willow Road and Bayfront Expressway in terms of how to develop vacant parcels and create linkages, and how the area might be transformed.

Planner Chow said the Planning Commission meeting of March 7, 2011 was canceled.

Commissioner Riggs asked that the Specific Plan be on the next Commission meeting agenda to discuss the schedule.

Planner Chow said she could provide an update. She said staff and the consultants had made significant progress on the EIR. She said the goal was to get the EIR and FIA released by the end of March and to have the Council consider those documents in the fall and not during the summer.

Commissioner Riggs said he had questions about the Specific Plan and would like to have the item on a future agenda. Planner Chow said it would be a two step process to agendaize first a request to have the item on a future agenda. If approved, the item would then be placed on the next meeting agenda.

### **B. PUBLIC COMMENTS**

There was none.

## C. CONSENT

1. Approval of minutes from the January 24, 2011 Planning Commission meeting.

Chair Bressler noted that there was one email with a correction.

Commission Action: Consent to approve the minutes with the following modifications.

- Page 9, 2<sup>nd</sup> full paragraph, 4<sup>th</sup> line: Replace “because of” with “just for.”

Action carried 6-0 with Commissioner Yu abstaining.

2. **Substantial Conformance Review/Willow Road, LLC/1283 and 1299 Willow Road:**

Review of proposed exterior material modifications for a previously approved use permit and architectural control review to construct a new structure for retail and office (Police/City Service Center) uses in the C-2-B zoning district. The City Council approved the project on April 13, 2004.

Commissioner Riggs requested the item be pulled from consent as the proposed changes were not minor. He said however the changes would improve the aesthetics of the building. He said the shadow line indicated some depth to the facades but the facades were completely flat. He said the nearly black roof was not inviting noting this was an intersection of the residential and commercial areas.

Commissioner Kadvany said he agreed that tinted windows were not desirable. He said he would recommend Schema 2 related to the windows.

Commission Action: M/S Riggs/Ferrick to find that the proposed modifications are in substantial conformance with the previously approved project.

Motion carried 7-0.

## D. ENVIRONMENTAL IMPACT REPORT SCOPING SESSION

1. **Review and comment on the Notice of Preparation (NOP) to identify the content of the Environmental Impact Report (EIR) to be prepared for the following project:**

**Use Permit, Architectural Control, Tentative Map, Below Market Rate Housing Agreement, and Environmental Review/389 El Camino Real, LLC/389 El Camino Real:** Application to demolish the existing single-family house at 612 Partridge Avenue, a residential triplex at 603-607 College Avenue, and a former car lot at 389 El Camino Real and construct 26 residential units and associated site improvements on the subject parcels in the C-4(ECR) (General Commercial Applicable to El Camino Real) and R-3 (Apartment) zoning districts. The application includes the following requests:

- **Use Permit.** A Use Permit would be required to construct three or more residential units in the R-3 zoning district, and to construct residential units and increase the floor area ratio (FAR) from 55 percent to 75 percent in the C-4(ECR) zoning district.
- **Architectural Control.** Design review would be required for the proposed residential buildings.

- **Tentative Map.** Seven existing legal lots would be merged into two lots; the public street easement for Alto Lane would be abandoned; and 26 residential condominium units would be created.
- **Below Market Rate Housing Agreement.** A Below Market Rate (BMR) Housing Agreement would provide for the development of three on-site low-income BMR units in accordance with the City's BMR Program and the provisions of Government Code Section 65915, the State Density Bonus Law.
- **Environmental Review.** The project would be analyzed for potential environmental impacts in the focused EIR. This Notice of Preparation (NOP) initiates the environmental review process.

The application is being submitted subject to the State Density Bonus Law, Government Code Section 65915 and relevant amendments, which permits exceptions to the City's Zoning Ordinance requirements.

Staff Comment: Planner Fisher said the purpose of this item was to look at the scope of the proposed Environmental Impact Report. She said there would not be a presentation by the applicant as the project would not be discussed this evening. She noted that there would be future meetings for public input on the project.

Commissioner O'Malley said the agenda indicated the Commission would take action on the list of five items, which was not what would happen, and suggested in the future with similar items that the agenda be clear that no action would be taken.

Mr. Adam Weinstein, LSA Associates, said the purpose of this agenda item was not to review the project itself but to determine what should be studied in the Environmental Impact Report. He said an EIR was used when there were significant environmental impacts. He said the City was doing an EIR on this project as it was thought there would be significant impact to the City's roadways. He said they would prepare a focused EIR that would look at traffic and circulation and land use and planning policies. He described the alternative projects.

Commissioner Kadvany asked what criteria would be used to consider aesthetics and the impacts of those elements such as building mass, height, density and the interface to the surrounding neighborhood. Mr. Weinstein said that for CEQA there was a distinction between design and aesthetics. He said for a project to have significant impacts it would have to significantly change the visual character of an area or block the view. He said design issues were important but did not rise to significant impact. Commissioner Kadvany said that presupposed a value judgment and questioned a decision being made in advance of the review and analyses. Mr. Weinstein said that Commissioner Kadvany's comment would be considered. Commissioner Kadvany asked how this EIR would fit with the Specific Plan EIR. Mr. Weinstein said there would be a review of whether there was consistency with the draft Specific Plan. Commissioner Kadvany asked if there were the same assumptions. Mr. Weinstein said this EIR, given that as the Specific Plan was not yet final would have to review the physical environment as it is.

Commissioner Riggs asked if the focus on transportation was limited only to automobiles or whether it would look at the usability of sidewalks. Mr. Weinstein said the analyses would look at pedestrian and bicycle circulation. Commissioner Riggs asked whether the EIR would look at impacts to eastern light because of building heights. Mr. Weinstein said that would be analyzed.

Commissioner Yu said she was surprised that air quality and noise were not part of the focus of the EIR as those potential impacts were likely important to those who live in the area. She said if no u-turn was allowed into the project then people would need to travel down Partridge Avenue and that additional traffic would have air quality and noise impacts for the residents. She said air quality and noise might be included in the focus on traffic but she wanted it noted that these two issues were important to her. She said the height of the buildings might also impact the walkability of the sidewalks along El Camino Real noting temperatures and shadows because of the proposed height of the buildings. She asked whether landscaping would be considered. Mr. Weinstein said regarding her comments on noise and air quality that those would be reviewed with staff. He said that the proposed type of residence uses would not create ambient noise above the City's standards. He said there would be a change to traffic because of the project and there would be emissions associated with that traffic but would be way below what the BAAQMD would consider significant. He said they would consider landscaping in different sections of the EIR including in the policy and land use section. He said they were not looking at the design itself but rather how design would impact the physical environment.

Commissioner Ferrick asked if there could be an alternative project to include senior housing and to compare between that and family housing. Mr. Weinstein said that could be one of the alternative projects.

Chair Bressler asked about the effect of the project on property values in area. Mr. Weinstein said they were not precluded from considering the socio-economic impacts of the project if the lead agency felt that was appropriate. He said those types of impacts however were not considered physical environmental impacts under CEQA unless the resulted in physical change, noting that "urban decay" was an instance wherein there was a change to the environment that resulted in a socio-economic impact. Chair Bressler asked if it was considered whether the project would potentially impact the values of the neighboring houses. Planner Fisher said the City would prepare a Fiscal Impact Analysis for the project. Chair Bressler said those reports tended only to look at impacts to the City and not to individual residents. He asked about impacts to the schools from the proposed project. Planner Fisher said the Fiscal Impact Analysis would look at the project's impacts on the City, and the school and fire districts.

Commissioner Kadvany said the project was driven by the state density bonus law and asked how the EIR would address that. Mr. Weinstein said its relevance to the project would be looked at under the land use and policy section but noted that primarily it was a legal question. Commissioner Kadvany said the housing and its density were relevant to the consideration of impacts to the site but he did not know if state law had some provision that dealt with environmental review.

Planner Fisher said the City Attorney's Office planned to provide the Council and the Commission with information on the density bonus law. She said regardless that CEQA applied to the proposed project and there was no lessening of requirements.

Commissioner O'Malley said it appeared to him that the approval of an EIR meant approval of the project proposals. Planner Fisher said that a decision making body could certify an EIR and not approve a project.

Commissioner Eiref asked how long the EIR process would take. Mr. Weinstein said it would take a couple of months. He said they would have the first administrative draft of the EIR to staff by the end of March. Commissioner Eiref asked if the decision to move ahead on the EIR

was made by the City or driven by the developer. Planner Fisher said this project would have to be voted upon by the City Council. She said as it was a quasi-adjudicatory application there had to be a decision one way or another. She said to do the project an EIR needed to be done. She said the EIR would focus on significant and unavoidable impacts related to transportation. She said that staff was working with the applicant on changes to the project and that working on revisions to the project did not affect the ability to conduct the environmental review. She said staff's goal was to have the Commission review the draft EIR and have a study session on the project design at the same time. She said staff was also working with a neighborhood task force that had been formed.

Public Comment: Mr. David Alfano, Menlo Park, said he was concerned with the impacts of 26 residential units at the end of Partridge Avenue and he hoped the EIR would consider the project's impacts on utilities, water pressure, wastewater, and storm system. He said that he would expect a minimum of 50 cars associated with the 26 units and what were currently short streets that were not signalized if signalized would cause impact to traffic. He said he was concerned that the El Camino Real strip through Menlo Park would become impassable. He said in 2009 overcrowding at Oak Knoll School resulted in children being transferred to Encinal School. He said 26 units might have an impact on Oak Knoll which was under construction and on the school children who walked or were transported to Encinal School.

Mr. David Geraghty, Menlo Park, said he wanted to reiterate Commission Kadvany's concern about glossing over the aesthetics of the proposed project in the EIR. He said that this project was four times the density of the area, noting that College Avenue was single-family residences. He said most residents were very concerned that 26 units would impact the character of the neighborhood. He said the project was too big and too dense for the area.

Ms. Margie Roginski, Menlo Park, said that air quality, noise and school impacts, should all be considered as potentially significant impacts in the EIR.

Chair Bressler closed the public hearing.

Commission Comments: Commissioner Riggs said he appreciated the number of project alternatives and he supported Commissioner Ferrick's suggestion to look at senior housing as an alternative. He said the Commission previously was unanimous in its concern and implied rejection of the limited setbacks. He said concerns about aesthetics and other things the Commission had brought up were glossed over in the proposed scope of the EIR. He said although CEQA focused on a certain range of impacts the City did not have to limit its approach.

Commissioner Ferrick said she would make a formal suggestion to look at the impacts of senior housing compared to single-family residential homes as well as senior housing as the residential component with the mixed use alternatives. She concurred with the neighbor's concern regarding utilities and water use impacts.

Commissioner O'Malley said he supported the inclusion of senior housing as an alternative. He said he did not agree with a focused EIR but thought there was no choice. Planner Fisher said his comments would be reviewed and considered by staff and the consultant.

Commissioner Ferrick suggested that they look at what the school impacts would be for the various alternatives.

Commissioner Eiref said there were numerous variances being requested. He said people did not want buildings going into setbacks, because of the aesthetics impacts.

Commissioner Yu said that certain impacts did not reach regional standards and suggested that they look at those impacts relative to the particular area and how those numbers would land within the scale of the area. She said noise and air quality were very important matters to the residents. Commissioner Ferrick suggested that they look at the percentage of the increase in the area.

## **G. COMMISSION BUSINESS**

There was none.

## **ADJOURNMENT**

The meeting adjourned at 8:21 p.m.

Commission Liaison: Deanna Chow, Senior Planner

Recording Secretary: Brenda Bennett

Approved by Planning Commission on April 4, 2011