



PLANNING COMMISSION MINUTES

Regular Meeting
September 9, 2013 at 7:00 p.m.
City Council Chambers
701 Laurel Street, Menlo Park, CA 94025

CALL TO ORDER – 7:03 p.m.

ROLL CALL – Bressler, Eiref (Vice Chair), Ferrick, Kadvany (Chair), Onken, Riggs, Strehl

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

A. REPORTS AND ANNOUNCEMENTS

A1. Update on Pending Planning Items

a. Housing Element – Community Workshop – September 10, 2013

Senior Planner Rogers noted that a community workshop on the next cycle of the Housing Element would be held the following evening.

b. General Plan – City Council – September 24, 2013

Senior Planner Rogers said the City Council at its September 24 meeting would consider the process for updating the General Plan.

B. PUBLIC COMMENTS

There were none.

C. CONSENT

C1. Approval of minutes from the August 5, 2013 Planning Commission meeting

Commission Action: M/S Riggs/Kadvany to approve the minutes with the following modifications.

- Page 8, 1st full paragraph, 8th line from bottom: Replace “Craftsman design” with “Tuscan design”
- Page 10, 2nd full paragraph, 6th line: Replace “She suggested that they keep that hat in mind...” with “She suggested that they keep that in mind...”

- Page 11, 1st paragraph, 4th line: Replace “applicant” with “architect”

Motion carried 7-0.

D. PUBLIC HEARING ITEMS

D1. 307 Constitution Drive/Priya Malhotra for Pentair/Use Permit: Request for a use permit to construct an approximately 650 square foot mezzanine completely within an existing building. The proposed mezzanine would be used for mechanical equipment (ovens) related to the company’s manufacturing process. As part of the project, the applicant is proposing to stripe five additional parking spaces near the existing building. The subject site is located in the M-2 (General Industrial) zoning district.

Staff Comment: Planner Perata said staff had no additional comments to the written report.

Public Comment: Mr. Spence Leslie, Director, Pentair Thermal Management, said the mechanical equipment (ovens) was used for testing of their heat sensing product. He said they needed more space to accommodate additional ovens.

Chair Kadvany closed the public hearing.

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

1. Make a finding that the project is categorically exempt under Class 1 (Section 15301, “Existing Facilities”) of the current CEQA Guidelines.
2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
3. Approve the Below Market Rate Housing In Lieu Fee Agreement.
4. Approve the use permit subject to the following **standard** conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by DES Architects and Engineers, consisting of 12 plan sheets, dated received September 3, 2013, and approved by the Planning Commission on September 9, 2013, except as modified by the conditions contained herein subject to review and approval by the Planning Division.

- b. Prior to building permit issuance, the applicants shall comply with all Sanitary District, Menlo Park Fire Protection District, Recology, and utility companies' regulations that are directly applicable to the project.
 - c. Prior to building permit issuance, the applicants shall comply with all requirements of the Building Division, Engineering Division, and Transportation Group that are directly applicable to the project.
5. Approve the use permit subject to the following ***project-specific*** conditions:
- a. Prior to or concurrent with the submittal of a complete building permit application, the applicant shall execute the Below Market Rate (BMR) Housing Agreement. Prior to building permit issuance, the applicant shall pay the in lieu fee of approximately \$5,265.00 in accordance with the BMR Housing Agreement (as of July 1, 2013). The BMR Housing Agreement shall be subject to review and approval of the Planning Division. The BMR fee rate is subject to change annually on July 1 and the final fee will be calculated at the time of fee payment.
 - b. Prior to building permit issuance, the applicant shall pay a Traffic Impact Fee (TIF) at the current dollar rate per square foot, subject to the Municipal Code Section 13.26. The fee rate is subject to change annually on July 1 and the final calculation will be based upon the applicable rate and square footage at the time of fee payment. The TIF rate is adjusted each year based on the ENR Construction Cost Index percentage change for San Francisco.

Motion carried 7-0.

D2. Use Permit Revision and Environmental Review/Sharon Heights Golf and Country Club/2900 Sand Hill Road: Request for a use permit revision to allow a membership increase from 550 to 680 members (130 member increase) and remove an existing condition that limits the number of vehicular trips during the a.m. and p.m. peak hours at a golf and country club located in the OSC (Open Space and Conservation) zoning district. A Negative Declaration has been prepared to review the potential environmental impacts of the proposed project.

Staff Comment: Planner Lin noted an email received from Mr. Tim Robertson, a Board member of the Sand Hill Circle Homeowner's Association, expressing support for the membership increase request. Mr. Robertson in the email also requested that the Planning Commission consider limiting hours for maintenance activities at the Sharon Heights Golf and Country Club (Club) and to restrict parking on the Sand Hill Road frontage road.

Public Comment: Mr. Steve Zales, Menlo Park said he was the current President of the Club, and provided a brief history and current physical description of the Club. He said

a new Club was built in 2003 and at that time traffic caps were kept at the same level as in 1999. He said in 2004, 2007, and 2012, they compared trips to the 1999 trip count data and in all instances trip counts were lower than they had been in 1999.

Mr. Zales said the Club was operated as a nonprofit but they were looking at making it non-loss as well. He said golfing was down nationally and at their Club as well, which was why they would like the ability to increase membership subject to their Board of Directors' approval. He said their Club has the lowest membership average of the five clubs with which they compete for members. He said they have good relationships with their residential and commercial neighbors and noted they provided their project plans to each of the local homeowner associations and businesses. He said the email received today was the only correspondence received for the project. Regarding vehicular trips, he said currently and with the proposed increased membership, the number of trips was well below the limits of the County's Traffic Congestion Management Plan. He suggested the modest membership increase would probably impact the traffic no more than the estimated traffic impact of the no project alternative. He noted the size of their site and that the no growth they had imposed upon themselves in response to 1999 traffic concerns was no longer warranted.

Mr. Tim Robertson, Menlo Park, said he supported the Negative Declaration. He noted he was a current member and past president of the Sand Hill Circle Homeowner's Association. He said his concern with the maintenance activities had to do with noise at an early hour and requested they do their work during the same hours as applied to other activities in the City. He said the Club's maintenance work started at 7:00 a.m. and sometimes as early as 6:15 a.m. He noted workers were often still mowing at 6:30 p.m. He said he would like to see the hours of maintenance activity reduced. He noted that parking at the Club tended to overflow onto the frontage road.

Ms. Elizabeth Houck, Menlo Park, said her issue with the Club was that they wanted to put a 600-foot deep well in Nealon Park and pump the water four miles uphill to the Club. She said this was an attempt to meet the required reduction in 2020 of water usage. She said the Club was in the Menlo Park Municipal Water District and the people around Nealon Park were in the Cal Water District. She said the rates for the MPMWD were scheduled to increase 100% in 2015. She said she did not think the Club could afford those rates as their annual water bill would be around \$750,000 annually. She said that was one of the reasons the Club needed to increase its membership. She said she could support the increase in membership if they were to abandon the well idea.

Chair Kadvany closed the public hearing.

Commission Comment: Commissioner Eiref asked staff to address the concerns expressed by the two speakers. Planner Lin said regarding noise from maintenance activities that the City's Noise Ordinance specified certain hours of operation for specific types of equipment and other activities. She said hours of operations for mowers were

8 a.m. to 6 p.m., and leaf blowers were 8 a.m. to 5 p.m., Monday through Friday. She said for commercial deliveries the restriction was 7 a.m. to 6 p.m., Monday through Friday. She said for weekends and holidays it would be 9 a.m. to 5 p.m. She said generally throughout the City activities were required to meet the restrictions of the Noise Ordinance. She said the matter of the well was not related to this application, and it was being reviewed separately with the 'Department of Public Works.

Commissioner Eiref said the Noise Ordinance provided protection and he suggested that the Club management and the homeowner associations work together to resolve the concerns or use the City process in place to seek remedy.

Chair Kadvany asked about the concern with parking on the frontage road. Planner Lin said the Sand Hill Road frontage road was two-lanes with a dirt shoulder. She said she has never seen cars parked there but it was possible. She said her understanding was Club members parked in either the main parking lot or the one near the tennis courts. She said unless the City put up a "no parking" sign at the frontage road that parking there was generally permitted. She said to restrict parking was a process that would occur through the Transportation Commission and City Council.

Commissioner Ferrick suggested providing the neighbors a phone number to call when and if there were noisy activities occurring outside of the prescribed hours of operation. She also suggested that the Club review its maintenance schedule to make sure it was compliant with the Noise Ordinance and work to get the concerns resolved to keep the positive relationships with the neighbors.

Commissioner Onken asked about the ratio of existing members to use on a daily average. Mr. Zales said a surprising number of their members have a very low use and there was a minority of members who were at the Club several days per week. Commissioner Onken asked if their tee times were filled on peak afternoons and weekends. Mr. Zales said tee times were not full on Saturday mornings and Sunday afternoons but were relatively full in good weather. He said averaged over the year they were probably half full even on the peak days of Saturday and Sunday. He provided information on the different types of memberships.

Commissioner Bressler asked about the approval process for taking water from Nealon Park. Mr. Zales said the Department of Public Works had done a water use study and the Club was part of that as they were one of the larger water users. He said they were scheduled for an Environmental Quality Commission meeting later in the month to seek recommendation for approval to further study the proposal. He said if the City and Club could agree to develop a well that would take them off the Hetch-Hetchy water supply that could save about 50,000,000 gallons of water per year. He said the pipe from the well would also be used to water a couple of City parks and schools. He said the proposal would go through the City Council and that would be a public process.

Commissioner Riggs questioned a comment made that the Menlo Park Police had told a neighbor who had complained about early morning maintenance activities that those activities had grandfathered in under the Noise Ordinance. Planner Lin said the Club began operating in 1962, which was prior to the City's existing Noise Ordinance, but it was hard to determine if the Club was grandfathered in for noise or not. She said staff could look into it and get back to the Commission.

Chair Kadvany said he thought there was a quote in the Negative Declaration regarding compliance with the Noise Ordinance. He said the hours quoted there should be the operable ones.

Senior Planner Rogers said the Noise section of the Negative Declaration was looking primarily at the changes associated with the proposed actions. He said the applicant was not proposing expanded hours of operation nor was a great increase of people on the golf course expected. He said in general the Noise Ordinance was to be followed.

Chair Kadvany asked about adding a project condition that the Club must conform to the current Noise Ordinance. Senior Planner Rogers said that would require review as conditions of approval have to have a nexus with what the proposal is.

Commissioner Strehl asked the applicant if they could comply with the Noise Ordinance for their maintenance activities or if that was problematic.

Commissioner Ferrick said she supported the request for increased membership but noted the Commission has received complaints about the noise of the maintenance activities every time the Club has brought any application before the Planning Commission. She said increased membership would potentially increase use and that was a nexus to the maintenance activities noise.

Commissioner Riggs said another nexus was the applicant's presentation that the Club has good relations with its neighbors, yet some neighbors have an unresolved concern.

Mr. Rick Sussman, General Manager of the Club, said they respond to neighbors and anyone who contacts the Club about any issues they might have with operations, members or guests. He said they have never considered themselves exempt from the Noise Ordinance, noting they had met with Officer Fambrini, the City's former code enforcement officer, about six times over the past 10 years, in response to a neighbor complaint. He said they have a decibel meter and comply with the decibel level during the night and early morning as prescribed by the Noise Ordinance. He said in response to Mr. Robertson's concerns they have adjusted their maintenance to work on areas with no homes or the least amount of homes early in the morning. He said they have a lot of processes that are non mechanical in the morning, which they do first. He said their maintenance activities go all day noting that members begin playing golf at 7:30 a.m. which meant the course needed to be ready, and that was typical of the golf industry.

He said they work from 6 a.m. to 3 p.m. on the course and that they fully comply with the Noise Ordinance.

Commissioner Eiref moved to approve as recommended in the staff report. Commissioner Riggs seconded the motion and commented on an email about people rolling through a stop sign from the site. He said that police presence and ticketing there would help modify that behavior. Commissioner Ferrick complimented the Club for working well with its neighbors on resolving concerns.

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

1. Make the following findings relative to the environmental review of the proposal and adopt the Negative Declaration:
 - a. A Negative Declaration has been prepared and circulated for public review in accordance with current State CEQA Guidelines;
 - b. The Planning Commission has considered the Negative Declaration prepared for the proposal and any comments received during the public review period; and
 - c. Based on the Initial Study prepared for the Negative Declaration and any comments received on the document, there is no substantial evidence that the proposed project will have a significant effect on the environment.
2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
3. Approve the use permit revision subject to the following **standard** conditions:
 - a. The applicant shall comply with all requirements of the West Bay Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.
4. Approve the use permit revision subject to the following **ongoing, project-specific** conditions:
 - a. The maximum membership level shall be a total of 680 members, which includes members in all membership categories.

- b. Within 30 days of the effective date of this use permit revision, the applicant shall record a deed restriction on the property with the San Mateo County Recorder's Office. The memorandum shall state that the use permit limits the total membership of the golf and country club to a maximum of 680 members, with a limit of 15 percent of the Club's total revenue to be derived from non-Club functions on the site.
- c. The applicant shall continue to maintain the flashing stop warning sign and flashing stop sign located at the main driveway exit.
- d. Approve the use permit subject to the following restated conditions from the use permit approved by the Planning Commission on March 19, 2012 for recurring special events at the site, including, but not limited to, a fireworks display, children's carnival, and amplified music:
 - Development of the project shall be substantially in conformance with the plans provided by the applicant, consisting of two plan sheets, dated received March 13, 2012, and approved by the Planning Commission on March 19, 2012 except as modified by the conditions contained herein, subject to review and approval of the Planning Division.
 - Prior to the commencement of the event, the applicant shall obtain all necessary permits from the Menlo Park Fire Protection District, Menlo Park Building Division, and other applicable agencies.
- e. Approve the use permit subject to the following restated conditions from the use permit and architectural control approved by the Planning Commission on August 6, 2012 for the proposed maintenance yard and storage and use of hazardous materials:
 - If there is an increase in the quantity of hazardous materials on the project site, a change in the location of the storage of the hazardous materials, or the use of additional hazardous materials after this use permit is granted, the applicant shall apply for a revision to the use permit.
 - Any citation or notification of violation by the Menlo Park Fire Protection District, San Mateo County Environmental Health Department, West Bay Sanitary District, Menlo Park Building Division or other agency having responsibility to assure public health and safety for the use of hazardous materials will be grounds for considering revocation of the use permit.

- If the business discontinues operations at the premises, the use permit for hazardous materials shall expire unless a new business submits a new hazardous materials business plan to the Planning Division for review by the applicable agencies to determine whether the new hazardous materials business plan is in substantial compliance with the use permit.
- The applicant shall diligently work with Caltrans to obtain encroachment permits for installation of 12, 24-inch box redwood trees on the southern side of the project site to decrease visibility of the corporation yard from Interstate 280. If after two years from the approval date the applicant is unable to obtain encroachment permit approval from Caltrans for installation of the trees within the Caltrans public right-of-way, the applicant shall install the 12 trees on the subject project site in a manner the screens the corporation yard from public view to the satisfaction of the Community Development Director.

Motion carried 7-0.

E. REGULAR BUSINESS ITEMS

E1. El Camino Real/Downtown Specific Plan/Initial Review: Initial evaluation of the El Camino Real/Downtown Specific Plan, which was approved in 2012. As specified by Chapter G ("Implementation"), the Planning Commission and City Council will conduct an initial review of the Plan one year after adoption, with ongoing review at two-year intervals thereafter. This review is intended to ensure that the Plan is functioning as intended, as well as to consider the policy-related implications of various Plan aspects. Depending on the results of the initial review, potential modifications may be formally presented for Planning Commission recommendation and City Council action at subsequent meetings. Any such modifications may require additional review under the California Environmental Quality Act (CEQA).

Chair Kadvany welcomed Community Development Director Heineck.

Staff Comment: Senior Planner Rogers provided an overview of the history of the process leading to the El Camino Real/Downtown Specific Plan (Plan). He said a key objective was the establishment of a comprehensive, action-oriented set of rules for development that were clearer and had greater specificity in terms of both rights and requirements. He reviewed the public workshop and consultant development process, noting they had used visual graphics and models, and that the Commission had proactively expanded the number of public hearings to consider the Plan. He said at the draft Plan stage, the Council, acting on the Planning Commission's recommendation, lowered the façade height limit by one full story and made other changes to the upper floor controls for several of the zoning districts to address potential concerns with bulk and visual character. He said the Plan was adopted in

June 2012, and concurrently the City had initiated a Housing Element update process responding to a settlement agreement. He said the Housing Element update was certified by the state in June 2013 and the implementation of the Plan was a key policy and program in the Housing Element update. He said Stanford University in 2012 submitted an application for a project at 500 El Camino Real. He said a Council subcommittee was formed to meet with representatives from the neighborhood, the Silicon Valley Bicycle Coalition, environmental groups, Stanford University and City staff. He said their final report was accepted by the City Council on August 27, 2013 establishing requirements for a revised project proposal.

Senior Planner Rogers said that the Plan recommended that the City conduct an initial review of the Plan one year after adoption and subsequently every two years after with that review by both the Planning Commission and City Council, and incorporating public input. He said the review was to address aspects of the Plan that might not function precisely as intended, but not necessarily to reopen or reconsider everything about the Plan. He said, however, in recent discussion related to the 500 El Camino Real proposals that the Council had indicated the Plan review might consider any topic. He said depending upon the output from this meeting and going forward to the Council, there might be additional meetings. He said if changes to the Plan were recommended they would need to consider impacts to the Plan EIR.

Senior Planner Rogers said the Plan set a concept of maximum allowable development with yearly reporting on how the City was performing. He said the caps were 680 units for new residential uses and 474,000 square feet of new non-residential uses. He said development in excess of either threshold would require Plan amendment and new CEQA review. He said thus far only one application with square footage implications had been approved in the year since Plan adoption. He said that project at 555 Glenwood Avenue was the proposed conversion of a senior citizens' retirement home to a 138-room limited service business oriented hotel. He said the project was currently in the building permit application phase. He said although there was no new net construction there were some square footage estimates associated with it. He said annual net new revenues from the project were estimated as \$669,000. He said there were also three pending projects that could inform the Commission and Council's discussion, noting that 500 El Camino Real was the largest of the three. He said the other two projects had not moved forward yet. He said the approved project and the three pending projects as currently proposed would present in sum 25% of the residential uses cap and 54% of the non-residential uses cap.

Senior Planner Rogers said as the Commission considered potential changes to the Specific Plan, staff recommended considering:

- What is the factual basis for the proposed change? In particular, based on the projects that have been approved and/or proposed since the Specific Plan was adopted, why is the change warranted?

- How would the change support the total of the project objectives (Vision Plan Goals + Specific Plan Guiding Principles)? A modification may appear to enhance one goal/principle when viewed in isolation, but not when considered in relation to all objectives.
- Within the Specific Plan itself, would the change have any ripple effects for other aspects of the Plan? Many elements are interrelated, and what appears to be a small positive change in one area could have negative consequences for another part of the Specific Plan.
- Was the change previously considered during the Specific Plan development process? If so, is there substantive new information justifying the change?
- Could the change affect the Housing Element, the pending General Plan update or other City plans/projects?
- What are the resource implications (e.g., staff and/or consultant costs; general opportunity cost) of completing the change?

Senior Planner Rogers noted that staff in its review had identified several topics that might warrant formal interpretation or clarification. He said the hotel parking rate of 1.25 spaces per room might not be warranted for a limited service hotel. He said in the reviews of the 555 Glenwood Avenue and 727 El Camino Real proposals, staff identified that the proposed hotel uses for those project proposals were materially distinct from the Plan's listed hotel rate as the proposed hotel rates would not offer facilities accessible by non guests such as a conference center, restaurant bar, or independent fitness facility. He said the Transportation Manager applied a blended rate of .80 spaces per hotel room for the Marriott Residence Inn and Mermaid Inn. He said applying that rate for similar limited-service hotel uses would not require changing the Plan, but suggested that a more formal clarification in the Plan might benefit potential applicants proposing similar hotel types.

Senior Planner Rogers said another topic identified by staff that could benefit from more clarification was the rear setback under the Plan. He said depending on the orientation of a parcel it could be confusing where the rear of the Plan area was. He noted there had been confusion for the original proposal for 612 College Avenue, with regard to this requirement. He said this topic could be clarified verbally and graphically.

Senior Planner Rogers said the Affordable Housing Overlay was included in the recent Housing Element update and was applicable to the Plan area, although it had not been part of the Plan itself. He said the Plan did not have to be amended but some supporting documents would lend clarity.

Senior Planner Rogers said there was a requirement for a maximum setback to prevent a large expanse of parking or moving the building back so much it lost relationship to the pedestrian space. He said there were also requirements for building breaks and recesses that would help prevent a monolithic or continuous line. He said some applicants and public members had mentioned when looking at maximum setback in isolation that this prevented the recesses and public plazas required under the Plan. He

said that was not the intent and some case studies and diagrams would help clarify. He said that staff thought such clarification could be accomplished without changing the Plan and expected that such an interpretation/clarification memorandum would not require CEQA review.

Senior Planner Rogers said modest changes to the Plan would be those that were primarily text-based and would not revise fundamental principles. He said for instance that a use currently designated as permitted could be changed to conditionally permitted. He said such changes would require some level of CEQA consideration and could potentially occur within an approximately three-to-five month timeframe. He said the City Council could implement a moratorium to preclude any action on proposals while the Plan changes were under review but staff did not think that would be necessary for larger and more complex projects requiring greater analysis as that would effectively limit the City's ability to act on such proposals before the modest Plan revisions were completed. He said smaller projects could proceed if there were not a moratorium.

Senior Planner Rogers said major modifications to the Plan would include changes to the graphics or the core principles of the Plan such as modifying the height or the floor area ratio, massing modulations, or redrawing the boundaries of the Plan area. He said that such revision would likely require graphics and potentially additional environmental review. He said something like this should be conducted using the iterative, public process that was followed to develop the Plan. He said this would take between six and 12 months to complete, at a minimum, and would likely affect other plan or projects with regard to staff, Commission, and Council resources. He said a moratorium would be much more necessary to consider with such changes.

Senior Planner Rogers said the staff report noted that Commissioners Onken and Strehl had individual conflicts of interest with regard to aspects of the Specific Plan that would uniquely apply to certain geographic areas. He said those Commissioners could take part in discussions and recommendations limited to regulations that would apply only to other geographic areas than those in which they have a conflict of interest.

Chair Kadvany made a short presentation outlining the proposed structure and focus of the meeting. He noted the Commission was being asked to consider all of the input received and if necessary they would hold multiple meetings to do that. He said most likely the focus would be El Camino Real because that was where the applications had been and interest was, but they should also address the downtown part of the Plan. He emphasized careful consideration of any recommended changes within the framework of the interdependencies of the Plan and outlined general topics for consideration.

Commissioner Bressler made a short presentation showing buildings with various setbacks along El Camino Real from Redwood City to Palo Alto. He noted vacant property owned by Stanford University along El Camino Real in Palo Alto. His general

comments related to larger setbacks allowing for more landscaping and minimizing bulk and the impact of larger buildings with just a 10-foot setback as allowed under the Plan.

Commissioner Eiref said he had listened to the Council's review of the Plan and specific areas indicated by that body for consideration included bulk and height, plaza working group, and traffic cut through studies.

Commissioner Strehl recused herself from Public Comment noting she could not participate in any discussions on anything east of El Camino Real.

Commissioner Onken said if any of mention was made about Stanford University that he would need to recuse himself.

Public Comment: Mr. Charlie Bourne, Menlo Park, who it was noted had donated time from Mr. Stu Soffer, said he would mention Stanford University. (Commissioner Onken recused himself.) Mr. Bourne said the Plan was working as intended as it was inviting developers to redevelop or fill empty sites along El Camino Real. He said the City however was offering too many gifts upfront to the developers and the City faced a rush on its finite collection of transportation capacity, village look and feel, quality of life, and resident good will. He said the City needed to cut back on the gifts before it bankrupted itself of the assets he mentioned. He said because of past City decisions and forces beyond the City's control, they already have more traffic than desired. He said the 8.4 acre, 500 El Camino Real project was forecasted to reduce levels of service for El Camino Real and other streets but its contribution to the Transportation Impact Fund (TIF) would not provide immediate or long term relief to residents. He said in the past year, 389, 1460, and 1706 El Camino Real projects began construction for office, medical office and housing projects. He said there was now the announcement of projects for another 10 acres or more of projects on or near El Camino Real to provide the same total numbers as the 500 El Camino Real project in regard to traffic. He said the combined Cadillac and Derry project was more than seven acres, Roger Reynolds Nursery project was at least three acres, and the Park Theater. He said that did not take into account the Arrillaga project of 4.3 acres of towering office and theater complex in Palo Alto at 27 El Camino Real. He said the 500 El Camino Real project and other proposed projects put a heavy emphasis on office and associated jobs but with little housing provided. He said the Plan has introduced an unintended and detrimental consequence of an increasingly unfavorable jobs/housing balance that would lead to ABAG demanding more housing than the City's already built out City and with little support for the City's schools, services and other infrastructure needs. He urged the Commission and Council to amend the Plan to greatly reduce the traffic impact and jobs/housing imbalance in the City. He said the revisions to the Plan must consider the combined impact of all of the projects not just 500 El Camino Real. He suggested remanding the Plan and starting over with what they had learned from this process for a review of the City's General Plan. He said if that was not done he suggested revising the Plan to put more emphasis on hotels and housing and less on office space. He said they should remove the 500 El Camino Real project from the Plan

area and treat it as a separate project. He suggested they reinstate the old City standards for the number of parking spaces required for different activities such as housing vs. medical offices. He said they should continue the need for independent EIRs for major projects. He said the City should delay recommendations until there was an opportunity to review and discuss the results of the recently commissioned traffic study associated with the 500 El Camino Real project.

Ms. Lynore Banchoff, Menlo Park, said she was interested in architectural context, livability, in the next generation, noting her family also lives in Menlo Park. She said the Plan for the southeast side of El Camino Real was an abstraction on paper but translated into three dimensions it allowed the massive construction of buildings up to five stories high. She said it was inconsiderate of community values reflecting their history and village character and the priority of the point of view of its residents. She said the scale of the Stanford theoretical plan denied the nature and spirit of their community and its streets and it needed to be modified. She said Menlo Park was appealing in its scale, which appeal was reflected in its investments in education, recreation, housing and safety of its residents. She said that planning had to give precedence to the quality of life on all those levels and there needed to be a blending of the established neighborhoods and new development.

Mr. George Fisher, Menlo Park, said residents were looking to the City to amend the Plan as that was the only way to get any kind of reasonable control over the proposed Stanford project and other projects on El Camino Real. He said otherwise the City's only control was architectural control, which was look and feel only. He said there should not be such a larger, free base ratio to build and noted this had changed in the Plan area from .55 to 1.5 without any controls. He said the Plan needed to be amended because of changes. He said the Fiscal Impact Analysis (FIA) for the Plan was developed during a severe economic global downturn. He said that has changed dramatically and project development was occurring within the Plan and outside of the Plan area and the City did not need to give away that space without control. He said the Stanford project was too big and only 10 feet back from the property line. He said open space included private patios and that needed to be changed. He said Ms. Patti Fry suggested certain categories to change noting those were outlined on page 3 of Ms. Fry's report. He suggested the Commission look at the specifics mentioned by Ms. Fry and let those stand on their own rather than allow developers to make payments to the City to allow elements that otherwise would not be allowed.

Ms. Susan Connelly noted she was a member of the Nativity Parish and that in doing a history book on its 104th anniversary found it notable that throughout the years, people in the community have done the right things to protect its vibrancy, interactions and a great quality of life. She expressed her great care for the future of Menlo Park. She said she agreed with the comments made by previous speakers. She said her concern was that massive buildings could not be undone. She said other concerns were the safety of children and impacts on schools. She said the process for the Plan development had been flawed from the beginning. She said consultants had redirected

comments made by residents at the public workshop and had not put those comments on the board. She said the Plan had not factored in the community and was compromised by special interest groups and a conflict of interest with unsaid Stanford University influences. She said it was incumbent upon residents, taxpayers, and members of the community to stand up to staffers who have different objectives. She said their objectives were to build and to grow. She said she was not against growth and revitalization but it had to be done intelligently and with an eye to the impact on infrastructure, traffic and quality of life. She said the Stanford project and other projects being lined up were too massive in size and would have a ripple effect impact on traffic, schools, infrastructure, open spaces, jobs, and everything. She said projects had to be at a livable size and the Commission was being handcuffed by the Plan.

Mr. Stefan Petry, Menlo Park, said his concerns were traffic, impacts of cut through traffic, and preventing out of scale projects incompatible with Menlo Park's village character. He said the staff report indicated that his comment about out of scale projects was subjective and a personal preference. He said similarly so was the desire for larger, more city-like buildings. He said however there were not many villages that have four to five story buildings. He said most of Menlo Park's existing buildings along El Camino Real were one to two stories high, some higher but on an average the height was two-stories or 30 feet in height. He said five stories would be up to 60 feet in height and that was out of scale and twice the size of what was there now. He said if in the future all of the buildings were five stories along El Camino Real that would significantly change Menlo Park's character. He said he had not encountered any Menlo Park residents for whom this size building was a good thing or desirable. He asked the Commission to consider in its deliberations to limit the size of a project based on its trip generation so as to not allow more traffic than an all housing development equivalent. He suggested job housing neutral development – that all of the employees of a commercial development could theoretically live at the same site. He suggested reinstating a public benefits process and negotiations for larger buildings to provide public benefit.

Mr. Jamie Morgan, Menlo Park, said he was a supporter of multiple modes of transportation, and that they could learn from what was done with the Facebook campus project, noting increase in density was granted with a trip cap. He said decreasing the density in the Plan would be a step backwards and increasing density was the best thing they could do for the environment and getting people out of cars. He said the reason there was not enough public transit was the lack of density in today's current buildout. He said the concern about the Stanford project was not the density so much as the traffic as well as it being all office space and the City needed more housing. He said housing was not as profitable for developers. He said he would like the Plan to have trip caps, parking reduction, for development to take advantage that it was on the Caltrain corridor, and include public benefit noting he would love an undercrossing of the train tracks between Willow Road and Middle Avenue.

Mr. Mike Lanza, Menlo Park, said he would love to add density and have zero impact on traffic, but he did not see how that was possible. He said most saw density as a proxy for traffic. He commented that the residents were pretty unanimous in their concerns that increased density was increased traffic but felt the City was not listening and moving forward anyhow. He said “anchoring” occurred when individuals use an initial piece of information to make subsequent judgments. He said the City government has the current Plan as the anchor. He said he and other residents’ anchor is what El Camino Real was today. He said they kind of like El Camino Real but it has too much traffic and congestion. He said the residents hate the City’s “anchor.” He said it was a bad specific plan. He said there were some squalor caused by empty lots on El Camino Real but questioned the need for five-story buildings to solve the squalor problem. He suggested getting rid of the Plan as it did not solve problems the residents cared about but rather exacerbated them.

Ms. Cherie Zaslawsky, Menlo Park, said the Plan had been controversial since the beginning as it represented a radical departure from City’s General Plan and Zoning Ordinance. She said Stanford’s gargantuan project was staring them in the face and they could now say with assurance that the Plan was a mistake, and it did not serve the community’s interest. She said rather than try to tweak it or amend it that the Planning Commission should recommend the Plan’s repeal to Council, and return the City to the time-tested sanity of their General Plan. She said the Plan wreaked havoc with both the El Camino Real corridor and the downtown business district. She said for her neighborhood in the downtown that the Plan called for removing 90 on-street parking spaces. She said killing parking killed retail. She said a bad plan was still a bad plan regardless of the amount of time or money that was spent on it. She said City staff was going to amend the General Plan to make it consistent with the Plan. She said they lacked the funding, infrastructure and schools to even come close to accommodating the increased population that high density would bring let alone the ability to handle its huge traffic increases. She said the solution was to scuttle the Specific Plan.

Ms. Elizabeth Houck, Menlo Park, said she and her family moved to Menlo Park in 1965. She said Middle Avenue where they lived would be overrun with traffic from the Stanford project, the new Children’s Hospital, hospital, medical center, and medical school not to mention the project on El Camino Real near MacArthur Park. She said residents do not trust staff, the Council, or the subcommittee. She said the residents need the City to protect them, their water. She said the Bohannon development project took up 10% of all future water development rights in Menlo Park. She asked where water rights fit into the EIR for the Facebook project. She said that traffic was such that people were afraid to get out of the cars and travel by bike. She suggested not allowing the combination of Stanford’s four adjoining parcels into one parcel. She said that would create greater separation between buildings. She said the Plan was based on hotel and retail and there was neither in any of the development plans being considered or about which there was speculation. She said there had to be an EIR for projects and that the effects of the traffic, smog and pollution on her health were profound. She said six lanes of gridlock traffic on El Camino Real with cars idling was equal to freeway smog and pollution impacts and greatly increased the incidences of asthma. She

questioned LEED silver or equivalent. She said that was the big problem with the Plan with the traffic caps and desired higher density that there were no measurements to put into place that they could fight against noting that Stanford has exceeded its car trips in Santa Clara County. She said through the Plan process she has not heard what would be the best and greatest purpose for the land they have in Menlo Park. She said they were losing their tech center to the Bohannon development and that parking plazas should be going underground and parks and open space above ground in the downtown. She said there were two simple ways to fix the Plan: any project over any previous plan zoning should require a project specific EIR and a development agreement.

Mr. Steve Pierce noted he grew up in Menlo Park, was educated as a city planner and was now involved in land development. He said specific plans were created to provide some certainty for a community about development. He said the City's Plan had developed from two to over 300 pages to define what the City wanted. He said a specific plan also provided certainty for the developer and the business person, and fostered a desire to invest as it obviously reduced risk. He said his company would not have become involved with the Derry Cadillac site if it had not been for the Plan. He said regarding the question of amending the Plan that they needed to identify its flaws or if it had failed in some way. He said some would say the Stanford plan was that proof. He said there were legitimate concerns with that project but that page nine of the staff report indicated that there were tools within the Plan necessary to control many of the issues with that proposal about design, bulk, mass and height. He said traffic was a big concern but there would be additional environmental review, and importantly not just review and analysis but mitigation that would be required. He said if they decided the Plan was flawed and needed amendment there were consequences of doing that. He said it was suggested to make everything discretionary. He said that was not a specific plan as there was no certainty for the community and the developer. He said there were clarification issues brought up and they supported clarification. He said there were major and minor amendments mentioned by staff. He said there were implications that these might affect other plans within the City. He said the primary issues would be potential delays and messages it sends out to the community and beyond. He said if the Commission recommended to Council that major elements of the Plan needed amending there would be studies, staff reports, public outreach, more hearings, and CEQA review. He said staff estimated that would take up to six months. He said in his experience it would be double that amount of time. He said their project was going through the environmental process at full speed and they expected to be done by 2017. He said with an amendment to the Plan and incumbent reviews that could then extend to 2018 or 2019, and when the economy softens, as it does cyclically, they might be in a position of having to mothball the project. He said there was a considerable amount of risk for developers with all of the delays involved. He said for those who wanted to invest in the City the goal post was being moved and it might keep moving with reviews at two and four years. He said that was a bad message to people who might want to invest a large deal of money and effort as it said the City was not a good place to invest.

Ms. Adina Levin, Menlo Park, said one thing that came to attention was the insufficiency in the Plan to pay for needed infrastructure such as the undercrossing at Middle Avenue. She said Stanford would now contribute some funds toward that but it had taken a very non-standard and painful process to get there. She said making public benefit more predictable should be part of any changes to the Plan noting that Ms. Fry had some good suggestions. She said Mr. Fisher indicated that balconies were considered open space which defied common sense. She said Ms. Houck questioned if a driveway could be a plaza. She said the jobs/housing balance was something they learned about through the Housing Element process and being insufficient in housing was painful. She said there were people who supported housing in the Plan area and there should be a way to leverage the larger properties to build housing. She said she agreed with Ms. Houck's very passionate concern about the impacts of traffic on her quality of life but there were ways to deal with traffic other than cutting back to the previous zoning. She said Stanford University had released their traffic demand management plan noting when they had been put under a trip cap in the early 2000's they had 75% of their employees drive to work and that was now decreased to 40%. She said the number of their parking spaces and greenhouse gas emissions have gone down. She said they saved a hundred million dollars in un-built parking structures and that would pay for many shuttles to the train station, transit passes and carpool programs. She said SRI has only 50% of the expected suburban traffic because they have good use of Caltrain and great use of bicycling. She said in the year since the Plan was developed an escalating trend was cities having a program to which multiple developments could pay into to provide transit incentives. She asked that they consider a mechanism for multiple developments to pay into to provide transit passes, shuttles and carpool programs so Menlo Park could accomplish the performance shown by Stanford, Facebook, Google and other cities. She said regarding quality of life and village character that she lived downtown and walked and biked to a number of services she uses. She said El Camino Real was essentially a 50-mile strip mall and she did not feel that was a village.

Mr. Michael Tevis, Atherton resident who has an office in Menlo Park, said he was in favor of the Plan. He said people do not like change but he recommended and supported the efforts of staff, the Planning Commission and the Council to stay the course. He said the people who oppose tend to come out in force whereas those who support typically do not. He said people feel emotion and they do not want change, and it was human nature to not want things in their backyards, and people do not want traffic. He said he thinks the same people were also asking why Santa Cruz Avenue was anemic, why there were vacancies and stores turning over, and what about the blight on El Camino Real. He said the Plan was a five years in the making, intelligent and well thought out plan. He said he had never heard of a scenario where a City was as careful as Menlo Park in a planning process. He said there could be some tweaks and changes. He said the comments in his letter were to provide more incentives for dense residential development, provide mechanisms for a developer to get to the density bonus through below market rate housing, provide added incentive for work force and city employee and staff housing. He said density was the way of activating an

urban area within half a mile of a train station. He said consistency in the rules was needed by developers. He said if you buy land and the rules change a year after you bought the land that investors would not continue to invest with you and lenders would not lend. He said they could push back on Stanford for more residential but asked that the City not pull the rug out from under them.

Ms. Sandra Bardas, Menlo Park, said she lived on Hoover Street, one block west of El Camino Real, and that she has enjoyed the increasing density on her street as it has become a friendlier community. She said she found noticeably absent any consideration of the impact of high speed rail on the Plan noting that a 50-foot setback would not be possible with the potential of a 70 mph train rolling by every hour.

Mr. Steve Elliott noted he was using time from Mr. John Donahoe. He said he represented Stanford on its property on El Camino Real in Menlo Park. He urged the City to maintain the Downtown/El Camino Real Specific Plan and to remember and respect the years of effort, extensive citizen involvement, countless hours of staff, Council, and Commission time, and thousands of pages of reports and studies that resulted in the final Plan. He said the Plan was not flawed but the execution of the Plan over the past year had been sidetracked. He said the citywide effort and extensively debated conclusions that went into the creation of the Plan were being ignored in favor of an opposing position on development. He said the debate over their project proposal and the Plan as a whole were considered during the Plan process. He said density height, fiscal issues, traffic, and public benefit were all studied and debated by all involved at the time and decided upon by the Planning Commission and City Council. He said that no zoning was perfect but the Plan allowed for input and making a project like theirs better was an important element of the Plan. He said that was not what the objection to their plan was. He said after they added housing, eliminated medical office, reduced total office square footage, redesigned and reduced the heights of the office buildings, agreed to participate in the funding and planning of the bicycle/pedestrian tunnel, and agreed to continue to work with the City on the design of a Middle Avenue plaza as requested by the community, Planning Commission and the Council, there will still some opposed to their project. He said some in the community wanted low density development along El Camino Real. He said that had been thoroughly debated during the preparation of the Plan. He said low density along El Camino Real was the past and was why there were vacant lots.

Ms. Gita Dev, Menlo Park, Sierra Club Sustainable Land Use committee, said the Sierra Club supported the Plan because they supported density around transit stations and lines with the benefit of preventing a sprawling developed area. She said taking 1% of the City to save the neighborhoods that residents loved was an approach that would support public transportation as well as provide the housing options that the more diverse population needed, including young people and seniors. She said the City has a court ordered housing element and if changes were proposed to the Plan to insure those did not impact the Housing Element effort. She said there was a 1.8 to 1 ratio commitment in the Plan for jobs/housing and there should be more ways to increase

housing in the Plan. She said the Stanford project was not even close to the job/housing ratio and said the City should push for more housing along the Grand Boulevard. She said there was nexus between infrastructure that was needed and any development. She said an infrastructure fee should be imposed and that should be part of the Plan. She said the City's Climate Action Plan was adopted and the Specific Plan needed something to mitigate traffic. She said there were ways for people to reduce traffic downtown.

Ms. Fran Dehn, Menlo Park Chamber of Commerce, said there was an exhaustive process that led to the Plan, and as specified in the Plan, this was an initial review of the Plan. She said the extensive process defined the City's vision for downtown and El Camino Real and satisfied a major goal of any planning exercise to provide predictability and continuity in the processing of applications for both developers and the City. She suggested they embark on this initial and substantive review with a philosophy of clarification, refinement and articulation that would allow the embedded and approved processes to work such as public study sessions, architectural review, or trial implementations. She said those elements provided balance and modification as needed.

The Commission recessed for a short break.

Chair Kadvany reconvened the meeting.

Commission Comment: Chair Kadvany said he and Vice Chair Eiref would list topics of speakers' comments:

Charlie Bourne: traffic, cumulative growth, impact of projects outside of the area, jobs, housing, starting over and use old parking standards, FIA and hotels, jobs/housing balance, remove the 500 El Camino Real project from the broader process.

Lynore Banchoff: architectural context, livability, recognition these were permanent projects, consider future generations, and scale.

George Fisher: control of larger projects, consideration of lower FAR, and current economic conditions, 38-foot façade and three stories, that look and feel was the only factor under the City's control for projects.

Susan Connelly: protecting the quality of life, future benefits, permanent qualities of projects, consideration of scale, and role of Planning Commission.

Stefan Petry: traffic, cut-through traffic, several recommendations to maintain village character based on size considerations, 100% housing equivalents with traffic, job/housing neutral and reinstate public benefit to limit height.

Jamie Morgan: pro-density needed to support more effective traffic demand management.

Mike Lanza: opposing perspective on density, densification was proxy for traffic, no added traffic, and City too anchored to Plan and needed to break away.

Cherie Zaslawsky: generally critical of Plan, scuttle it and bring back General Plan, certain aspects of downtown and infrastructure, and removing 90 parking spaces downtown.

Elizabeth Houck: Middle Avenue in particular a hot spot for traffic, possible health effect associated with increased traffic, questioned relevance of EIR, how LEED standards were measured in terms of their outcome, concerns of trust with City and process; do not let parcels at 500 El Camino Real be combine and look at financials in the Plan and need for hotel.

Steve Pierce: planner now developer and advising City to be cautious about changing the Plan significantly because of the increased or perceived risk for developers looking for certainty the length of time to develop a project.

Adina Levin: infrastructure and mechanism to pay for, definition of open space, role of jobs/housing, more aggressive traffic management, character created by a dense urban environment, way for multiple projects to pool money to pay for transit passes and other incentives under a traffic demand management program.

Michael Tevis: developer commenting on difficulties of going through changes for individuals; stay the course, more incentives to motivate developers to develop housing, and providing vision of new models of urban life in the Bay area.

Sandra Bardas: Impact of high speed rail on Plan.

Steve Elliott: Plan and process are working, certain views being exaggerated of their import; pointed comments related to the choice made by the Plan for high as opposed to low density, and what it takes to get benefit out of the Plan.

Gita Dev: Supportive of density, raised concerns about causing problems with the Housing Element requirements, incentivizing developers to get what wanted such as housing, ideas for funding infrastructure; meeting goals of climate action plan, and jobs/housing balance of 1.8/1.

Fran Dehn: To consider all that has gone into the Plan in terms of thought, diligence, detail, consideration of options, what's built there now, and allow processes in the Plan to work their course.

Chair Kadvany provided an outline of topics including types of changes, addressing traffic and mobility, Middle Avenue Plaza, public benefit, infrastructure, and downtown.

He said under the Plan they could change parameters such as floor area ratio, building heights, setbacks, density, and use; look at thresholds affecting the process: He noted public comment to change process and introduce some oversight and the question of whether a Plan moratorium was useful or needed.

Commissioner Bressler said the Plan was intended as the City's vision for development and as such there should not be resistance to development in the Plan area. He said that was not what was happening. He said through thinking about this over the past few months he believed that discretion as mentioned by one of the speakers was what was needed. He said that would cover look and feel of the building beyond what was considered under architectural control. He said they could just lower the density bonus to the previous "by right" amount and anything that was desired to be built that went beyond "by right" would require a development agreement and public benefit. He said developers might not like that but what they had in the Plan now has not worked. He said as it stood there would be future battles related to development in the Station area as allowed under the Plan noting existing dissatisfaction with office use development. He said these things should be on the table for negotiations.

Commissioner Riggs said he supported the Plan because it put controls on vacant and clearly underused lands. He said in reality vacant land in the downtown was most likely to be developed and very unlikely to be designated as park or open space by the property owner. He said that was why he wanted to see controls and rules on development that could not be impacted by changes in the membership of the City Council. He asked about the concern that under the Plan there would be five story buildings at the edge of El Camino Real particularly at 500 El Camino Real.

Senior Planner Rogers said the Plan had two height requirements. He said the façade height was the height at the public edge of a building. He said behind that additional height was permitted but stepped back at a 45-degree angle so it had less of a shadow impact and presence. He said the Redwood City "no" example was a five story façade height. He said at the closest edge for office commercial building proposed at 500 El Camino Real it would be a maximum two-story height and for residential it could be up to three stories at the street edge. He said two-story height could be up to 38-foot reflecting the more modern building plate height demands.

Commissioner Riggs noted a project at 662 Santa Cruz Avenue he had worked on that was 36 feet with the screening above the building. He said this was helpful to put height into perspective. He said he had several things he would like fixed in the Plan but would not want to spend time talking about things that many people had no problem with.

Commissioner Eiref said he was interested in Commissioner Bressler's comments related to what was done before and the trigger now. He said it might not change the envelope at all but wondered at what point the City has negotiation position. He said he was very interested in housing/office balance and thought that was an area on which they might see consensus. He said the Housing Element had not really been discussed during the planning process for the Plan. He said interesting to him related to the issue of traffic was the number of large projects discussed over the past year noting Palo Alto, Stanford Medical Center, and SRI. He said a precedent set with the Facebook project, which he considered an innovative project, was to set a traffic cap with the condition of paying the community if the cap was exceeded. He said lastly he wanted to discuss financials for the City. He said there was little discussion around the FIA done for the Plan with most of the discussion having been around the EIR. He said the FIA that was completed in 2011 stated that buildout of the Plan was projected to create \$2.17 million to the general fund. He said 60% of that projected revenue was from transient occupancy tax (TOT) from hotels. He said without the hotel component there could be a negative fiscal impact from the Plan buildout.

Commissioner Onken said he had not participated in the drafting of the Plan but generally with such planning the resultant plan had to be constantly understood and reinforced. He said the problem was always the first project to come under such plans. He said with the diagrammatic and master models perhaps they could have some computer model within the Plan to show how the Plan area was being or proposed to being built out. He said the Plan has a very clear architectural vision some of which might be too much or too little in places but the visioning was a pedestrian friendly urban dense place that was good to live in and would be a far improvement to El Camino Real, nothing of which currently was precious at all to him. He said they would see it built piecemeal over the next 20 to 25 years and they would never be built out 100% to what they expected it to be. He said he supported keeping the Plan but really focusing back on what the original vision had been as opposed to the nuts and bolts of it.

Commissioner Ferrick said one of the original goals was the east-west connectivity. She said there were some elements in the Plan for that connectivity but no mechanism to get the funding needed. She said she would like to see those happen particularly the bicycle/pedestrian undercrossing at Middle Avenue. She supported the idea for an infrastructure fee for some of these larger projects as suggested by Ms. Dev so the City could get some of those public property goals funded. She said they could possibly revisit the FAR for public benefit level but she did not think they should revisit the building parameters themselves. She said however she did not recall anything about a 20-foot maximum front setback being established in the Plan. She said related to the desired density and traffic that at least two speakers had raised the concept of a citywide traffic demand management plan shared by businesses. She concurred with other speakers that the City needed to define the plaza as she would never have thought it could be a driveway or ingress/egress to a building. She said she also concurred with speakers that private balconies were not open space. She said her

primary interests were east-west connectivity, infrastructure funding, and traffic demand management.

Replying to Chair Kadvany, Senior Planner Rogers said the 20-foot maximum setback concept came up during the visioning plan walking tours, as El Camino Real currently has an inconsistent building setback, with many parking lots adjacent to the sidewalk. He said the feedback from the walking tours was put into Chapter B of the Plan and included questions about what the walkers liked downtown and how the space felt on El Camino Real related to building form change and its relationship with the pedestrian. He said one of the findings was that a fairly consistent definition of the building edge was needed otherwise it was less interesting for the pedestrian/bicyclist/driver.

Commissioner Ferrick said the walking tours were six years prior and she recalled those but the setting of the 20-foot maximum setback along El Camino Real meant plazas would need to go all the way through the property rather than be located at the front. Senior Planner Rogers said there were requirements for breaks that had to be fully separated but also requirements for recesses in which activities might be nestled. He said they have had discussions in the abstract about the feared outcome of that but there has not yet been an opportunity to consider practically what would happen when the requirement for the maximum setback pushed against the requirement for a break. He said it was an issue but they had not really been able to work through it on a project basis.

Chair Kadvany said regarding building parameters that he was okay with the general numbers in the Plan but questioned what happened to those numbers when applied on a larger scale than they were used to in the past. He said that as things got bigger those effects were not just linear noting at some point more discretion was needed. He said he did not think anyone could understand fully the implications of the rules with many large sized projects. He said the consequences of density such as traffic were a concern but he supported dealing with traffic aggressively. He said if the City was serious about needed housing they should have just said that was what was needed. He suggested putting more incentives for housing. He also asked about the absence of retail use. He said vibrancy was the way the economy and people come together in public space. He said village character seemed the wrong term for El Camino Real but thought human scale was a better term for what was desired on El Camino Real. He said they needed more oversight to enable the City to get its desired outcomes. He noted they learned hard lessons in the first project that came through in that if just the rules were followed there would not be those outcomes desired at a level of excellence. He said they have a chance to do that as nothing has been built yet.

Commissioner Riggs said that out of scale in terms of city planning was not just a zoning issue as scale was visual. It was the bulk of what was seen, how high the wall next to you was, the style, the context and whether it fits with the building on either side. As an example, he noted a building in Palo Alto that appeared to be two stories at the street but in walking through it you discover it's actually four stories. He said

architectural control was significant. He said downtown where they wanted vibrancy still had vacant lots. He said vibrancy was people on the streets. He talked about traffic in terms of businesses that want more traffic. He said they could provide good transit alternatives when there was density.

Commissioner Onken asked about the housing overlay in the Plan and if that was clearly integrated with the Housing Element. Senior Planner Rogers said the job to housing balance could mean different things. He said regarding environmental impacts that those were analyzed in the Program EIR for the Plan. He said the overall concept was that the Plan area would see an improvement in the jobs/housing balance relative to both current conditions and projected long term conditions for the City. He said sometimes when people say jobs/housing balance they were thinking with concern of impacts to the Housing Element. He said there was a perception that by approving a certain amount of commercial development that would come back directly to the City in a future Housing Element cycle. He said they had looked at the housing needs assessment process critically and it was fairly opaque, but information received clearly indicated that there was not a direct one-to-one correlation between a commercial project and future housing needs allocation. He said that was because there was no certainty about people working in the city where they work, and if they did, that they would continue to do so. He said from the City's perspective the Plan was a component in meeting the Housing Element. He said if the concern was for a future Housing Element cycle, staff did not see the need for a change in the Plan.

Commissioner Ferrick said she wanted any modifications they might recommend very modest because of the implications, noting they have only had one approved project and wanted to give the Plan enough time. She said she would like additions that would help accomplish bicycle and pedestrian improvements. She said they might want to revisit the threshold for density and public benefit to reduce the trigger somewhat.

Chair Kadvany said in the Plan there was only one threshold. He said most projects have architectural control, but much was intended to be automatic. He said the threshold for public benefit only involved FAR and density. Senior Planner Rogers said there were two districts where height could trigger public benefit. Chair Kadvany noted that developers want certainty but the City also wanted certainty with the project outcomes.

Commissioner Riggs said during consideration of the Plan there had been extensive conversations about the public benefit threshold so much so that it crowded out a desire of his and Commissioner Bressler to get public benefits that were defined. He said the FAR as discussed had ample input. He said there were two issues related to FAR – you have to build enough to be a successful project for you to see profit and to get loans from lenders. He said financially the project has to work and if there is uncertainty lenders see that as a risk. He said he wanted a Plan that did enough to provide certainty for both the City and the developers.

Commissioner Ferrick said the only revisiting of the threshold she wanted was to get the amenities for bicyclists and pedestrians and east-west connectivity. She said to keep that certainty she did not want to change the building envelope but to have the goal to fund those improvements. Commissioner Riggs said he supported a fee for what the City wanted.

Commissioner Eiref said the highest square footage rate of anywhere in the country was on Lytton Street in Palo Alto. He said property in Menlo Park was valuable. He said to get funding for the improvements mentioned by Commissioner Ferrick could be determined by where they put the negotiation point into the planning process.

Commissioner Bressler said the cutoff point triggers the negotiation process and provided the opportunity to have in place an agreement with a trip cap, an opportunity to get real retail, more flexibility and power to negotiate and what has happened so far showed the need for negotiation.

Commissioner Eiref asked about the threshold in the previous zoning for negotiating for public benefit and what the base was compared to what it was now. Senior Planner Rogers said that was in the EIR responses. He said in some ways the discussion about public benefit thresholds and building envelopes was somewhat backwards as the question was what kind of community was wanted. He said if a lower envelope was desired that should be described.

Chair Kadvany said they have necessary but insufficient ways to get the end goal noting that developers do not want to do retail. He said there were three specific plans within the one Plan and it was a massive amount to understand and deal with at once, and the first project under the Plan revealed challenges.

Commissioner Ferrick suggested as it was late to take some votes on general areas relative to the discussion on the Plan and possible recommendations on amendment. Discussion ensued for the most part on the first project to come forward under the Plan, the 500 El Camino Real project.

Commissioner Onken thought it was important to future discussion on the Plan that the Commission should indicate whether it should recommend keeping the Plan or not. He made a motion to recommend suspending the Plan for a minimum of a year. There was not a second, and the motion died.

Chair Kadvany suggested topics for “straw” votes including building parameters and envelope, use and control. He asked about continuance. Senior Planner Rogers said the Council expected the Commission would need a couple of meetings to fully discuss.

Commission Action: The Commission did not take any formal action, but did take the following informal (or “straw”) votes, with the intent of guiding future discussion:

1. “Leaving aside the question of control/uses, do you believe the Specific Plan’s overall building parameters (e.g., FAR, densities) are generally acceptable, with the potential for some interpretations or refinements?”

Commissioner Ferrick asked if that included private balconies as open space. Chair Kadvany said that was a finer detail than what they were now considering.

Commissioner Strehl asked if this was in general. Chair Kadvany said it was generic to the Plan.

Commissioner Bressler said if the developer was allowed the maximum envelope they would need to have a project review. Chair Kadvany said they would have a “straw” vote on that separately.

Result: 5-0 in favor with Commissioners Onken and Strehl abstaining for recusal.

2. “Do you believe another form of project control is needed to achieve the Plan’s valued outcomes, above and beyond the current Architectural Control and Environmental Review requirements?”

Commissioner Bressler said there should be control to make sure the City gets built what it wants built. Commissioner Riggs said that was the architectural control. Chair Kadvany said in addition the question was whether architectural control was sufficient. He said if individual Commissioners felt more control was needed they should vote “yes,” and if not, “no.”

Result: 4-3 in favor with Commissioners Onken, Riggs, and Strehl in opposition.

Commissioner Ferrick said her concern was that the important elements to the success of the Plan were not funded.

3. “Do you think additional review of, and potential revisions to, the Plan’s use regulations is warranted?”

Result: 7-0 in favor.

The Planning Commission will continue this discussion at the September 23, 2013 meeting and potentially at the October 7, 2013 meeting.

F. COMMISSION BUSINESS

There was none.

ADJOURNMENT

The meeting adjourned at 11:53 p.m.

Staff Liaison: Thomas Rogers, Senior Planner

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on October 28, 2013