



## PLANNING COMMISSION MINUTES

### SPECIAL MEETING

April 30, 2012 at 7:00 p.m.  
City Council Chambers  
701 Laurel Street, Menlo Park, CA 94025

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Teleconference with participation by Commissioner Eiref from:  
Cambria Suites Raleigh-Durham Airport  
300 Airgate Drive  
Morrisville, NC 27560  
(Posted April 23, 2012)

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**CALL TO ORDER** – 7:03 p.m.

**ROLL CALL** – Bressler, Eiref (departed teleconference at 9:51 p.m.), Ferrick (Chair), Kadvany (Vice Chair), O'Malley, Riggs, Yu

**INTRODUCTION OF STAFF** – Arlinda Heineck, Community Development Director; Thomas Rogers, Associate Planner; Kyle Perata, Assistant Planner

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

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

###### **A. Facebook Campus Project**

- a. Review of Development Agreement Term Sheet - April 17, 2012 City Council Meeting
- b. Final Environmental Impact Report (EIR) and Fiscal Impact Analysis (FIA)
- c. Review Schedule

Planner Rogers said the City Council at the April 17, 2012 meeting considered the Development Agreement Term Sheet for the Facebook Campus Project and endorsed moving forward with it. He said the project review was still pending and noted that the Final Environmental Impact Review and Fiscal Impact Analysis were released the previous week and the Commission would consider those documents at the May 7, 2012 meeting.

## **B. PUBLIC COMMENTS**

There was none.

## **C. CONSENT**

There was none.

## **D. REGULAR BUSINESS**

1. **Use Permit and Variances/Ian Carney/731 Bay Road** – Request from Commissioner Kadvany for reconsideration of the Planning Commission's action at the previous meeting of April 16, 2012.

Chair Ferrick said the first matter was whether the Commission wanted as requested by Commissioner Kadvany to open reconsideration of the use permit and variance requests for 731 and 735 Bay Road.

Commissioner Kadvany said he wrote a letter to the Chair and staff that after the Commission had voted on these use permit requests at the last meeting as he had come to the realization that variances were not needed because of the combined lot shape but rather because of constraints related to setbacks, driveway width, and fire district standards because of the intent to build four structures. He said that the process for variance requests should not be used to solve constraints due to required elements of development.

Chair Ferrick said the Commission had approved the two projects with a 5-2 vote. Commissioner Yu said she had voted against the use permit requests. Chair Ferrick said that Commissioners who had voted in the majority of the action had the ability to vote to reconsider the projects.

Commissioner Riggs said he shared others' concerns with making the findings for the variances and originally had been opposed but found support for the variance requests in the findings made by staff. He said he did not want to reopen the projects.

Commissioner O'Malley said he did not want to reconsider the projects.

Commission Action: M/S Kadvany / Bressler moved to reconsider the use permit and variance requests for 731 Bay Road.

Motion failed 2-5 with Commissioners Kadvany and Bressler supporting.

2. **Use Permit/Ian Carney/735 Bay Road** – Request from Commissioner Kadvany for reconsideration of the Planning Commission’s action at the previous meeting of April 16, 2012.

No action was made regarding 735 Bay Road.

## **E. PUBLIC HEARING**

1. **El Camino Real/Downtown Specific Plan, General Plan Amendment, Zoning Ordinance Text Amendment, Rezoning, Environmental Review**

The overall intent of the El Camino Real/Downtown Specific Plan is to enhance community life, character and vitality through mixed-use infill projects sensitive to the small-town character of Menlo Park, and to improve bicycle and pedestrian connections in the Plan area over the next 30 years. The Specific Plan is based upon the El Camino Real/Downtown Vision Plan, which was unanimously accepted by the Menlo Park City Council on July 15, 2008, and which includes specific objectives in the form of the following twelve goals:

- Maintain a village character unique to Menlo Park.
- Provide greater east-west town-wide connectivity.
- Improve circulation and streetscape conditions on El Camino Real.
- Ensure that El Camino Real development is sensitive to and compatible with adjacent neighborhoods.
- Revitalize underutilized parcels and buildings.
- Activate the train station area.
- Protect and enhance pedestrian amenities on Santa Cruz Avenue.
- Expand shopping, dining and neighborhood services to ensure a vibrant downtown.
- Provide residential opportunities in the Vision Plan area.
- Provide plaza and park spaces.
- Provide an integrated, safe, and well-designed pedestrian and bicycle network.
- Develop parking strategies and facilities that meet the commercial and residential needs of the community.

Based on the goals of the Vision Plan, the Draft Specific Plan, released on April 7, 2011 was formulated with the following five guiding principles:

- Generate Vibrancy;
- Strengthen the Public Realm;
- Sustain Menlo Park’s Village Character;
- Enhance Connectivity; and
- Promote Healthy Living and Sustainability.

The Planning Commission will consider the following actions: review of the Final EIR; General Plan amendment to incorporate the Specific Plan; adoption of the Specific Plan; amendments to the zoning ordinance map and text to incorporate the Specific Plan.

The Specific Plan Area would be comprised of parcels shown in the included figure, which consists of parcels currently zoned/described as: all C-3; all C-4 (ECR); all P-D; all other parcels fronting on El Camino Real; all R-C; all R-3-C, with the exception of 1010 Noel Drive (061-411-080); all C-1-B; all P located between Menlo Avenue and Oak Grove Avenue; several R-3 parcels that adjoin either El-Camino-Real-fronting parcels or Alto Lane; and the C-1-A parcel at 530 Oak Grove Ave (061-402-160). These parcels would be rezoned to SP-ECR/D and the uses and development standards applicable to those properties would be included in the proposed Specific Plan.

*The Planning Commission is scheduled to make a recommendation to the City Council, which is tentatively scheduled to review the project on June 5, 2012. The City Council will be the final decision-making body on the proposed project. Separate notice will be given for the confirmed City Council public hearing.*

Planner Rogers said he would present an overview on what had changed to the draft Specific Plan (Plan) and Draft Environmental Impact Report (EIR) and the Commission would receive public comment including verbal comment this evening and written comments received and distributed to the Commission at the dais and to the public at the table in the back of the room. He said the Commission would have an opportunity to ask technical and clarification questions of staff and the consultants, and finally discuss and make recommendations to the City Council on the Draft EIR and Draft Plan actions.

Planner Rogers said the original goal of the Plan was to establish a clear and long term plan for the El Camino Real corridor and downtown. He said the process began with a visioning project from which came broad goals desired by the community. He said the draft Specific Plan (Plan) which evolved from the visioning and public input phase was reviewed publicly by the Planning Commission at five special meetings and City Council in four meetings in 2011. He said the Council's final direction was reflective of the diverse public input. He said since October 2011, staff has addressed the Council's direction and responded to comments on the draft EIR and draft Plan. He said the Plan was a clear and action oriented plan for the next 20 years and provided a framework for detailed public space improvements and a strong foundation for development on privately owned property. He said the Plan was not a specific project but set outlines for future development that would itself require significant public outreach.

Planner Rogers said the Commission was requested to consider the Council's direction on the Plan and associated changes. He said a key change to public space was to require a trial implementation for most of the downtown improvements, specifically the

downtown sidewalk improvements and downtown plaza, Chestnut Paseo and Marketplace, and pocket parks. He said the trial basis was to determine whether and how to implement improvements in a permanent form. He said over the past few days, staff had received a number of comments related to the public improvements in the downtown. He said the downtown public space improvements had also been changed related to north-south walkability and east-west connectivity. He said an expanded sidewalk along El Camino Real between Menlo and Ravenswood Avenues and Valparaiso and Encinal Avenues had been part of the Plan since the beginning but was now to be achieved through increased building setbacks rather than relocating the curb line and reducing lane widths. He said the proposal for east-west curb extensions or bulbouts had been removed from the Plan. He said both changes were intended to increase flexibility for future lane arrangements along El Camino Real for additional through car lanes or bike improvements with bike lanes being the preferred direction.

Planner Rogers said that a number of changes and improvements had been made in Chapter E related to land use and building character with the most notable being the building height in the Station Area West and Station Area East and El Camino Real South-east Districts so that the maximum façade height was reduced from 45 feet to 38 feet which was a building's height at the street edge. He said in SA W and SA E along Alma Street that the maximum building height was reduced from 60 to 48 feet to be more compatible with the adjacent developments. He said in the Downtown district, parking garages originally proposed to have a maximum height of 48 feet were now reduced to 38 feet and maximum façade heights reduced from 38 to 30 feet. He said this was to meet the scale of what other buildings could do in that area. He said in the El Camino Real NE and El Camino Real NE-R Districts, the maximum building height was increased from 38 feet to 48 feet, noting the affected parcels lie between Oak Grove Avenue and Encinal Avenue and were bounded by the El Camino Real corridor, train tracks and San Antonio Street and thus were more isolated. He said if the maximum height of 48 feet was implemented, a façade height of 38 feet would be required, and there would need to be a public benefit from the project. He said the massing and modulation standards were changed for building breaks, façade modulation and upper story façade length. He said the existing building profile requirements were revised to create more variety. He said for the El Camino Real-SE in the section between the San Francisquito Creek and Ravenswood Avenue on the east side of El Camino Real which was bounded by the train tracks changes were made to allow for flexibility and to not create a "canyon" feel.

Planner Rogers said the Plan allowed for limited non-parking improvements on downtown parking plazas, such as the market place and some public spaces such as pocket parks. Otherwise, the parking plazas have to remain as parking uses.

Planner Rogers said for the public benefit and negotiation process that there was more specificity with the Planning Commission holding a public study session prior to a full application made that was informed by appropriate fiscal and economic analysis. He said also there was specificity as to what kind of applications the Planning Commission

would have final action on and which ones City Council action was required by law. He said public benefits were revised to include suggestions made by the public. He said also a process had been set up by which the City Council might review and revise that list. He said the sustainability requirements had been reviewed and changed comprehensively to reflect the changes occurring over the past two years since the planning effort had begun.

Planner Rogers said in Chapter F on circulation the Council directed looking at wherever bicycles and cars share lanes so that the bicycle's right to pass and share the lane was indicated with arrows and signage and to look at every Class 3 bike lane opportunity as an opportunity to have a Class 2 bike lane or striped dedicated path. He said a number of streets had been categorized as a hybrid future Class 2 but at a minimum Class 3 and those were areas where bike lanes were feasible and desirable long term but not feasible short term because of the need to remove parking, for example. He said that for El Camino Real any bicycle implementation lanes would have to be done on a corridor wide basis as there were a number of unique conditions and complicated intersection arrangements. He said bicycle parking standards had been revised to be required for development and included in off street vehicle parking. He said the residential parking standards had been revised, noting the Commission had taken the lead on that. He said for areas closest to transit, the residential parking standards had originally been proposed for the entire Plan as minimum 1.85 spaces per residential unit but now the areas closest to the train station had a lowered requirement for a minimum one space per unit and within the Station Area a maximum parking standard of 1.5 spaces per unit. He said in this Chapter that the downtown parking Plaza 2 had been added as a location for potential covered structure parking as well as Plazas 1 and 3 but the Plan allowed for only two maximum parking structures. He said there was clarification that the Plan itself would need to be amended and an environmental impact review done if developmental caps were met. He said the Chapter also restated that downtown public space improvements would have to be done on a trial basis and also provided strict limits on multiple projects occurring in close proximity at the same time, and requiring programs that minimize fiscal and convenience impacts on businesses as result of construction.

Planner Rogers said that standards and guidelines had been revised and that a number of guidelines had become standards for certainty on key issues. He said concurrent with the Plan were specific zoning ordinance amendments. He said the Plan was intended as an all-inclusive document but they would need to legally effectuate elements of the Plan. He said it had been added to the nonconforming building chapter that existing conforming buildings under the existing zoning ordinance would not become nonconforming with the adoption of the Plan. He said there were a number of uses and conditional development permits in the Plan area and it was specified that existing discretionary approvals would be honored and enforced.

Planner Rogers said that since the printing of the staff report proposed General Plan and Zoning Ordinance Amendments indicated a potential conflict of interest for

Commissioner Riggs specifically for the downtown district and things related to that and could not participate in discussions for the downtown. He said for the discussion on the Final EIR Commissioner Riggs would have to completely recuse from discussion as that could not be geographically segmented but for Commissioner Riggs could participate in discussion on the General Plan Amendments and adopting Zoning Ordinance Amendments except for the downtown.

Commissioner Bressler said projects on El Camino Real that the Commission has considered were not “by right” but the issue of “by right” has come up with the Plan. He asked what was different under the existing General Plan and the ability to review projects under the Plan. Planner Rogers said it varied upon land use designation and the designated specific uses. He said currently for El Camino Real but not in the downtown, use permit applications were needed for new development. He said the Plan would change that to establish uses determined by the community as preferred to be permitted so that Commission would primarily weigh in on architectural control. He said the Commission would have the ability to deny projects but the findings for denial would be primarily design and architecture. He said also there could be additional environmental review required.

Commissioner Bressler asked if it was possible to change the Plan to allow for the same oversight the Commission currently has with the same public process and same review process the Commission and Council currently have. Planner Rogers said the mechanism by which the Commission and ultimately the Council could do that would be through revisions to Table E-1 that established which uses were permitted in what area. He said that topic had come up during the Plan review and while every topic might not have been addressed the primary issues had been discussed.

Public Comment: Ms. Margaret Carney, Menlo Park, noted she was President of the Live Oaks Lion’s Club, sponsors of the Farmer’s Market. She said the Commission and staff had received a letter from Mr. John Hickson, the Club’s Secretary, regarding their belief the new Plan would negatively affect the Market. She said in the draft EIR, Volume 2, page 10 to 91, it was stated “In general, farmers markets successfully operate in a variety of layouts so minor modifications to the existing layout appear to not result in any negatively environmental effects.” She said that was certainly true but the Plan was proposing major, not minor, changes to the Market, which had run successfully for 20 years. She said with the Plan changes that they would lose 32 parking places in Plaza 6, 36 parking places in Plaza 7, and 11 spaces on Chestnut Street, which would be inconvenient for both the farmers and the customers. She said page G-26 of the Plan referred to the partial closure of Chestnut Street to traffic and the potential closure of one driveway in each of the plazas 6 and 7. She said that would impact the farmers as they need to have access for their trucks behind their booth. She said they had been clear that they did not want any hot food served in Plaza 6 as that detracted from fresh, organic produce and its health image. She said they were seriously concerned about the partial closure of Chestnut Street and the creation of a Marketplace that would affect the Farmers’ Market. She said they hoped they would be

involved in any future discussions in the final plans for Plazas 6 and 7 and the Chestnut Street Paseo.

Mr. Frank Carney, Menlo Park, said he was pleased that parking and bicycle lane changes in the downtown would be on a temporary basis, which he thought was prudent. He said changes to Santa Cruz Avenue a few years ago had had process and support but when those were implemented, they were not liked and had to be removed, which was a waste of time, energy, and money. He said closing Chestnut Street would necessarily impact circulation for pedestrians and vehicles, and hoped it would be temporary on the weekend. He said several years ago, neighbors in the Linfield Oaks area had become concerned about traffic speeding down Alma Street and cutting through their neighborhood. He said they had meetings with a consultant and had temporarily closed Alma Street for three months. He said people had discussed discussing closing it permanently but once implemented it became obvious that was not a good solution. He said in all of the many meetings and surveys gathering input from the residents for the Plan that the highest priority was to maintain the village character of the downtown. He said there were those who wanted it to be more dense and vibrant but the residents liked the small town character. He urged the City to consider finishing planting Plane trees along El Camino Real through private/public partnership. He said he would also encourage planting trees in parking plazas.

Mr. John Boyle, Menlo Park, said the same parking complaints had been heard for 20 years or longer, and that the blight and empty lots along El Camino Real had been there for the last seven years. He said in doing outreach for the Plan and talking to merchants in the downtown that one on one there had been support with moving forward with the Plan. He said some people wanted more parking, some detested parking garages, some wanted more pedestrian designed streets, and some wanted more retail. He said a decision was needed to end the uncertainty and move forward with the Plan to encourage development and get rid of the blight and improve the downtown and El Camino Real.

Mr. Richard Li, Menlo Park, urged the Commission to move the Plan to Council. He said he had contributed to the early work during the community outreach phase and the Plan a representative sample of the Menlo Park citizens who participated. He said if he had any criticism of the Plan it was that it was not tremendously transformative and its incremental measures would take decades to change the downtown. He said this Plan was a course for their children and not for them.

Mr. Mark Gilles, Menlo Park, said he had just entered a six year term on a subcommittee of the Menlo Park School District for the rebuilding of the schools, whose construction date was similarly dated with downtown. He said there was real benefit to realizing that the infrastructure needed to be reinvented. He said he thought the tying in of El Camino Real with the downtown was a benefit. He said modernization of buildings would be beneficial both environmentally and more economically viable, and that the integration of residential, retail and business uses was beneficial. He said each project



would have to be reviewed on its own basis but it was important to adopt this Plan, which had been well vetted. He said its adoption would be a service to the community.

Ms. Mary Gilles, Menlo Park, said she wanted to encourage infrastructure development and redevelopment. She said it was a crime to have Menlo Park's downtown and El Camino Real corridor diminish the City's status. She said they should roll out the red carpet to development and that anything which would diminish the support of development in the Plan was not right. She said she was in favor of doing test implementations rather than permanent installations. She said she would like to see some really nice new buildings built.

Mr. Sam Sinnott, Menlo Park, said he was a pro-improvement activist, and strongly supported the Plan because it would address the blight on El Camino Real, and had been democratically developed. He said one thing he would change would be the LEED silver requirement on all buildings. He said the City has had a tendency to load requirements on developers noting sidewalk, storm drain, sewer, street light and fire hydrant improvements. He said the 2010 Building Code has California green building standards, and noted that certification of LEED silver added 7 percent to the cost of building. He said the side setbacks on El Camino were currently zero and if changed to require 10 feet would be fine if the parcels were big but along El Camino Real many parcels were only 50-feet wide which with 10-foot side setbacks would make it impossible to build parking podiums with residential above. He said it also made adding to existing buildings with zero setbacks nonconforming and needing variances. He said they might consider zero setbacks for the first floor for the parking podium and then have a 10-foot setback on the next level. He said he would reinforce the need for 40 foot overall height limit and that 38 foot height was not enough to build nice residential over parking podiums. .

Fire Chief Harold Schapelhouman, Menlo Park Fire District, said there were areas in the Plan that had bearing for the District's input, specifically water supply and access. He said they supported trial implementation and would like to be involved to assure their ability to get a ladder truck into the area. He said regarding heights and setbacks that they use a 100-foot aerial ladder and whether the allowable height was 38 or 48 feet they needed configurations either through setbacks or height, number of trees, massing and modulation that would support use of this equipment. He said related to water supply in the Plan recommendation in G-2 that it did not specifically reference the Fire District which concerned him and he would like the Fire District included there. He said there were six-inch mains in the downtown, the City has an issue with inadequate water storage for significant events, and it concerned him that two-thirds of the buildings downtown did not have sprinkler systems. He noted that there had been two major fires in the downtown in the past several years. He said new development would be more modern and would have sprinkler systems. He said Station 6 was built in the 1950s and was in the Plan area. He said that they would build a station on the lot behind Station 6, which would be both within and outside of the Plan area. He said they would need zoning changes to allow for what they needed there. He said traffic flow concerned him

such as the downtown paseo and plaza and also shared bike lanes. He said they were working with Facebook for traffic preemption for roads on the east side of Menlo Park, but did not have that ability in this area and said particularly that was needed on El Camino Real here the road narrowed down. He said the District's concerns were the fire station, access, water supply and partnering with the City to make sure what was proposed would support emergency needs.

Ms. Patricia Boyle, Menlo Park, said this proposal was a collective product of broad input, collaboration, compromise and offered wide, walkable streets and a thriving downtown business district with a small town feel enhanced by nearby housing and an infusion of new customers. She said the proposed plazas and park spaces promoted greenery and trees and particularly their "Trees for Menlo." She said her concerns were whether they could adequately modify the quagmire at the El Camino Real and Ravenswood Avenue intersection and promote connectivity and the safety desired. She asked if they could assure that 15 percent of the 680 housing units would be available at below market rate so those with modest incomes could afford them such as teachers, local business employees and health workers. She asked what assurances they had that Stanford University would develop their holdings on El Camino Real to match the Menlo Park goals.

Ms. Anna Chow, Menlo Park, said she and her husband owned Cheeky Monkey Toys. She said there had been much discussion on filling storefronts downtown and ending the blight on El Camino Real but the question was how to attract businesses to Menlo Park. She said that would happen by showing the community has a unified plan to create a vibrant downtown that addressed the future needs of the city. She said the existing downtown was okay but she questioned how soon it would become antiquated. She said parking was the most common complaint about the downtown and if that was not solved businesses and their patrons would move elsewhere. She said parking garages were needed and could be finished to blend with the cityscape. She urged the Commission to recommend to the City Council approval of the Plan.

Mr. Lawrence Zaro, downtown property owner, noted that everyone supported creating a vibrant downtown. He said Plan proposed food trucks in the Plaza. He said representing one of his tenants they were opposed to food trucks as those added to pollution and took up parking spaces. He said if merchants needed an extended sidewalk they should pay for it. He said he has been to numerous cities where extensions created problems with traffic flow and did not add to vibrancy.

Mr. Andrew Boone, Menlo Park, said he rode to the meeting on his bicycle noting how awful it was on El Camino Real for bicyclists. He said to reduce traffic congestion they had to get serious about supporting alternative transportation. He said his concern with the Plan was the future of El Camino Real. He said a consultant analyzed various configurations including one that would expand the number of lanes from four to six which he thought was a big mistake and would encourage people to only travel in cars. He said also the study found there was no real improvement from doing that. He said

the other change was the removal of the sidewalk curb extension bulbouts. He recommended retaining the bulbouts in the Final Plan and to retain the number of vehicle lanes as it was currently configured so bike lanes might be added and sidewalks widened.

Ms. Patti Fry, Menlo Park, recommended establishing a specific timeframe when the Plan would be in effect and at the point at which maximum development limits could be changed. She said there was a change in the Plan's wording to indicate there would be environmental review but that might not mean a full EIR. She said they wanted the Plan to live 30 years and it seemed there were pressures to reach maximum development long before 30 years. She said 680 residential units on 11.3 acres and the maximum for commercial development could be built out on less than 10 acres out of the 130 acres at the base FAR of 1.1. She said the Stanford lands alone could exceed commercial limit at the base level. She said there needed to be some mechanism to make sure the Plan would last for 30 years. She said there was tremendous uncertainty with the public benefit negotiation process as written. She said it was not obvious what qualified for public benefit bonus for footage, residential units or height, and how the project value to the community would be determined. She said it was unclear the amounts or proportions of a project that would actually qualify for bonus level, and it was not clear when the bonus level was triggered what would happen. She noted that Stanford asked if one of their multiple parcels qualified for bonus whether that would apply to all of their properties. She said it was unclear how benefits and costs would be assessed and from what perspective. She said the consultant looked from the perspective of the buyer of the land and not from the perspective of the community and the costs to the community. She said an interdisciplinary work group would make sense to tackle public benefit. She said 10,000 square foot retail component on El Camino Real would not replace the Big 5 and BevMo area and whatever developed needed to be sales tax revenue producing such as restaurant and at least the amount there today and more.

Mr. Charlie Bourne, Menlo Park, provided the Commission with his comments on the traffic analysis. He said traffic for future developments in the Plan area would adversely impact operation of roadway segments. He said the actual findings for individual street segments were not given in the Final EIR but were given in the draft EIR and other documents. He said he hoped that information would be added if missing to the final EIR or an explanation provided as to why it was missing. He said the summary table also indicated traffic for future developments in the Plan area and that would also adversely affect operations of area intersections significantly and unavoidably. He said eight other intersections identified in the Draft EIR and shown in attached Table 2 were dropped from the Final EIR without comment or discussion and needed further review. He said the Plan's emphasis on increasing efforts to expand walking, biking and the use of local transit operations and stated expectations of more activities in those areas seemed contradicted in the Final EIR which indicated that future ridership transit generated by the Plan would affect transit operations less than significant and future developments in the Plan area would affect pedestrian and bicycle operations safety.

less than significant. He said if impacts on these activities were so slight than the Plan was a failure in reaching its objective of walking and biking. He said review and acceptance of the Plan must be done in context of all developments. He said the Transportation Division said this was done by simply putting all recent, regional and proposed development into a single 1% growth figure added to the current traffic figures. He said he disagreed professionally and had prepared a table of proposed developments as additional data in tables 1 and 2. He said review of those tables would reveal that several EIRs and their independent consultants have independently concluded that their projects would have significant and unavoidable impacts on City's streets and intersections. He said some of the streets and intersections as shown in the tables received significant and unavoidable impacts independently from as many as three different projects, noting he had many other projects to review and add as well. He said they could not do anything related to those projects but could do something with this Plan. He suggested dropping the Plan and singling out certain superior features for future consideration. (Mr. Ray Mueller had donated time to Mr. Bourne.)

Ms. Adina Levin, Menlo Park, said she was on the Environmental Quality Commission but speaking for herself and the Silicon Valley Bicycle Coalition. She said she was in support of the Plan overall and to move it forward for adoption. She said she was in favor of the comments have four lanes and bicycle lanes on El Camino Real. She said those options provided strong benefits for a retail environment and pedestrian environment and conversely the six lane option would only improve traffic flow at 8 percent and would hamper the goals of a retail and pedestrian environment. She said to phase small modifications to have curb extensions as indicated by the consultant and staff would not interfere with bicyclists. She suggested having the options to have four lanes with curb extensions and one without them. She said the value and practicality of pedestrians and bike improvements was that the "no drive alone ride share" statistic has gone up to 35% over last decade and that was an ongoing trend supported by gas prices and demographics. She said in terms of phasing in the four lane option that one option was to have four lanes, bike lanes and parking on El Camino Real and the other was to have four lanes, no parking and a buffered bike lane with the latter greatly increasing safety and encouraging more people to bike. She said removing parking from businesses that currently depend upon it was a bad idea and suggested a phasing element in the Plan. She said the Plan introduced the idea of Class 3 bike lanes becoming Class 2 bike lanes as projects developed, which she supported.

Ms. Perla Ni, Menlo Park, said Menlo Park was a mecca for families with young children under the age of 10. She said one goal of the Plan was to improve east-west connectivity. She said it was hard for her children who lived on the opposite side of El Camino Real to access the library, gym, and new playground at Burgess Park. She said a safe bicycle lane was needed north to south and east to west. She said there had been a call for an overpass at Middle Avenue and that was no longer in the Final Plan.

Ms. Cherie Zaslawsky, Menlo Park, said she had lived in the downtown area for many years. She said her main concern was that some of the elements of the Plan would destroy the character of Menlo Park and impact the quality of life. She said streets would become narrower with bicycle lanes and widened sidewalks. She said the proposed 4,000 square foot outdoor marketplace probably would end the Farmer's market on Sunday and probably close Trader's Joe because of the impact on parking. She said there was a disconnect between the realities of the City and the Plan. She said the Plan proposed changes to benefit pedestrians at the expense of drivers. She said most of the City's pedestrians were drivers who parked. She said if they City killed off parking, they would kill off retail. She said that people will not stop driving. She said they will not circle Chestnut Street looking for parking but will go to Palo Alto to shop. She said the downtown was already walkable and liveable. She said El Camino Real was a thoroughfare and with the gridlock between 4 and 6 p.m. she preferred the six lane option. She said putting mixed use on El Camino Real where the car lots used to be would create eyesores. She said the City offered suburban peace and quiet and she did not want it replaced with urban squalor. She said the parking structures proposed were the biggest expenditures at \$24million and were only fiscally positive if hotel or hotels were included. (She noted Michael Dalal gave her his three minutes.) She recommended the City reject the Plan as it was a one size fits all plan and develop a plan that met the City's uniqueness.

Ms. Nancy Couperus, Menlo Park commercial property owner, said she appreciated many of the recommendations made by the Commissioner the previous year, noting that many of them had been accepted by Council and incorporated into the Plan. She said it was indicated that the Chestnut Paseo – Marketplace would be implemented on a trial basis. She recommended that the trial occur in a busy time of the year to most accurately measure impact on parking and for the City to establish criteria to measure the success or failure of the trials. She suggested a survey of downtown businesses after a month or two of the trial to see if business owners found the changes positive or negative. Comment cards could be made available at businesses for local shoppers. She said it was important to know what action the City would take if the trial was not successful. She said the Downtown Alliance would like to preserve diagonal parking along Santa Cruz Avenue as it was easier, safer for bicyclists and more efficient than parallel parking. She said they suggested widening sidewalks for restaurants desiring that but to maintain diagonal parking wherever possible. She said the Commission had included the Alliance's recommendation to use Parking Plaza 2 for a parking structure. She said the Alliance would prefer that any parking structure built be located on the periphery of the downtown, but if the structure had to be constructed on a parking plaza then Plaza 2 was preferred on Oak Grove Avenue between Chestnut and Crane Streets. She said there were business owners in the downtown that did not support any parking structure in the downtown corridor. She said the Plan indicated a parking structure on Plaza 2 would not be the most efficient use of space but the plaza was comparable to the Cambridge Avenue garage structure next to the post office in south Palo Alto, which was well utilized. She said if a parking structure was developed, the Alliance recommended an automatic structure with surface parking remaining. She said

the Plan indicated that a parking garage on Plaza 2 built conventionally would have 250 spaces and the Alliance's research found that with an automated system, 430 cars could be accommodated and could be built for far less money than a conventional garage. She said not all parking spaces were equivalent and the quality of spaces was important to local businesses such as proximity to front and back doors. She said eliminating central parking to provide space for the paseo/marketplace and pocket parks would make parking far less convenient for shoppers at local businesses. She asked that parking not be removed unless absolutely necessary.

Mr. Jeff Pollock said he was representing 321 Middlefield Road. He said it took three years to build 321 Middlefield and a number of infrastructure improvements were made that benefitted the public. He said guests and visitors he takes through the town question the amount of blight and his response to them was that part of that was development uncertainty, which drives away developers. He said having Facebook offered the opportunity for a renaissance in Menlo Park. He said Pollock Financial would like to find the right project to further enhance Menlo Park and make it proud again.

Ms. Jo Eggers, Menlo Park, said she was a business and property owner in downtown Menlo Park. She said in Section F.1, the overview of the Plan, point 5 states the Plan envisions a public parking strategy and management plan that efficiently accommodates downtown visitors and businesses. She said the Final EIR also referenced a parking management plan. She said she supported the implementation of such a plan for the development of any property downtown. She said the references to the parking management plan were vague and asked for more detail included on what elements a parking management plan would have such as who monitors and mitigates impacts of unintended outcomes. She said Plaza 2 had been gated for resurfacing and striping and 90 parking spaces were not available for patrons and businesses during December, and before and after December for two to three months. She said however the repair work did not commence for several weeks during which the plaza could not be used but it was not being repaired either and this coincided with holiday shopping. She said that their business had not been notified of the closure so they were not able to warn their clients to leave earlier for appointments during peak hours. She said communication would need to improve in the future for parking management when availability of parking might change. She requested that parking space availability downtown be reviewed and reported on using parking statistics available during the closure of Plaza 2 for the striping and resurfacing from December through April and be part of the 2009 parking study that informed assumptions made in the Plan. She said she was concerned that parking could be used for construction equipment for the one to two years a parking garage might take to build. She said there were many considerations for the preferred use of Plaza 2 over Plazas 1 and 3 for the construction of a parking garage. She encouraged the City to investigate parking on the periphery for leasing in the short term should parking garage construction occur. She said the City indicates its success was dependent upon parking garages. She said business owners' success was dependent upon convenient and accessible parking.

Mr. Matt Matteson, Menlo Park, said he knew from his real estate experience that specific plans work, and if designed to remove uncertainty that created an ability for people to step forward and take risks to invest in Menlo Park. He said work his company has done elsewhere under specific plans had a 60 to 70% time savings or two years versus five years to bring a project to fruition. He said the clarity of a specific plan allows potential developers to see right away whether what they were proposing would fit or not. He said adopting the Plan would create an important legacy for the City.

Ms. Sharon Delly, Menlo Park, said she was a lifetime resident and she and her husband own property and a business on El Camino Real. She said her main concern was El Camino Real and to keep parking along El Camino Real as that was the parking for their business. She said a parking garage several blocks away would not serve them. She said their business was located between Menlo Avenue and Live Oaks Avenue. She said it improved pedestrian safety to have parking buffer there.

Ms. Nell Triplett, Menlo Park, said she supported the Plan. She said she was a new resident and thought it was shocking how much of the downtown was not used by businesses, residents nor visitors. She said people visiting her family noted how much was lost with the underutilization of the downtown. She said there was no character to be lost through closed car lots, closed carwashes and empty narrow sidewalks. She said the Plan's focus on mixed uses, in fill housing, walkability and bikeability was true strategic urban planning. She said as a cyclist she was opposed to the six lane option for El Camino Real. She said the Plan was good for business and the community.

Mr. Hugh MacDonald, Menlo Park, said he represented BEARD, bearded Republican for rural transparency. He said he loved the goals of the Plan and believed in planning. He said however there was a certain amount of fantasy in the Plan and wondered if it addressed the I-pad and 3-D virtual reality of the future. He said he imagined a tunnel under El Camino Real. He said he liked the Farmer's Market, the natural and rural feeling of the City. He said he didn't see the need for food trucks and was not sure about the parking solutions but hoped they would help.

Mr. Richard Draeger, Menlo Park, said he was representing Draeger's. He said he was late because he was bicycling and appreciated the efforts to support bicyclists. He said as a merchant he wanted to emphasize that on grade parking and parking along Santa Cruz Avenue was absolutely critical to merchants operating stores along Santa Cruz Avenue. He said loss of parking should be looked at on a case by case basis. He said it might make sense to widen the sidewalk for a restaurant but not doing a great wide sidewalk in front of Walgreens. He asked that the Plan be made merchant friendly and noted that most of their customers drive from outlying areas and do not come by bike. He said another aspect of the Plan that needed thought was a public entity in competition with private business owners. He said the assessment lands for parking were purchased by the private property owners and it had been thought this would

remain parking. He said it was the place for private businesses to compete with one another. He said he understood the fiscal viability was going to be based on the boutique hotel and he was glad that was not a part of the Plan. He questioned how the Plan was economically viable however.

Chair Ferrick closed the public hearing and recessed the meeting for a short break.

Chair Ferrick reopened the meeting. She said she had discussed with staff how to handle discussion pertaining to Commissioner Riggs' need to not discuss downtown. She suggested they begin with broad questions and hold off on specific questions about the downtown until they had gotten through as much else as they could so Commissioner Riggs could stay as long as possible.

Commissioner Bressler asked if the bulbouts were eliminated by the City Council. Planner Rogers said they were and he believed that was initially a Commission recommendation. Chair Ferrick said they were given information that the bulbouts would block bicycle lanes but have heard differently this evening.

Commissioner Kadvany said Mr. Sinnott had mentioned narrow lots and zero side setbacks on El Camino Real and recalled some discussion on lot consolidation that might ameliorate those considerations. Planner Rogers said the logic behind many of the side setback regulations was to make sure development along El Camino Real would have variety going from parcel to parcel and separation between buildings. He said on El Camino Real in general there were larger parcels but also smaller ones. He said they had not looked at how establishing side setbacks would affect every parcel in that zone and there might be unintended consequences.

Commissioner Kadvany said there were comments about the new suggestion for adding bike lanes and changing parking along El Camino Real. He said at the back of Volume 2 of the Final EIR it indicated this was a feasible and future improvement that could be reviewed environmentally later. He said that seemed to indicate that this EIR did not look at consequences of those four-lane proposals. Planner Rogers said regarding the potential of a future Class 2 bicycle lane on El Camino Real and at a minimum Class 3 where the Class 3 did not need any changes in the layout the Class 2 would require removing parking along most of El Camino Real. He said parking might be retained in part of that corridor and there was a potential need acquire additional right of way in a portion as well. He said this was a hybrid part of the Plan and that the EIR did not specifically analyze the impacts related to parking removal. He said the Plan has no changes to travel lanes on El Camino Real. Commissioner Kadvany asked about buffer lanes. Planner Rogers said there were definitely different recommendations for having a buffer and a buffer could be implemented with the exchange of parking and excessive right of ways but never in exchange for a vehicle travel lane.

Commissioner O'Malley said the Commission had made a recommendation to the Council about bulbouts based on incorrect information the Commission had received.



He said curb extensions could be made with no impact to bikes, vehicles and parking except perhaps exactly at the intersection where there was a bulbout. Planner Rogers said the statement that bulbouts would not have effects on bicyclists was correct as he understood it. He said there were Caltrans road standards and other standards so that bulbouts cannot go into bike lanes. He said there would be effects on traffic flow as the right-turn only lane would need to be removed. He said the bulbouts were not the trip factor for unavoidable and significant impacts for certain intersections but there were effects.

Commissioner O'Malley said he did not think Menlo Park had any real control as to what occurred on El Camino Real. Planner Rogers said the roadway was under Caltrans' jurisdiction but noted that Caltrans had been moving forward on complete streets and context-sensitive design solutions in recent years and had actively commented on the Plan. He said much of what was proposed in the Plan would require Caltrans' design exception but was in line with exceptions and prototype designs the Grand Boulevard Initiative has designed with Caltrans.

Commissioner O'Malley asked if it was a realistic concern that El Camino Real could become a six lane highway through town. Planner Rogers said this idea was a fear for some and a preference for others. He said Caltrans' general procedure was to allow the existing condition of through lanes to prevail, and while not looking to change one way or another have been moving toward a more multi-modal and context sensitive design. He said their comment letter for the EIR asked that bicycle lanes be implemented on El Camino Real but the City retains discretion to request what it wants as well.

Speaking to the question of side setbacks, Commissioner Riggs said he believed the smaller lots along El Camino Real would occur along El Camino Real SW. Planner Rogers said there were narrower lots in that area. Commissioner Riggs said if a lot was 50-foot wide and there was redevelopment with the new side setback requirements that the lot would lose 40% of its buildable area to accommodate 10 foot setbacks on each side. Planner Rogers said it had to be balanced against other Plan goals and that establishing different side and front setbacks was to improve community space. He said the idea of breaking up buildings and not having a continuous wall was of interest to a number of people. He said in the El Camino Real SW zone the required side setback was five feet. Commissioner Riggs asked if there should be a trigger that certain width lots would have side setbacks. Planner Rogers said there was also the mechanism of requiring a percentage setback. Commissioner Riggs asked if 50-foot wide lots along El Camino Real should not have a requirement for a side setback. Planner Rogers said there was the potential that a row of 50-foot wide buildings on individual parcels without side setbacks could create a wall effect comparable to a continuous piece of property. Commissioner Riggs asked if that would be longer than a block. Planner Rogers said he did not think so but in different zoning districts there were minor breaks at 50-feet and major breaks at 100-feet so buildings on smaller lots without side setbacks could create a more massive and monolithic appearance than

building on a larger size parcel. Commissioner Riggs suggested that required setbacks for less wide parcels along El Camino Real be considered further.

Commissioner Riggs said there seemed to be two versions of bike lanes and assumptions about bulbouts that might apply to one or the other. He said the right curb lane was used for parking downtown on most of the west side and if that was to be a bike lane plus parking it made sense the bulbouts would impede right turns but would not necessarily affect the bike lane which was outside the parking. He said regarding buffered bike lanes that if that was on El Camino Real the bike lane would be striped out from the curb. Planner Rogers said that a potential design might include a buffer, a bike lane and curb but approaching intersections the buffer would disappear after which there could be a bulbout. Commissioner Riggs said a bulbout would introduce a conflict with a regular change of position with bicycle in traffic. He said comments were made that when there were two lanes of traffic, flow was only 8% slower than if there were three lanes. He said that was counterintuitive. He noted that on page 4.13-40 of the EIR some intersections showed an improvement with the average delay with the addition of project traffic which was labeled by authors counterintuitive. He said the formula used by the traffic consultants was weighted for through traffic on El Camino. He said one of the options the Council had would be no parking from 7 to 9 a.m. and between 4 and 6 p.m. on the curb lane southbound on El Camino thus indicated a reduced weight for added traffic. He said obviously, we should question such assertions. He said if there was potential for a third lane at certain times, the question was whether it would be effective.

Commissioner Riggs said there had been discussion about continuing the bike route on Alma Street to Oak Grove Avenue and asked if the Plan was committed to this bike route. Planner Rogers said in addition to the potential for Class 2/Class 3 bike lanes on El Camino Real, the Plan still retained connecting the bike lane on Alma Street to a Class 3 lane on Alma between Ravenswood Avenue and Oak Grove Avenue and then connecting to a Class 3 bike route on the Garwood Way extension to Encinal augmenting the bike route on Laurel Street.

Commissioner Riggs said the Commission had received a letter that morning from Mr. Steve Elliott, Stanford University, listing mostly edits to recent changes or changes since October, some conflicts and some requests. He asked how the Planning Commission should address that and if the tidying up would be done by staff or whether Commission input was needed. Planner Rogers said there were a number of Plan equivalent typos such as recessed window standards that would apply to retail frontage that were accidental holdovers from previous versions of the Plan. He said their request to use public benefit credit over separate parcels under common ownership did not require changes to the Plan because of the development agreement process. He said the other two items related to the retail requirement at Middle Avenue and their request for some of the 10,000 square foot of retail to be allowed for personal services and the comments around requirement for LEED certification were more policy or value statements and would require Planning Commission and City Council action to change.

Commissioner Eiref said he had voted previously for bulbouts as long as it would not impede right-turn traffic. He said there were a lot of comments about the use of plazas and the paseo but for the record all of the individual element projects under the Plan would be reviewed as they came forward. He said the Plan was a framework giving the city the opportunity to explore options in more detail. He said he wanted the Plan to move forward and indicated he was leaving the meeting due to the lateness of the hour.

Commissioner Bressler said page C-21 of the Plan indicated a hotel next to Stanford Hotel and asked if there were any reasons to think Stanford would build a hotel there. Planner Rogers said the graphics in section C were representations of one potential development program. He said the market study conducted for the Plan that was excerpted in Chapter B found that there should be market pressure incentives for hotels within the development framework of the Plan. He said Stanford had been open to that idea but that could not be guaranteed. He said the Plan provided incentives for hotel development through the caps on FARS for office and medical office. He said that half of the FAR per parcel allowed to build could be office and one-third for medical office. Commissioner Bressler said that was much more than what was allowed now. He said they would do much better negotiating with Stanford if the changes were not made. He said that Stanford lands should be taken out of the Plan and then the City should discuss with Stanford what made sense at those locations. Planner Rogers said from a due process perspective that one property owner could not be isolated and treated completely differently than other property owners. Commissioner Bressler said that the Stanford lands should not be in the Plan and the argument that the land would not be developed if not under the Plan was bogus. He said the mixed use buildings shown along the same area of El Camino Real did not have any real setbacks. Planner Rogers said the setback for development along the El Camino Real in the SE zone was 10 to 20 feet in the front setback and that was greater than the current zero-foot requirement. Commissioner Bressler said the real question was what the incentive would be to build there.

Chair Ferrick noted the Fire Chief had talked about page G-32 to add the Fire District for consultation with CalWater on a water plan and water supply analysis. She asked if that was normally part of a process like this or if there was a reason it was not included. Planner Rogers said this section was about the infrastructure for which CalWater had the jurisdiction and establishes meeting fire code requirements and the factors considered when upgrading a line. He said the Fire District could help with making sure they were reading the fire code correctly but ultimately the decision was CalWater's. Chair Ferrick said the Fire Chief also mentioned accessibility related to Plan heights and setbacks particularly stepped back second stories. Planner Rogers said all building development projects have to go have Fire District approval and there was the ability to establish mitigations.

Recognized by the Chair, Fire District Chief Schapelhouman said it was better when the agencies coordinated from the beginning. He said while development projects come

before the District they would like input on broader elements such as pushing out the sidewalk, density of the trees and setbacks and how that impact operations.

Chair Ferrick said one public speaker had talked about bicycling on Middle Avenue and having the ability to cross to Alma Street. Planner Rogers said in the General Plan a crossing of the train tracks near Middle Avenue was referred to as a grade separation crossing. He said it was unknown if high speed rail would be above, at or below grade, but a proposed under or over crossing was still in the Plan. Chair Ferrick confirmed that this would be just for bicyclists and pedestrians and not for vehicular traffic. She said Ms. Fry had asked about clarity as to how the public bonus benefit would work. Planner Rogers said all of the potential variables made the formulaic approach difficult. He said the Plan made the process flexible and Council had asked staff to add more detail. He said they came to a case by case negotiation process that had more specificity about who was doing what and what was being considered but it did not make it so specific that a development project in 15 years, which might have unique attributes that were a benefit but were not known now, would not be locked out of the process. Chair Ferrick said there was a concern that there was not enough retail component on El Camino Real to generate sales tax revenue and make the Plan viable. Planner Rogers said the Plan supported clustered, high quality retail. He said there has been a decrease over the last years in the strip retail center. He said the Plan looks at enhancing the downtown shopping experience and not stringing retail along El Camino Real. He said the emphasis on El Camino Real was housing and office and that over time there might be some retail along El Camino Real that would be zoned differently. Chair Ferrick said there was concern voiced that there would be a loss of parking with the construction of a parking structure but she had recalled in the Plan the indication that there would be a gain of 1,000 parking spaces with the garage built out. Planner Rogers said that was the net gain if two garages were built. He said a valid point was that not every parking space was the same. He said it was really only the marketplace that would affect parking plaza spaces. He said currently all day permits were issued for the plazas and the Plan would move those permitted spots further away, and that would improve parking for customers.

Commissioner Kadvany said that a number of building forms in the El Camino Real - SW had open space indicated for neighborhood transition. Planner Rogers said the Plan was developed with the aim of protecting the most sensitive transitions so that for instance the El Camino Real – NE - Limited District there was a 20-foot rear setback requirement as that backed up to Spruce and other streets. He said similarly in the SW zoning district, buildings will have to be setback 20-feet from the property line. Commissioner Kadvany said the building form he was looking at was labeled 2<sup>nd</sup> floor setback open space and was number 13 in the diagrams. Planner Rogers noted there was something similar on page E48 and suggested viewing the red dotted line as something that could be achieved given certain parameters.

Commissioner Kadvany asked about façade height and the 45-degree angle and the requirement for a 10-foot setback. Planner Rogers said with a maximum façade height

of 38-feet and the total beginning height happening at a 45 degree from the façade height it was determined that a 10-foot setback for the second story was not needed. Commissioner Kadvany asked if there were instances where the setback would be less than 10-feet when angling 45 degrees from the façade height. Planner Rogers said there were areas with a 30 foot side height limit and a 38 maximum height and those could have an eight-foot setback at the second story. He said it was the building profile and not a required 10-foot setback for the upper story. Commissioner Kadvany asked if in most cases it was expected there would be a 10-foot setback or greater on the upper story. Planner Rogers said that more generally speaking it would achieve the modulation perception of lower mass that was the ultimate objective.

Commissioner Riggs said the Commission had wanted to establish in the El Camino Real SW zone that when a commercial building backs up on a residential neighborhood that there's a setback from maximum height at the residential property line, and they had set an upper floor setback when commercial was adjacent to residential. Commissioner Kadvany said they had done that in the setbacks for Station Area – East. Commissioner Riggs asked if they had rolled that into El Camino Real - SW. Planner Rogers said he did not recall that but recalled taking a suggestion from a resident in that area to modulate the rhythm of buildings on the side street façade. He said the staff report contained the consolidated Council direction that generally picked up on most of the Commission's recommendations.

Chair Ferrick said one area they needed to discuss was whether to recommend LEED silver certification for buildings or have principles of LEED as required by state law, whether side setbacks were appropriate at 10 feet for narrower lots on El Camino Real, to include the Fire District in water capacity and accessibility issues on public and private properties, consider reinstalling bulbouts as a possible option for better pedestrian crossing on El Camino Real or at least as potential scenario for a phased in plan, and front upper setbacks at 10-feet or 45 degrees whichever was larger.

Chair Ferrick noted that it was 10:20 p.m. and asked if the Commission was willing to stay past 11:30 p.m. and finish the work on the Plan. Commissioner O'Malley said he could stay no later than 11:30 p.m.

Chair Ferrick said the Commission would discuss the EIR. Commissioner Riggs recused himself and left the Chambers.

Commissioner Kadvany said Mr. Bourne had indicated there was information on intersections and street segments that had been in the draft document but was not included now. Planner Rogers said the Final EIR had all of the street segments and intersections and impacts that were included in the Draft EIR.

Commissioner Bressler said a desire to keep El Camino Real at four lanes everywhere came up during public comments. He asked if the Commission recommended that whether the EIR would need to be changed. Planner Rogers said that would be a

significant change and there would need to be new analysis. Commissioner Bressler said there were very narrow sidewalks on El Camino Real and buildings with little setbacks. He said no parking and bike lanes would provide a relief from traffic for those buildings. He said also the City was at a disadvantage in negotiating for a hotel from Stanford. He said the hotel was important for revenue and if Menlo Park let Stanford build office buildings with very narrow setbacks that weakened the City's ability to negotiate with them to get a hotel. He said Stanford lands should not be in the Plan area and asked if that would impact the EIR. Planner Rogers said with an EIR it was easier to go to less intense development but he did not think it should be the primary driver for removing land from the Plan area. Chair Ferrick said the empty car lots on Stanford lands were a primary driver toward the development of the Plan and to remove those parcels from the Plan would be counter to what the community wanted. Commissioner Bressler said the reason the lands have not been redeveloped was because of existing leases. Chair Ferrick said excluding those lands was not what the community expected from the Plan. Commissioner Bressler said the City needed a hotel built and hotel revenue but the Plan gave greater development rights than what there was currently so there was nothing to use to negotiate with Stanford.

Commissioner Kadvany said about 4 p.m. the Commissioners had received a letter from Shute, Mihaly and Weinberger firm who represent the Downtown Alliance and laid out criticism of the EIR, and mentioned potential plans of the Presbyterian Church. He said the letter also said the EIR was deficient and did not have sufficient detail looking at the quality and nature of the parking spaces being displaced by development under the Plan. He said it was impossible to model all those types of changes in an EIR. He said the Planning Commission had looked at the differences of all the parking plazas in detail and noted the Menlo Park August 2010 Parking Study and the Planning Commission subcommittee report on parking from August 4, 2011. He said the Commission had discussed a year ago every issue the letter was making about parking.

Commission Action: M/S O'Malley/Kadvany to recommend the City Council take the following actions related to the Final Environmental Impact Report prepare for the El Camino Real/Downtown Specific Plan.

1. Make a motion to certify the Final Environmental Impact Report (EIR) (Attachment D), adopt the Mitigation Monitoring and Reporting Program (Attachment E), and adopt the Findings Required Under the California Environmental Quality Act (including the Statement of Overriding Considerations) (Attachment F) for the El Camino Real/Downtown Specific Plan.

Motion carried 5-0 with Commissioner Eiref no longer in attendance and Commissioner Riggs recused.

Chair Ferrick asked the Commission to consider the downtown part of the Plan and then make recommendations after which Commissioner Riggs could rejoin the meeting to consider recommendations on the El Camino Real portion of the Plan.

Commissioner Yu said that Wells Fargo had indicated in a letter that they would not allow the Marketplace to happen per the terms of their parking lease. Planner Rogers said D-20 showed that part of Plaza 6 was under private ownership so the City would either need to reach agreement with the owner for alternative use of the space or acquire the land. He said that did not affect the part of the Marketplace on the other side of the street which was fully City owned.

Commissioner Kadvany said in the instance the private parking area did not become available was it possible to do something in the other spaces. Planner Rogers said the Wells Fargo parcel was large enough that there really wouldn't be areas left over for market place development.

Commissioner Kadvany said the Commission had discussed diagonal parking and he believed the Council had taken that up. He said he thought it was discussed and agreed upon that the diagonal parking process would engage with the restaurateurs and retailers to see who would like to do a pilot and basically a zero to maximum process. Planner Rogers said it was a hard requirement that the Santa Cruz Avenue sidewalk improvements would be done on a trial basis prior to any permanent installations, and that would occur on a block to block basis and not a parcel by parcel basis. He said the City would want to do outreach and get buy-in from the affected merchants.

Commissioner Kadvany said regarding food sales in the Marketplace that whether it was food to take home or to consume there, he thought the Council had agreed with the Commission's recommendation to give City businesses first opportunities in supplying the food. Planner Rogers said that had been part of the discussion at the Commission and City Council level and seemed a nuanced detail that was implicit in the trial implementation of this part of the Plan. He said if the Council wanted to put that more explicitly the Commission could make a specific recommendation. Commissioner Kadvany said Mr. Draeger indicated that the City was going to be competing with local businesses and that was not the intent.

Chair Ferrick said a suggestion was made to do a trial implementation of the Paseo during a busy time of a year. She asked what months those were. Planner Rogers said the busiest time of the year was December but not the best time for an outdoor use because of the weather. He said a fair valid trial would span both busier and quieter times. Chair Ferrick said spring tended to be busy.

Commissioner Yu said there was a reference to having a predefined set of metrics for success of the Marketplace. Planner Rogers said that was a great idea and there needed to be parameters set before implementation occurred. Commissioner Yu asked if the Commission would have input on those metrics. Planner Rogers said there

was not a specific process detailed but the Council would be the decision making body and he expected Commissions would have input in areas under their purview.

Commissioner Bressler said the housing shown on El Camino Real in the Plan indicated interior courtyards. He asked if those details were enforceable. Planner Rogers said the Commission retains discretion over overall design for the Plan area. Commissioner Bressler asked what the City could do should development occur resulting in gridlock traffic and complaints. Planner Rogers said the traffic analysis of the EIR was meant to be inclusive of what was thought could actually be built within the Plan timeframe. He said a project that did not conform to the Plan could require its own environmental review and mitigations to be approved. He said the Commission retains architectural discretionary control which meant that opens it up to CEQA review. Commissioner Bressler said development in the Plan if it created traffic problems did not allow for any adjustment and he thought broader discretionary powers were needed. Community Services Director Heineck said one mechanism in the Plan was the near term review of the Plan in Chapter G, on G-16, regarding change to the area by development under the Plan based on projections and allows for audits and comprehensive reviews within two to four years of the adoption of the Plan. She said the Commission could discuss moving that review time. Planner Rogers said that the Plan could always be rescinded or revised.

Commissioner Kadvany said he shared Commissioner Bressler's concern but felt it was manageable with two year reviews. He said what would work in their favor was the Plan was clear in what was allowed. He suggested reviewing periodically.

Chair Ferrick said one speaker had raised an issue about below market rate housing. Planner Rogers said the City's Below Market Rate Housing Ordinance would apply to the Plan as it's applied to other parts of the City. He said the public benefit bonus process and list establishes affordable residential units and lower affordability levels particularly in areas nearest the train station downtown. He said that it does not establish higher requirements but establishes incentive.

Commissioner Bressler said he did not think anything should be considered a public benefit unless it was a publicly accessible area or resource. He said low income housing and senior housing were private benefits.

Commissioner Kadvany said the Plan more strongly recommends a traffic demand management analysis process and asked if that should be strengthened as it was key particularly to the downtown. Planner Rogers said the Plan recommends the City prepare a traffic demand management plan but does not require it. It was implied to start when there was any change to parking, but not specifically spelled out. Planner Rogers said traffic management was under the downtown header.

Commissioner Kadvany moved to make the traffic demand management plan as described a high priority for the City upon the acceptance of the Plan. Commissioner



Bressler asked if that included higher tech considerations and asked if specific language was needed if automatic garages were included. Planner Rogers said if they wanted certainty they should include all types of garages.

Commissioner Kadvany moved to include management of permit and on street parking and how to implement Plan features. Commissioner Bressler seconded the motion. Commissioner O'Malley said he thought Council members would do this automatically. Chair Ferrick said there was fear in the community that there would be negative impacts to parking in the downtown. Commissioner Yu said she thought that this was obvious but wanted to highlight as it was important.

Commission Action: M/S Kadvany/Bressler to make the development of Parking Management Plan, as already described, a high priority upon acceptance of the Specific Plan, focusing especially on the management of permit and on-street parking and the ways in which they facilitate implementation of Plan features

Motion carried 5-0 with Commissioner Eiref no longer in attendance and Commissioner Riggs recused.

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

1. Adopt a Resolution of the City Council of the City of Menlo Park, Amending the General Plan to Add the El Camino Real/Downtown Specific Plan Land Use Designation and to Change the Land Use Designation for Properties Located in the Specific Plan Area (Downtown Related) (Attachment G.2).
2. Adopt a Resolution of the City of Menlo Park, Approving and Adopting the El Camino Real/Downtown Specific Plan (Downtown Related) (Attachment H.2).
3. Introduce an Ordinance of the City of Menlo Park, Amending Title 16 of the Menlo Park Municipal Code to Incorporate the El Camino Real/Downtown Specific Plan (Downtown Related) (Attachment I.2).
4. Introduce an Ordinance of the City of Menlo Park, Rezoning Properties Located in the El Camino Real/Downtown Specific Plan Area (Downtown Related) (Attachment J.2).

Motion carried 5-0 with Commissioner Eiref not in attendance and Commissioner Riggs recused.

Commissioner Riggs rejoined the meeting.

Chair Ferrick said on pages E6 and 7 of the Plan were uses that were automatically permitted or require Commission approval noting the letter from Stanford regarding personal services along El Camino Real. Planner Rogers noted that it was in the Middle Avenue area. Chair Ferrick said that was in the District marked L that could not be modified. Planner Rogers said page E-11 addresses a minimum retail/restaurant space of 10,000 square feet for the El Camino Real – SE and was noted again on page E-64 that personal services was a permitted use after the requirement for 10,000

square foot retail/restaurant space was met. He said the letter was asking that personal services be considered as “retail-like” and folded into the 10,000 square foot retail/restaurant requirement. He said staff appreciated that there could be an ultimate limit of retail/restaurant that could be supported and that there could be a role for personal services but he was not sure they were supportive of it all being personal services. Chair Ferrick said she was willing to consider a compromise. Commissioner O’Malley said that after 10,000 square feet there could be as much/many personal services as wanted and he did not think it was a major point.

Commissioner Kadvany said he supported Mr. Sinnott’s comment on LEED silver certification requirement and agreed it should be rolled under the state’s green requirements. Chair Ferrick said she wanted a strong statement made that they want green environmentally sound buildings. Commissioner Riggs noted a book written by the architect that had designed the green Portola Valley Town Center with whom he had discussed a green project downtown, and found out that there were U.S. green standards which were not really relevant and needed in California. He said he also found in discussion with another person whose group had sought LEED silver certification for the cachet of having that certification added 5 to 7% over the project costs.

Commissioner Yu asked what the neighboring cities do regarding LEED certification. Planner Rogers said that he did not have that information available but could get it the next day if needed.

Chair Ferrick suggested using the wording in the letter from Mr. Steve Elliott “green building design and application of LEED standards for all buildings.” Planner Rogers said one potential solution they had discussed with the consulting team was a process for not going through LEED but through an outside auditor. He said he thought they would be supportive of that. Chair Ferrick said she could support that. Commissioner Riggs said he would also support that and the use of an alternative system. He said duct leakage had been the major finding through LEED considerations and outside audit but that was now captured in the building code. He said there were alternatives such as CalGreen. Commissioner Kadvany said that perhaps there could be a City-approved list of outside auditors. Planner Rogers said the overall sustainability chapter in the Plan acknowledges that things were moving very quickly in this area and set an overall guideline that would be updated every two years. He said the Commission could set up the framework for an outside auditor and that would be updated every two years.

Chair Ferrick moved to make a recommendation to City Council that they required projects meet LEED silver requirements but not LEED certification through the use of an outside auditor. Commissioner Yu seconded the motion. Commissioner Riggs suggested that reaching LEED gold or platinum could provide a public benefit. Chair Ferrick said she could accept that. Commissioner Bressler said he would vote against the motion if that was added noting that public benefit was being given for bulk and density was worth money to the applicant and if it built a better building they would

benefit. Commissioner Riggs suggested dropping the public benefit modification noting that the current public benefits list of going to a higher LEED standard or not was something the Council would move forward if desired.

Commissioner Yu asked about additional costs for an outside auditor. Planner Rogers said the consulting team was indicating that compared to LEED certification outside auditors significantly cost less.

Commission Action: M/S Ferrick/Yu to revise LEED requirements to allow for verification of LEED Silver compliance through City-approved outside auditor.

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

Commissioner Bressler said his motion was that public benefits should be publicly beneficial and publicly accessible and a benefit to the public in general. Commissioner Kadvany asked if he wanted to give priority to that type of public benefit. Commissioner Bressler said he thought that should be a priority. Commissioner Kadvany suggested recommended to Council to strongly prefer amenities that have clear benefits shared by all so it did not exclude other things. Commissioner Bressler said that was fine and noted he could go before the Council and present his point. Commissioner Riggs said the public benefits list now included senior housing, affordable units, hotel, platinum LEED, historic buildings, public parks and spaces, shuttle services, and a public amenity fund. Commissioner Bressler said only shuttle services and public parks and spaces in his opinion were public benefits. Commissioner Riggs said he was concerned the City could block itself from needed improvements such as senior housing. Commissioner Kadvany said he did not think Commissioner Bressler's recommendation would rule other things out and the Council would have discretion on determining public benefit for a project that came forward. Commissioner Riggs said he would suggest "emphasize" rather than "prefers" so it did not seem exclusive. Commissioner Bressler said he preferred giving top priority.

Commissioner Action: M/S Bressler/Kadvany to recommend that public benefit prioritization should be given to elements that are publicly-accessible and usable by the public in general.

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

Chair Ferrick asked about including the Fire District in water capacity and accessibility on public and private development. Commissioner Riggs said his concern was that there was no process to limit the leverage of Fire District once it had leverage on a project, neighborhood or development as in many instances it was set up as a state agency. He said when he approaches CalWater about a new building they ask if he has Fire Service and if the District will require a four or six inch line. He said that was part of the process already. Chair Ferrick said that from a safety perspective the Fire District was involved in the project approval process.

Chair Ferrick said it was suggested that 10-foot setbacks be required for lots 80-feet wide or greater or to provide 10% setbacks. Commissioner Riggs said having a block of connected buildings was very traditional. He suggested that side setbacks not apply on El Camino Real for lot widths of 80 feet or less. Planner Rogers said it would be helpful for staff and consultants prior to the City Council meeting to look at the goal of the side setbacks on El Camino Real, its application to narrow lots and whether the requirement should be revised to reflect those predominant lot widths and buildable envelopes. He said they could also look at reducing setback on the first floor but not on the second floor.

Commission Action: M/S Riggs/Ferrick for staff and the consultant to review El Camino Real side setback requirements as they apply to narrow parcels and to explore revisions, such as eliminating the side setback, potentially on the ground floor only.

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

Chair Ferrick said Commissioner Kadvany had indicated a change for a front façade setback to the second story at a 45 degree angle or 10 feet or whichever was greater. Commissioner Kadvany said he wanted an easy rule to add a note to the building form discussion stating that the 45 degree rule was taken to mean 45 degrees or 10 feet or whatever was larger so there was always 10 feet for the step back. Commissioner Riggs asked if the setback was from the front build line or the façade. He asked if someone voluntarily moved the façade back whether they would have to also move the setback back. Planner Rogers said the building profile which was the 45 degree angle was established at the building's minimum setback and was requested to allow for someone who has a varied setback and who voluntarily moves the setback back to have a higher façade height. He said if the building was further back would there still be a desire for a 10-foot setback for the second story. Chair Ferrick said if it was already setback it was already achieving the desired outcome. Commissioner Riggs said if the façade was pushed back the front plaza would be provided at grade and they could keep the top floor at the same height. Planner Rogers said that perhaps it was best for the upper floor to always be setback 10 feet no matter where the building profile was or 10 feet if it was at the minimum setback. He said it was the intent in the Plan to remove the upper floor 10-foot setback as it did not seem necessary as establishing the building profile at the minimum setback precluded shadowing of the public realm and streets. He suggested this might be one for staff and the consultant to explore. Commissioner Riggs said there would be a theoretical envelope in which could build so all of the building could be built below the upper floor setback or could push lower two floors out into that bump but either way parapet would have the same limitation and be 30 feet behind the sidewalk for example. Planner Rogers said there were cases where a second floor would not have a 10-foot setback but impacts to public realm and design were addressed.

Commission Action: M/S Kadvany/Bressler for staff and the consultant to review building profile requirements and effective upper-floor setbacks.

Commissioner Riggs said he was hesitant to fiddle with the Plan; Commissioner Yu agreed. Chair Ferrick said she could support the review just to make sure it was in agreement with the intent as Commissioner Kadvany's concern was there might be something in there that the Commission did not get to. Commissioner Kadvany said the default was the 45 degree rule would work or modifications would be simple enough.

Motion carried 4-2 with Commissioners Yu and Riggs opposed and Commissioner Eiref not in attendance.

Commissioner Bressler said he was concerned that they were giving a base level away that was not in their best interest and inappropriate for El Camino Real SE. He said they would recall that the developer for the Cadillac property in the El Camino Real NE was displeased that they did not receive the same level of development as was being given in the El Camino Real SE. He suggested that they would have a better negotiating position with Stanford for the hotel if the development levels for the SE were the same as the NE. He said the maximum buildout with public benefit would be the same but base level would be reduced, more public benefit would be gained, more buildings would be built, and the City would be in a better position to negotiate with Stanford for a hotel. Planner Rogers said that would be problematic as the Plan was built on the community's identification of objectives in different areas.

Commissioner Bressler said the idea was to put taller buildings there because there was no one to care. He said that was one thing but he did not think the public wanted to give away public benefit. He said it was not about the heights but reducing the base limits so the City could negotiate a better deal.

Commissioner Kadvany said when he looked at the Stanford lands in El Camino Real SE he had factored into the allocation Middle Avenue as public space for which development of retail was being required. He said if they wanted to ask for more that they should ask for an underpass. Commissioner Bressler asked if they were asking Stanford to promise and provide the public area to build the underpass. Commissioner Kadvany said if they could use the prowess of Stanford to get that built he thought the tunnel was more desirable than some generic standard.

Chair Ferrick asked how the public benefit would be stated regarding the underpass. Planner Rogers said the Plan established a break so a building could not be built where an underpass has been considered. He said the undercrossing was not in the Plan but the Commission could make a recommendation to add that to the public benefit list as it was clearly a publicly accessible usable space.

Commissioner Bressler moved to recommend that the base development level for El Camino Real SE be the same as that for the El Camino Real NE, and based on what NE is now. Commissioner Kadvany said there were different NE zones. Planner Rogers said the NE and NE-R had the same base level but different residential levels.

Commissioner Riggs said he thought Commissioner Bressler was talking about the 1.1 which he thought was the same as the SW. He said the difference between 1.1 and 1.25 was not huge, and he thought it should be unchanged noting the length of time to develop the Plan.

Chair Ferrick noted the motion failed for lack of a second. She said there was discussion about bulbouts on El Camino Real. She said those had been in the Plan but when the Commission considered the Plan last before this meeting, bicyclists had been emphatic that those would block bike lanes and Commissioners had voted against them. She said however that was not the case. Commissioner Riggs said it depended on where the bike lane was located. He said goal 3 of the 12 goals was to do something about the traffic on El Camino Real but that had gotten short shrift. Chair Ferrick said she would like a potential bulbouts as part of a phased in plan. Commissioner Riggs said they should keep the options open. He said the bulbouts were not in the Plan but were not prevented from being added in 21 years. Chair Ferrick said however those were taken out of the Plan. Commissioner Riggs said the General Plan says no project should be built that damages traffic flow without mitigation. He said this Plan does not address that and did not think they could do anything to prevent El Camino Real from being six lanes and it would be a poor idea.

Commission Action: M/S Ferrick/Kadvany to recommend to the City Council to revise the Plan to have the flexibility to have bulbouts on El Camino Real.

Motion carried 5-1 with Commissioner Riggs opposed and Commissioner Eiref absent.

Commissioner Bressler said the question was whether there was enough in the Plan to address potential issues that might come up as a result of its implementation.

Commission Action: M/S Kadvany / Bressler to recommend to City Council to require ongoing, two-year review of the Plan after adoption.

Motion carried 6-0 with Commissioner Eiref absent.

Commissioner Kadvany moved to support the study of bicycle improvements along Alma Street and other areas. Commissioner Riggs said he would second as he feared the development of the Alma Street bicycle improvements might stall. Commissioner Kadvany said he would like something added about a Middle Avenue tunnel as that was the connector with Alma Street. Chair Ferrick suggested prioritizing the Middle Avenue tunnel as a public benefit item. Commissioner Kadvany said he accepted Chair Ferrick's motion.

Commission Action: M/S Kadvany/Bressler to recommend that the Council prioritize the Middle Avenue bicycle-pedestrian crossing as a Public Benefit Bonus element.

Motion carried 6-0 with Commissioner Eiref absent.

There was consensus that the motion made by Commissioner Kadvany and seconded by Commissioner Riggs just prior to this motion was off the table.

Commission Action: M/S Riggs/Yu to recommend to the City Council to adopt a Resolution of the City of Menlo Park, approving and adopting the El Camino Real/Downtown Specific Plan (Attachment J).

Motion carried 6-0 with Commissioner Eiref absent.

### **C. COMMISSION BUSINESS**

There was none.

### **ADJOURNMENT**

The meeting adjourned at 12:14 p.m.

Commission Liaison: Thomas Rogers, Associate Planner

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on May 21, 2012