



## **PLANNING COMMISSION MINUTES**

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

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**CALL TO ORDER** – 7:03 p.m.

**ROLL CALL** – Bressler (arrived 7:05 p.m.), Eiref (Vice Chair - absent), Ferrick, Kadvany (Chair), Onken, Riggs, Strehl

**INTRODUCTION OF STAFF** – Deanna Chow, Senior Planner; Rachel Grossman, Associate Planner; Arlinda Heineck, Community Development Director; Kyle Perata, Assistant Planner; Leigh Prince, City Attorney; Thomas Rogers, Senior Planner

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

#### **A1. Update on Pending Planning Items**

El Camino Real Lane Reconfiguration Alternatives Analysis RFP – City Council –  
October 1, 2013

Senior Planner Rogers said he had not gotten an update on the City Council's October 1 consideration of an RFP for the El Camino Real Lane Reconfiguration Alternative Analysis, but believed the Council had agreed to move forward. He said he could update Commissioners individually.

Senior Planner Rogers said also on October 1 the City Council moved forward on a proposal by Vice Mayor Mueller to investigate forming a small business or similar commission for the City. He said there would be two public meetings this month related to the SRI Campus Modernization Project Burgess Drive reserved future right of way with the Transportation Commission on October 9 and the Bicycle Commission on October 14.

Chair Kadvany noted that Commissioner Bressler had arrived.

### **B. PUBLIC COMMENTS**

There were none.

### **C. CONSENT**

There were no items on the consent calendar.

## D. PUBLIC HEARING

**D.1 Use Permit/Jill Buathier/1900 Santa Cruz Avenue:** Request for a use permit to demolish an existing single-story, single-family residence and detached garage, and subsequently construct a two-story single-family residence with an attached garage on a substandard lot with regard to lot width in the R-1-U (Single Family Urban Residential) zoning district. One heritage glossy privet measuring 23 inches in diameter is proposed for removal as part of the project.

Staff Comment: Planner Grossman said there were no additions to the staff report.

Public Comment: Ms. Jill Buathier, property owner, said she has lived in the home approximately five years. She said the home was built in 1948, has 1,080 square feet of livable space, and was somewhat in disrepair. She said they believed the best thing was to demolish the home and rebuild.

Mr. Nate Hodges, Menlo Park, said he owns a home near the applicant and that the plans were supportable.

Chair Kadvany closed the public hearing.

Commission Comment: Commissioner Onken asked about the applied stone shown on the east corner and whether it turned the corner. Ms. Pearl Renaker, project designer, said that it would go around that corner. Commissioner Onken asked also about the applied stone on the north rear elevation. Ms. Renaker said that also was carried around the corner.

Commissioner Riggs said there was a fireplace but no chimney. Ms. Renaker said there would be a small chimney. Commissioner Riggs noted staff's description of the style as neo-eclectic. He said the Commission has addressed materials over the years noting that the applied stone base when applied in random locations was not something favored as that was not good design. He said he also did not like fake shutters although he realized they were being used decoratively. He said a chimney if placed needed to look like a chimney. He suggested the chimney use the standard proportion rules which he thought was 30 inches higher than any adjacent roof within 10 feet. He said that was only advisory noting that the project was only before them because of its triangular shaped lot.

Commissioner Ferrick asked if the vinyl clad simulated divided light windows style was chosen specifically and whether they had considered windows with real divided lights.

Ms. Renaker said the property owner was interested in the vinyl clad exterior because of their low maintenance and from a cost-savings perspective. She said also simulated

divided light windows were common to the area and true divided light windows were more expensive and have poorer thermal performance.

Commissioner Bressler moved to approve as recommended in the staff report.

Commissioner Ferrick seconded the motion.

Commission Action: M/S Bressler/Ferrick to make the findings and approve the item as recommended in the staff report.

1. Make a finding that the project is categorically exempt under Class 3 (Section 15303, "New Construction or Conversion of Small Structures") of the current CEQA guidelines.
2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
3. Approve the use permit subject to the following **standard** conditions:
  - a. Development of the project shall be substantially in conformance with the plans prepared by Tektive Design, consisting of 11 plan sheets, dated received September 18, 2013, and approved by the Planning Commission on October 7, 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, and utility companies' regulations that are directly applicable to the project.
  - c. Prior to building permit issuance, the applicants shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
  - d. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval by the Planning, Engineering and Building Divisions. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
  - e. Simultaneous with the submittal of a complete building permit application, the applicant shall submit plans indicating that the applicant shall remove and replace any damaged and significantly worn sections of frontage

improvements. The plans shall be submitted for review and approval of the Engineering Division.

- f. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a Grading and Drainage Plan for review and approval of the Engineering Division. The Grading and Drainage Plan shall be approved prior to the issuance of grading, demolition or building permits.
- g. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance.

Motion carried 6-0 with Commissioner Eiref absent.

**D.2 Use Permit/Advansta Inc./1505 Adams Drive:** Request for a use permit for the storage and use of hazardous materials for the research and development (R&D) of reagents to assist in the study of the role of proteins in health and disease, within an existing building in the M-2 (General Industrial) zoning district. All hazardous materials would be used and stored within the building.

Staff Comment: Planner Perata said there were no updates to the written staff report.

Public Comment: Mr. Ron Krietemeyer, Vice President, Tarlton Properties, said Advansta was presently working in the Menlo Lab facility and was expanding in the production of their protein creation kits that they currently market, and would move to this adjacent building.

Dr. Dmitry Bochkariov said he and his partner founded the company in 2005 and developed the product, which they then began to market in 2010. He said they did not use venture capital funding and have expanded from one employee to six employees. He said every year since 2010 they have doubled their revenue, and now need another facility.

Chair Kadvany closed the public hearing.

Commission Action: M/S Ferrick/Onken to make the findings and approve the item as recommended in the staff report.

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

detrimental to property and improvements in the neighborhood or the general welfare of the City.

3. Approve the use permit subject to the following **standard** conditions:
  - a. Development of the project shall be substantially in conformance with the plans provided by DES, consisting of 7 plan sheets, dated received September 24, 2013, and approved by the Planning Commission on October 7, 2013 except as modified by the conditions contained herein, subject to review and approval of the Planning Division.
  - b. Prior to building permit issuance, the applicant shall comply with all sanitary district, Menlo Park Fire Protection District, and utility companies regulations that are directly applicable to the project.
  - c. Prior to building permit issuance, the applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
  - d. If there is an increase in the quantity of hazardous materials on the project site, a change in the location of the storage of the hazardous materials, or the use of additional hazardous materials after this use permit is granted, the applicant shall apply for a revision to the use permit.
  - e. Any citation or notification of violation by the Menlo Park Fire Protection District, San Mateo County Environmental Health Department, West Bay Sanitary District, Menlo Park Building Division or other agency having responsibility to assure public health and safety for the use of hazardous materials will be grounds for considering revocation of the use permit.
  - f. If the business discontinues operations at the premises, the use permit for hazardous materials shall expire unless a new business submits a new hazardous materials business plan to the Planning Division within 90 days, for review by the applicable agencies to determine whether the new hazardous materials business plan is in substantial compliance with the use permit.

Motion carried 6-0, with Commissioner Eiref absent.

**D.3 Use Permit/Sadra Medical/185 Constitution Drive:** Request for a use permit for the storage and use of hazardous materials for the research and development and production of solutions for aortic valve diseases, within an existing building in the M-2 (General Industrial) zoning district. All hazardous materials would be used and stored within the building.

Staff Comment: Planner Perata said there were no additions to the written report.

Chair Kadvany asked about the hazardous waste amount of one metric ton monthly. Staff referred the question to the applicant.

Public Comment: Mr. Glenn Bolich, Studio G Architects, said Sadra Medical had recently been acquired by Boston Scientific. He said equipment typically located behind buildings for such businesses was located inside the building in an equipment room. He said there would be a new roof screen for the new equipment they will need. He said 100 people will be employed at the new facility.

Mr. Harish Goyal, independent hazmat contractor, said the waste was the rinse water from the manufacturing processes that was put into barrels, which were removed for treatment elsewhere.

Commissioner Ferrick said the emergency response contingency plan on page D9 listed the nearest hospital as El Camino Hospital in Los Gatos and suggested it be revised to indicate the nearest hospitals to this facility.

Chair Kadvany noted Shelter Network was next door and confirmed with Mr. Bolich that they would be on a contact list in the event of an emergency.

Commissioner Strehl asked if Shelter Network had been advised of the plans. Mr. Bolich said they had been.

Commissioner Ferrick said also 500 pounds of toxic solids were also listed and asked about use and handling.

Mr. Brock Gause Boston Scientific Structural Heart Sadra Medical, said they build heart valves and the implantable components were made from nickel titanium alloy. He said they use electro discharge machines in this process to cut very hard metals and then electro polishing which was the operation that uses the chemicals typically a sulfuric methanol combination to cool down the product to cryogenic temperatures. He said the largest quantity of waste was the rinse water. He said they have a bead blasting operation and those materials were used once and then collected in a dust collection system to be trucked offsite. He confirmed storage was all indoors.

Commissioner Ferrick asked about the storage treatment of the flammable materials. Mr. Bolich said there was a fire rated separation wall as required by building code.

Chair Kadvany closed the public hearing.

Commission Comment: Commissioner Bressler moved to make the findings and approve the item as recommended in the staff report. Commissioner Strehl seconded the motion.

Chair Kadvany noted that they were dependent upon the regulatory agencies to vet project applications such as these.

Commissioner Ferrick said she would like staff to review the application to insure all needed emergency plans and contact numbers were correct and in place, noting the listing of the wrong nearest hospital.

Commission Action: M/S Bressler/Strehl to make the findings and approve the item as recommended in the staff report.

1. Make a finding that the project is categorically exempt under Class 1 (Section 15301, "Existing Facilities") of the current CEQA Guidelines.
2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
3. Approve the use permit subject to the following **standard** conditions:
  - a. Development of the project shall be substantially in conformance with the plans provided by Studio G Architects, consisting of 13 plan sheets, dated received September 27, 2013, and approved by the Planning Commission on October 7, 2013 except as modified by the conditions contained herein, subject to review and approval of the Planning Division.
  - b. Prior to building permit issuance, the applicant shall comply with all sanitary district, Menlo Park Fire Protection District, and utility companies regulations that are directly applicable to the project.
  - c. Prior to building permit issuance, the applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
  - d. If there is an increase in the quantity of hazardous materials on the project site, a change in the location of the storage of the hazardous materials, or the use of additional hazardous materials after this use permit is granted, the applicant shall apply for a revision to the use permit.

- e. Any citation or notification of violation by the Menlo Park Fire Protection District, San Mateo County Environmental Health Department, West Bay Sanitary District, Menlo Park Building Division or other agency having responsibility to assure public health and safety for the use of hazardous materials will be grounds for considering revocation of the use permit.
- f. If the business discontinues operations at the premises, the use permit for hazardous materials shall expire unless a new business submits a new hazardous materials business plan to the Planning Division within 90 days, for review by the applicable agencies to determine whether the new hazardous materials business plan is in substantial compliance with the use permit.

Motion carried 6-0 with Commissioner Eiref absent.

## **E. STUDY SESSION ITEM**

### **E1. Study Session for Compliance Review/St. Anton Partners/3605-3639 Haven**

**Avenue:** Study session to review the architectural design of a 393 unit, multi-family residential development relative to the design standards and design guidelines of the R-4-S (AHO) (High Density Residential, Special – Affordable Housing Overlay) zoning district. The Planning Commission's review is advisory only and will be taken into consideration as part of the Community Development Director's determination of whether the proposal is in compliance with the R-4-S development regulations and design standards. The proposal includes application of State Density Bonus Law, which provides a density bonus for providing on-site affordable units and allows modifications to development standards and/or architectural requirements.

Staff Comment: Planner Chow said this was an opportunity for the Commission and public to provide feedback on the proposed project's compliance with the District R-4-S guidelines. She said the Planning Commission's review was advisory only and would be taken into consideration as part of the Community Development Director's determination of whether the proposal was in compliance with the R-4-S development regulations and design standards. She said the determination of the Community Development Director was final and not subject to appeal. She noted a colors and materials board had been distributed for the Commission's review. She restated the proposed outline shown on page 12 of the staff report for conducting the meeting:

- Project Presentation by Applicant
- Commission Questions on Project Proposal
- Public Comment on Project Proposal
- Commission Comments on Project Proposal



Public Comment: Mr. Ardie Zahedani, St. Anton Partners, introduced Ms. Rachael Green, project manager, Mr. Ben Seeger and Mr. Keith Labus, KTG Architects, David Johnson, community advocate, and Mr. Steve Eggert and Mr. Peter Geremia, co-founders of St. Anton Partners. He said the firm develops, builds, and manages 6,500 apartment buildings all of which were located in California. He said the housing being proposed was in close proximity to Facebook, a major employer, and Menlo Gateway, a future potential major employer and noted the community context map. He said this was a 393-unit complex that was well parked and well circulated and provided a number of options for open space and amenities. He noted the wrap parking and also private garages and carports. He said there were 363 parking spaces in the wrap, and that the Town Center and area known as the "Backyard" had many amenities.

Ms. Green said onsite amenities would include a coffee café, sports lounge, full club room with chef kitchen, convenience store, and bicycle shop. She said the project would have all of the core amenities in one location with intent of creating a sense of community and reducing traffic trips. She said the project design was contemporary transitional and had clean lines, modern forms, and warm wood tones. She said it would be consistent with sustainable multi-family green point rated development and exceed Title 24 standards. She said they would use green labeled paints and stains, carpets and flooring, and LED energy efficient lighting and recycled building materials. She showed the site plan of three buildings located around the open spaces. She said the "Backyard" concept included the swimming pool, spa, bocce ball court, dog park, outdoor dining facilities and roof deck, all of which were available for tenants to use for private parties. She noted that the Town Center would offer a location for a shuttle pickup and dropoff. She said the units were studio, one, two and three bedrooms with designer interiors.

Commissioner Ferrick asked about the textured stucco on the materials board. She said it was damaged and wondered how well it would weather on the buildings. Ms. Green said the materials were wrapped together and probably rubbed against each other. She said the full stucco would be durable.

Chair Kadvany said the staff report discussed the placement of some units in center building and amenities center. Ms. Green said there were three units located on the fourth floor on top of the amenities portion of Building A that exceed the density bonus equivalent calculation or alternative onsite height. She said they needed another four feet of height for those units. She said also it was a flood zone area and the buildings would be raised above the flood plane.

Mr. Keith Labus, KTG Group, said the units had been located in the center so they would not impact surrounding sites. He said they looked at relocating the three units without impacting the project adversely but were not able to accomplish that. Replying to a question from Chair Kadvany, Mr. Labus said one of the units was a one-bedroom and two units were two-bedrooms.

Chair Kadvany asked about parking ratios. Mr. Zahedani said the firm's experience in managing nearly 6,500 apartment buildings has shown them that being slightly over-parked was a benefit for the community and surrounding areas. Chair Kadvany said he asked as he thought there was a possibility of freeing up area for more open space.

Commissioner Strehl asked if the shuttle service would be provided by employers or the complex. Mr. Zahedani said the infrastructure would be in place and it was master planned for others to provide shuttle service. Commissioner Strehl asked about transit through the complex. Mr. Zahedani said there was a nearby transit stop on Haven Avenue outside of the project area. Commissioner Strehl said each unit had its own washer and dryer and asked about water reclamation. Mr. Zahedani said they have energy efficient appliances and were applying green standards. He said he did not have water usage numbers at this time. Commissioner Strehl asked if they had a market analysis of who the tenants would be. Mr. Zahedani said they had done three marketing analyses which had indicated there was a major job/housing imbalance in the area. Commissioner Strehl asked about rental amounts. Mr. Zahedani said there would be 53 units rent restricted to low income and the other units would be market rate.

Commissioner Ferrick asked if there were rain collector or gray water collector systems planned. Mr. Zahedani said there were none. Commissioner Ferrick asked about flooding in winter. Mr. Zahedani said they were raising the platform two to three feet to prevent impacts.

Commissioner Riggs suggested they might want to look at collecting and treating the washing machine discharge water for landscaping use. He asked if parking was included in the unit lease or if it was unbundled. Ms. Green said in Building A parking was bundled with the unit. She said elsewhere on the site there was an opportunity to rent additional garage or included in the rent was parking available in open carport spaces.

Commissioner Bressler asked how the design guidelines informed this project. Mr. Zahedani said that the modulation guidelines forced them to accomplish many more undulations on the elevations.

Mr. Steven Bitler, Menlo Park resident, said he was also representing Lantec Corporation, located adjacent to this site. He noted the business had been located there 25 years. He asked if there was some estimate of the timing of the occupancy and if that was part of the record.

Chair Kadvany said he thought the target was two years. Planner Chow indicated the target completion date was 2016.

Mr. Bitler said every year the streets in the area flood noting a bridge and draining area and asked how that would be mitigated for the project. He said small companies in the

area can send employees home early if there was flooding. He said with flooding there reached a point when it was no longer possible to drive a car through the water. He said there consideration for mitigation was odor from the landfill at the end of Marsh Road, which he said dependent upon the wind might travel in any direction. He asked what the responsibility of the City would be for these issues and their mitigation for these new residents of Menlo Park. He said he did not think flooding and odor impact had been considered fully as part of this project development.

Chair Kadvany closed the public comment period.

Commission Comment: Chair Kadvany asked if staff had any information related to the speaker's questions. Planner Chow said part of the larger Housing Element environmental assessment flooding would have been reviewed under hydrology and water quality. She said the City was looking at doing something with the City of Redwood City on the Atherton Channel to address flooding along Haven Avenue. She said in her and City Attorney Prince's recollection the issue of odors from the landfill had not been raised as part of the larger Housing Element environmental assessment.

Commissioner Bressler said that the Commission was only advisory on this project and this was being forced upon the City by the State as part of the Housing Element. He said the question was what the City's liability would be and whether it would be greater because of the existing flooding and odor problems.

Ms. Prince, City Attorney, said she did not think the City had additional liability related to the speaker's comments. She said the environmental impacts and mitigations associated with rezoning this site to the R-4-S (AHO) were considered, and now the applicant was bringing a project that fit within that zoning.

Chair Kadvany said with people living there that the responsibility might devolve to the City.

Commissioner Riggs said he did not think odor would be a problem based on the usual wind patterns in the area. He said flooding was an issue but it was an opportunity for a solution to develop between the Cities of Redwood City and Menlo Park. He said 393 parking spaces and associated traffic would have impacts on local traffic. He said he had concern with Marsh Road as one of the primary entrances to Menlo Park, and he suggested finding out from the City Council if the traffic impacts on Marsh Road were prioritized for resolution.

Commissioner Onken said students had presented plans to the Commission that connected this area to the rest of Menlo Park, which was not what this proposed development would do. He said this proposal identified east-west connections but no north-south connections. He asked about traffic studies.

Planner Chow said there had been a traffic analysis as part of the environmental assessment and there were some traffic impacts identified as significant and unavoidable because much of the right of way was Caltrans owned. She said some identified impacts would be mitigated through Facebook or the Bohannon project if and when it moved forward. She said related to the St. Anton project proposal and other projects along Haven Avenue that there will be significant pedestrian and bicycle improvements made from Bayfront Park extending along Haven Avenue. She said they would like to include some of the north south connectivity in future planning for the area.

Commissioner Onken said there had been comments that this was a large and monotonous design which the architect had responded to with additional modulation. He thought perhaps it might be worth considering making the amenity building different from the rest of the proposal or making additional modulations. He said the materials indicated it was one coat stucco, which was a very quickly applied, commercially favorable product. He said his concern was with how it would look in 10 to 15 years.

Ms. Green said their company repainted their apartment buildings every 10 to 15 years and were very pleased with the aesthetics of the project. Prompted by Commissioner Onken, Ms. Green said they were using vinyl coated windows.

Chair Kadvany said they were looking at getting true simulated divided light windows constructed. Ms. Green said they were looking at the Milgard Monarch product that was being manufactured for them. Commissioner Onken said there were no mullions. Ms. Green said the look of mullions was created by the framing of the windows.

Commissioner Ferrick said she liked the entry area and Town Square area, the variety of amenities, and common space area. She said the buildings were handsome and she appreciated the wood trim that warmed the stucco. She urged them to consider good water use and flood protection, water use and reuse.

Commissioner Strehl asked about traffic as the site was isolated and there were no grocery stores in the area. Ms. Green said there was a convenience store that was not for regular grocery shopping. Planner Chow said the amenities were intended for residents only and not for members of the public to travel to the site.

Chair Kadvany said he liked the wood trim accents and the window design. He suggested that there might be ways to individuate space, areas, and planes.

Commissioner Riggs asked what they do when the plastic wood trim hazes. Ms. Green said it was not plastic but a recycled material called Resista that had been used in Asia for about 30 years. She said they were able to look at the material in a harbor building in Hong Kong where it had been for about 20 years and which still had its original color.

Commissioner Riggs said the ratio of benefits did not support the additional height requested and asked if there was the potential of a waiver. Planner Chow said the

applicant was asking for a waiver. She said the maximum allowable height was 40 feet, the bonus density height was 54-feet one-inch and the applicant was requesting for the three units on top of the main amenities building a height of 57-feet nine-inches. She said to grant a waiver it needed to be determined that without the additional height the development would be precluded. She said they were looking at additional information from the applicant and guidance from the Commission.

Mr. Zahedani said the site was 9.69 acres, which allowed for 40 units per acre based on density bonus and underlying zoning. He said they worked to spread the project over the entire area and the question was where they could put the last three units and have the least impact on either the neighbors or freeway. He said putting the units in the center achieved that. He said they looked at moving them to front on Haven Avenue or to remove some open space. He said there was also a 40-foot easement that bisected the project. He said they found no feasible way of moving those three units without detrimentally impacting the project. Commissioner Riggs asked if the removal of one of the two story amenities would make the project infeasible. Mr. Zahedani said that went back to the scope of the project and the need to have amenities on the site to create a neighborhood. He said in that area there was no sense of space and slicing those amenities would impact the character of the project.

Commissioner Ferrick said in serving on the Housing Element Steering Committee that they had observed the benefits of the site including bay views and proximities to big employers as well as the negatives as it was isolated, which was why traffic was a major concern. She said having the amenities onsite would go a long way toward making this a viable community and attract other things like a grocery store on another site. She said she did not know if the three units were needed for the project to be fiscally feasible but where they were planned would have the least impact. She said being concerned about the flood plane that having the site raised did not bother her. She said also this project would have a good impact on schools as Redwood City welcomed it. She said the bicycle and pedestrian improvements were intended to address traffic concerns.

Commissioner Onken said this was a very supportable project. He said regarding the three units on top of the amenities building that the project needed the greater height to be more dominant than the high voltage transmission line pylon.

Commissioner Ferrick said secured bike parking was provided outside but noted it was wise that each unit has a deck with enough space to keep a bicycle stored.

Commissioner Riggs said he would also support greater individuation of the central amenities buildings, and was glad the project would be built.

Chair Kadvany said there was the potential for different landscaping around the site to help with individuation of the site and forms.

In summary, the development was generally well received by the Planning Commission, highlighting the overall design, including the site layout with the town square, modulation of the buildings, and the use of varied common open spaces and the provision of on-site amenities. Members of the Commission also provided feedback for consideration, noting the desire for more distinction between buildings and spaces, particularly the amenities and common spaces, the potential for conversion of some of the additional parking spaces into common open space, and the creation of more visual cues with the use of differentiated landscaping. The Commission also commented on St. Anton's request for a waiver for additional height for three units situated on the top of the main amenities building. The Commission generally felt that the additional height would have the least physical impact to other components of the project and from an architectural sense, the height would help avoid monotony and distinguish the amenities building. The Planning Commission's review was advisory only and will be taken into consideration as part of the Community Development Director's determination on whether the proposal is in compliance with the R-4-S development regulations and design standards.

Chair Kadvany recessed the meeting for a short break.

Chair Kadvany reopened the meeting.

## **F. REGULAR BUSINESS**

- F1. 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). *Continued from the meeting of September 23, 2013*

Chair Kadvany noted at prior meetings the Commission had discussed building parameters, decision making thresholds, and the issue of public benefit. He said staff had presented more information and thoughts about public benefit. He said they would next discuss the Middle Avenue Plaza and downtown. He said also Commissioner Onken had a slide presentation to share that evolved from the Commission's consideration of the Mermaid Inn project.

Staff Comment: Senior Planner Rogers noted that a packet of correspondence had been provided to the Commission and had been made available to the public. He said regarding public benefit, that staff was looking for Commission's questions if there were

any. He said as a brief summary this topic had come up during the Planning Commission and City Council's review prior to Plan adoption. He said during the draft Specific Plan process, the City Council had given staff direction to make sure that value was not being given for free and there was factual basis of incentives that would spur development and achieve the Plan's other objectives. He said prior to releasing the Final Specific Plan a number of analyses memos had been released noting attachments to the October 7 staff report. He said the staff report summarized the process by which these were re-analyzed. He said in some cases other incentives were found to be feasible and in other cases not found to be feasible for typical parcels. He said with that mixed result the recommendation was to keep levels as previously recommended and consider re-evaluating them on a five year basis. He said from staff's perspective the question of public benefit had been discussed in some detail and staff's recommendation was to retain them as adopted in the Plan.

Commissioner Bressler said that was not the recommendation of the Commission related to their straw poll at the last meeting.

Responding to Chair Kadvany's question, Senior Planner Rogers said the staff report, page 2, said that the Commission's straw vote at the previous meeting, was "Shall the Planning Commission recommend that the City Council investigate an objective formula and/or fee approach for public benefit with the intent of providing funding for infrastructure improvements in the Specific Plan area?" He said he was responding to the query about the thresholds for public benefit that had been raised. He said there had been discussion at that meeting which had confused the substance of the straw vote, but which had been clarified by the maker of that vote that this was not about thresholds, but rather-within the public benefit category, what should that money go toward and what kind of mechanism for determining value would be preferred. He said that part of the discussion was found on pages two and three of the October 7 staff report.

Commissioner Bressler said that was the problem with straw votes. He said he was very much a proponent of lowering the bonus level and having a more objective process. He said there were others on the Commission that night who were more or less supportive of that. He said there was now another discussion which he did not think would help Council that much. He said unless they were willing to talk more about it and be clear, or even if they were, he was still probably going to go to Council and show them his presentation and updated information including information about the actual deliberations about the Plan when it was before the Council. He said Council Member Fergusson had been and was still very concerned about this topic. He said this was not fully decided upon and was one of the main reasons why a subsequent review was required. He said he was not satisfied with how the topic had been presented by staff.

Chair Kadvany said related to process that they were reviewing everything using straw polls to help get them to a point where they were ready to form motions and recommendations.

Commissioner Ferrick said at the last meetings there had been lengthy discussion as to whether the thresholds should be looked at and staff went back and re-determined that those were still accurate. She said that was what the Commission asked staff to do in general. She said regarding her motion for the straw vote at the last meeting that she had not presupposed what the answers would be. She said her question was how the City would pay for the infrastructure needed under the Plan including but not limited to the bike and pedestrian undercrossing and parking garages. She said that was why she continued to clarify that her straw vote motion had nothing to do with thresholds but with how public improvements and critical features of the Plan were to be funded when expected revenue for the Plan was only \$2 million or so. She suggested that Commissioner Bressler could do a motion to see if there was support around his topic of concern.

Commissioner Bressler said he did not want to take up a lot of time but he just wanted it clear that his vote of support for the straw vote should not be construed as support with how public benefit was being determined under the Plan.

Chair Kadvany said they could lower the threshold and it might be a marginal tax rate such as at the lowest level it might be zero. He said it would create a different process and that was worth emphasizing.

Commissioner Riggs said related to straw votes 2 and 3 that he voted for 3 in terms of wanting to make a further review and make sure the bases had been covered not that he thought or yet had come to think that the Plan needed any substantive changes.

Commissioner Ferrick said she voted in favor for straw vote 2 but she would not necessarily summarize quite in the same way as she also did not feel there was the need for the undertaking of a major review and opening the Plan for change when there had not been enough time and projects for it to work. She said also architectural control went quite beyond what originally it seemed to address.

Chair Kadvany said for readers of the staff materials that the City might provide clarification memorandum to the Plan that would not make changes to the Plan. He said some of the issues were issues of implementation such as funding infrastructure. He said clarifications might be needed without revamping the Plan. He said regarding public benefit he looked at earlier analyses supplied as Appendix E to the staff report, and those were readily understandable in terms of the concept of residual land value – in principle how much a person would be willing to pay for land to develop these projects. He said in the southeast the land value was for land that would never be sold and had been owned a long time by the landowner. He said it was hard to do the valuation exercises as the valuation depended on the decision maker. He said



information about value and benefit was really a toolkit to be used with discretion and respect for the expense of such value studies. He said he was supportive of data and a matrix but did not think they had to get too complicated beyond land cost. He said there could be a graduated scale and when it made sense for the City to pursue benefit even if below the current thresholds that there be the flexibility to do so.

Commissioner Bressler said that Chair Kadvany seemed to indicate that architectural control might not be enough to get what the City needed. He said Commissioner Ferrick said it was sufficient but they need a way to fund infrastructure that was needed. He said his concern was that architectural control explicitly did not give the City that power. He said the bonuses were to explicitly give that power. He said they saw the Stanford project come in at the base level and there was clearly a lot of value the applicant was getting at that level but they were not required to enter into a negotiated development process.

Chair Kadvany said referring to an email from Greenheart, developers for 1300 El Camino Real, that the Commission had previously approved a project at the same site. He said that project was forced to change greatly because of a lawsuit. He said later during the Plan process, representatives of that project had argued for upzoning in the area but they then sold the property to another developer. He said there was a lot of money for real estate moving around and the City should not be buffeted by that but at least try in situations when the economic analysis would not be a good guide and they needed option value to have an option to do something better for the City.

Commissioner Strehl asked what option value meant. Chair Kadvany said it was to have the ability, for a project below the current threshold values, to have the option to negotiate for public benefit. He said if the threshold was lower the city retained that option.

Commissioner Bressler said it sounded like the Chair wanted to lower the public benefit threshold level and have a discretionary process to determine benefit. Chair Kadvany said he was in favor of flexibility, transparency, simplicity and a good use of resources.

Commissioner Riggs said across the last three meetings they have considered how the Plan was developed and how it is controlled by the EIR. He said in particular that he reviewed the public meeting process in 2007 and 2008. He said there was a great deal of involvement and any representation that discussion was omitted, excluding Commissioner Bressler's observation that time had not been as invested in the public benefit topic at the Commission's last meeting on the Plan, was wrong. He said the suggestion that major items were glossed over was unsupportable. He said one of the lengthiest discussions was where to set the "by right" development threshold beyond which it went to a development negotiation process. He said one of the goals from the very start of the visioning plan was to establish a set of rules that did not include the same level of discretion in City review. He said he believed that the architectural control review was now understood as greater by both staff and the Commission then was

previously perceived. He said he did not think they should consider changing public benefit thresholds as there were no clear reasons why they should. He said regarding funding for infrastructure, he did not see how they could keep going back to the applicant for all the elements the City would like to see improved.

Commissioner Ferrick referred to G20 to G23 in the Plan and different mechanisms for infrastructure improvements basically. She asked about the Mello-Roos Community Districts. Senior Planner Rogers said related to benefit and service districts, which he thought included the Mello-Roos community district, that these required affected landowners to vote on such benefit or service. He said historically he believed that Mello-Roos most often applied to subdivisions and larger projects but not to the size of the parcels in the Plan area. Commissioner Ferrick asked what listed possibilities would most supply funding for needed improvements. Senior Planner Rogers said benefit assessment districts have been successful in other cities but were dependent upon support of the affected property owners. He said they had talked some about impact fees that were supportable for new development and the proportional impact of that development, noting the Transportation Impact Fee (TIF). Commissioner Ferrick asked if TIF funds could be used to fund the more transportation type improvements under the Plan such as the bike and pedestrian tunnel and other improvements for east-west connectivity. Senior Planner Rogers said the City Council approves the prioritization of TIF funding use through the five-year Capital Improvement Plan. He said TIF only provided for the individual project's portion of impact. He said historically grants have also been used to fill in gaps on public improvement projects.

Commissioner Ferrick said the second paragraph on page G24 Developer's Contributions, Public Benefits and Public Amenities Fund said "In addition, developers could propose contributions be made to a public amenities fund that could be used to fund a variety of public improvements." She asked if that was something that would occur near term with the Plan. Senior Planner Rogers said Chapter E on public benefits listed a number of things considered as public benefits. He said a heightened LEED certification might be considered the benefit for its contribution overall to the community. He said developers might just choose to contribute money which would go to the public amenities fund. He said the Commission might review that list as to benefits that should remain or not, or others that should be added. He said a downtown parking garage design construction was not listed. He said perhaps infrastructure public improvements might be a greater focus for the list of public benefits.

Commissioner Ferrick said perhaps the recommendation might be for the Council to prioritize the public infrastructure benefits.

Commissioner Strehl said certain large projects have to have traffic impact analysis. She asked if it was true that based on the impacts the City might make certain requirements or mitigations necessary. Planner Rogers said that had more to do with the environmental review. He said the Mermaid Inn project was less than 4,000 square feet and was exempt from CEQA but all of the mitigation measures had to be applied.

He said larger projects would require a more detailed traffic analysis. He said the impacts might be entirely within what the Plan analyzed and no extra discretion was required. He said alternatively if an impact was found that was not analyzed sufficiently in the Program EIR, and if the impact was significant and unavoidable, in order to approve the project, the decision making body would need to have a focused EIR and a statement of overriding considerations for the project. Commissioner Strehl said it would be at that point the City would have more discretion over the project. Planner Rogers said that was correct.

Commissioner Bressler expressed frustration with discussion that seemed to equate mitigations with public benefits, that aspects of the Plan were not to be discussed, and changes in underlying factors in the Plan that were not being responded to. He said for a straw vote he would move that they recommend that the City Council consider lowering the bonus levels and making a flexible negotiating process through which the City can extract public benefit where warranted. Chair Kadvany seconded the motion. He said there was an issue of funding infrastructure by any means. He said there was an issue of adjusting threshold levels to extract more public benefit. He said he would not want to heavily assess business owners in the downtown for public improvements.

Commissioner Ferrick said that staff had noted at the beginning that the public benefit thresholds had been analyzed and reanalyzed, and if it were changed, it could hamper projects coming forward. Planner Rogers said it was analyzed last year before the Plan was adopted and was presented both to the Planning Commission and City Council. He said it did take into account that we were in unusual economic times and when something was found as infeasible it was relooked at using improved rental rates and capitalization rates, through which they found that if all the overall conclusions did not change this supported what was set and could be expected to be valid for at least five years.

Commissioner Riggs said Commissioner Bressler had stated that a project under the Plan as long as it fit within the building envelope would fall under the Program EIR. He said if it appeared the traffic impacts were concentrated among three intersections rather than the 12 intersection that required greater study noting the additional traffic impact analysis for 500 El Camino Real. Planner Rogers said both the overall traffic impact of the intersections analyzed under the Plan and the immediate impacts of traffic from a project had to be analyzed. Commissioner Riggs wanted that specified as if traffic impacts were not generally studied for all projects under the Plan then he could not support the Plan.

Commission Action: The Planning Commission continued its discussions on the topic of public benefit. The Commission did not take any formal action, but did take the following informal (or “straw”) vote with the intent of guiding future discussion:

Motion: The Planning Commission recommends that City Council lower the thresholds for the Public Benefit Bonus, in order to create a flexible process to negotiate public benefits.

Straw vote tally: 3-3 with Commissioners Bressler, Kadvany, and Onken in favor, Commissioners Ferrick, Riggs, and Strehl in opposition, and Commissioner Eiref absent.

Commissioner Riggs said he appreciated and understood the concern that led to the straw vote they just took, and that the City still had to figure out how to fund the infrastructure under the Plan.

Chair Kadvany said Commissioner Onken would make a short presentation.

Commissioner Onken said related to implementation of the Plan there was a big distinction between empty major sites that would more or less have their own planning briefs and the rest of the downtown area. He asked how a downtown plan was implemented. He said eminent domain was used for grand urban visions but that was probably not appropriate for Menlo Park. He said there were incentives for structural change and showed a HUD funded housing project. He said the City's process was to take projects as they come along which raised the question of what the Plan would achieve. He said if they relied on things just taking own course then they risked nothing happening or to provide window dressing for larger site. He noted the result could be a lopsided community such as Mountain View with large projects next to small sites. He said there were two different streams of development under the Plan – the empty sites and the waiting to be redeveloped sites. He asked if it was appropriate to force development onto existing properties and if so by what method. He said his questions came out of the Mermaid Inn project they had reviewed

Discussion ensued regarding planning thresholds, concept of requiring compliance with the Plan, incentives for projects to develop or redevelop, that increasing development downtown would provide incentive for other sites to develop, future value for the investment now, development block by block, setting precedents, Plan a toolkit and determining how to implement it, and a sunset for noncompliance with Plan elements.

Chair Kadvany introduced the topic of the downtown. Commissioner Bressler said the downtown had been discussed exhaustively and the question was how to implement the Plan there. Commissioner Riggs said if parking was needed to incentivize redevelopment downtown that this needed to be built by the City. He said there was potential support for a two-story parking garage in Plaza 2. He said the City Council might have to establish a parking assessment district.

Commissioner Onken said the disjointedness between signage approval and architectural control bothered him, noting that downtown the Commission did not often

get to see signage. He asked how under the Plan signage could be part of architectural control.

Planner Rogers said if the signage was embedded in the approval of a use permit and the owner wanted to change the signage that might need to come back to the Commission. He said generally signage was an administrative process. He said to include that in the Plan would require a more than minor change and noted that signage did not come up in the discussion of the downtown and the Plan. He said that enforcement about non-permitted signage is primarily by complaint.

Commissioner Strehl asked if the Plan would come back to the Commission at the next meeting for recommendations to the City Council. Chair Kadvany said it would.

Discussion ensued related to the future review and recommendation process of the Commission.

Commissioners Onken and Strehl recused themselves from the meeting prior to discussion about the Middle Avenue Plaza design.

Chair Kadvany provided an overview of public comments about the design and layout of the Middle Avenue Plaza. He suggested the possibility of flexing the building breaks and maybe the front setback. He said the retail parking proposed was suboptimal. He said he thought clarification memoranda to the Plan might be used for instance regarding high speed rail such as should there be City policy related to vehicular access in plaza design.

Commissioner Bressler said he was thinking the same thing about the building breaks and whether those were needed at the intersections.

Senior Planner Rogers said the comprehensive study of the building breaks was directed by the City Council after the draft Plan. He said it was a large focus, deriving from a concern expressed in community workshops about a “canyon” feel with long continuous building walls. He said the breaks ending at the intersections were to provide view corridors for the Allied Arts streets. He said the building breaks were primarily about aesthetics and their cumulative effect on a street.

Commissioner Riggs asked if the architectural control review was the method for dealing with all of the issues related to a Middle Avenue Plaza. Planner Rogers said the output of the City Council subcommittee was to resolve the primary constraints through a working group with the applicant and relevant staff, the result of which would then be subject to Planning Commission and potentially City Council’s ultimate discretion in balancing the tradeoffs. He said if there was something categorically that the Commission and/or City Council would want to see or not see that it might be worth amending the Plan to say that. He said all of the rules in the Plan were meant to

account for all of the different activities programmed for this space, and that was how the fairly wide 120-foot requirement resulted.

Commissioner Riggs asked what the intention of the Plan was for the Middle Avenue break. He asked if the process of review was envisioned as occurring through architectural control review and it was seen as possessing what was needed to review a public space project. He asked if the Council now thought that architectural control review lacked what was needed to review an open space plan.

Senior Planner Rogers said the mechanism of architectural control was considered by the Plan to be the necessary mechanism and remained the ultimate necessary final mechanism to determine the layout of the Middle Avenue Plaza. He said the Council subcommittee directed that a working group be created to develop a design to be presented to the Planning Commission for architectural control review. He said one output could be that the Planning Commission found all the objectives were met or that the group had provided their best take but there were other elements that needed to be changed.

Commissioner Riggs said the question was whether the Plan needed editing. He said it seemed to him that architectural control under the Plan and through ordinance was working and it was okay that the Council took a section of the process aside but the Plan process was still in action and still working, and as far as he could tell had not shown any missing pieces.

Chair Kadvany said that was untrue noting a message from Stanford regarding the redesign. He said if the process was working that Stanford should have come to the Commission months earlier with highly developed schematics with options and feasibility. He said Stanford's message was proof the power does not exist for the Commission and it did not exist before.

Commissioner Riggs said he understood that conclusion and for a brief period he had understood the Commission had limitations, which was why tonight he was asking for staff confirmation about architectural control review.

Chair Kadvany said the Commission has been asked to give direction to the working group related to the Middle Avenue plaza but architectural control in general was something else they could address. He said if the plaza was over-constrained because of the building breaks and those were changed that was a big change from the Plan. He said they could address that but it had nothing to do with architectural control.

Commissioner Riggs asked if Chair Kadvany was saying that the particular instructions in the Plan actually made it difficult for the plaza to meet its goals. Chair Kadvany said possibly.

Commissioner Ferrick said pages D45 and D46-Burgess Park Linkage/Open Space Plaza of the Plan and D.4.15 said a plaza would integrate with vehicular access needs and associated development. She said perhaps that could be read as needing a driveway incorporated into the plaza design but she would interpret it as obviously ways were needed to access property but that addressing vehicular needs did not require driving over the plaza. She said that was the one bit she thought they needed to get clarification. She said if Middle Avenue was the best location for traffic flow the plaza that was also needed should be located next to it but without a driveway. She said that perhaps the plaza and potential linkage could be shifted to the south where potentially the tunnel would be built.

Commissioner Bressler suggested a straw vote of increased architectural control for ECR-SE to modulate building breaks. Chair Kadvany suggested tying approval of a plaza to other things with the project. He said retail parking was not great either. Commissioner Bressler said the process was to streamline development and as long as it conformed to the letter of the Plan the Commission had no jurisdiction. He thought a project review to define the process and lowering the public benefit process were needed. He suggested a motion that the architectural control process for the ECR SE district needed to allow the Commission to reach satisfaction with what was being proposed.

Commissioner Ferrick asked if some square footage could be reduced so the building break did not need to go to Middle Avenue with some potential for some other benefit such as potential height.

Commissioner Riggs asked if the break at Middle Avenue was prescriptive or minimum. Planner Rogers said he thought the minimum was that no more than 25% of the primary building façade in the development would be occupied by building breaks. He said at this location they could go wider than 120 feet but the overall percentage of breaks would need to be evaluated. Commissioner Riggs asked if he could not make finding number 5 which was whether it was consistent with the Plan to have the driveway and plaza in the same location then would the applicant have the potential solution of widening the building break. Senior Planner Rogers said the overall message with architectural control and what it allowed or did not was that it did not allow essentially categorical objections to what the Plan otherwise states. He said if someone had an ideological objection to a 60-foot height that they could not keep denying a project with different iterations but would have to provide direction and allowances for a better solution, such as different massing or materials. He said in this case some of the argument was a categorical objection to cars accessing the property at this location where developments have accessed Middle Avenue historically. He said in terms of execution the Commission has the realm in which a successful iteration that allowed for vehicular access and meaningful public space could emerge. He said the current design for the driveway and plaza layout was moving in a better direction.

Chair Kadvany noted three comment letters received from Stanford this week. He said the one about the definition of open space could be included in their parameters discussion for next time, the second was about percentage of office use and could be discussed next time and the third was about the plaza. He said there had certainly been misunderstanding on both sides of what could be done and not done. He said a clarification memo about the powers under architectural control review might be needed.

Commissioner Bressler said his motion for the straw vote was for the architectural control process for the ECR-SE district to give the Planning Commission the power to structure the Middle Avenue plaza to their satisfaction and allow changes to building breaks and other appropriate features of the development as needed. Chair Kadvany seconded the motion.

Commissioner Riggs said as an architect with a fair amount of experience including planning that with a project this scope he would not take it upon himself at the dais to redesign the building breaks. Chair Kadvany suggested it might be a decision about one building break or the widths of the building breaks. Commissioner Riggs said that was within the plan guidelines but Commissioner Bressler was suggesting breaking the Plan guidelines. Commissioner Bressler said the Plan guidelines were there to protect the residents and the City, and to have good design. He said he trusted the Commission to make the correct solution. Commissioner Ferrick said the Plan was meant to provide certainty. She said the plaza was important to her and she was disappointed to see it as a driveway but she did not think the solution had to occur outside the Plan. She said they wanted the plaza and the building breaks and was not sure why there was a movement to allow for modification of the building breaks.

Commissioner Bressler confirmed with staff that the building breaks were tied to intersections. Commissioner Ferrick said she had concerns with changing elements that might impact the transportation environmental assessment done under the Program EIR.

Planner Rogers said the building breaks have to line up with the intersections in most instances the 60-foot width aligns more or less with the right of way width so essentially breaks have to be on the middle line. He said for the Middle Avenue break it was twice as large at 120 feet and it could slide to create a more optimal consideration as long as it did not go beyond the extended right of way for Middle Avenue. He said that right of way was intended to serve all uses which was why it was twice as large.

Chair Kadvany suggested that Commissioner Bressler's motion might be split. Commissioner Bressler said his motion was that the architectural control process for the ECR SE district needed to provide the Planning Commission with the opportunity to reach satisfaction with the design and layout of the public Middle Avenue plaza. He said to achieve that goal, the Planning Commission should have the ability to move or adjust building breaks. Chair Kadvany said also make other minimal changes.



Commissioner Ferrick said she did not understand the thinking of why Stanford needed square footage and that the breaks should be changed. Chair Kadvany said during the Plan discussion he thought that this plaza and the tunnel would be the great public benefit to the extent that funding for the tunnel could be tied to the benefit.

Commissioner Ferrick said they were talking about the Plan elements and not the 500 El Camino Real project. Chair Kadvany said he was trying to get more options on the table. Commissioner Ferrick said she was concerned with the motion having more changes in the area. She said she would like greater clarification of the definition of a plaza.

Commissioner Riggs suggested an alternative motion that the Commission would not accept a compromise of a plaza for the sake of a driveway placement convenience.

Chair Kadvany suggested splitting the motion made by Commissioner Bressler with the first motion related to architectural control and the second related to flexibility of architectural control under the Plan.

Senior Planner Rogers said the motion was: The Architectural Control process for the ECR SE district needs to provide the Planning Commission an opportunity to reach satisfaction with the design and layout of the public plaza (Middle Avenue).

Straw vote tally: 4-0 with Commissioners Bressler, Ferrick, Kadvany, and Riggs in favor, Commissioners Onken and Strehl recused, and Commissioner Eiref absent.

Commissioner Bressler said the second motion would be that the Planning Commission has the power to modify or move building breaks in the ECR SE district in order to facilitate the successful design of the pedestrian plaza and its associated elements of vehicular access and tunnel construction.

“The Planning Commission has the power to modify or move building breaks in the ECR SE district in order to facilitate the successful design of the pedestrian plaza and its associated elements of vehicular access and tunnel construction.”

Straw vote tally: 2-2 with Commissioners Bressler and Kadvany in favor, Commissioners Ferrick and Riggs in opposition, Commissioners Onken and Strehl recused, and Commissioner Eiref absent.

Commissioner Ferrick said she was in favor of things that would help accommodate the bike and pedestrian tunnel but she did not think it was precluded now. She said she just did not want to change the building breaks in that zoning district. She said Middle Avenue was established as ingress and egress and was the intersection. She said the plaza would be next to it and she did not see allowing for changes to all of the building breaks would achieve or stop the tunnel.

Commissioner Bressler said he had concerns about the Plan that he had previously voiced and that regarded there was nothing in it to provide for significant pedestrian crossing across El Camino Real: Middle Avenue, Ravenswood Avenue, and from Alma Street across the train tracks. He said the City has done little to solve these issues.

Chair Kadvany said there was one major bullet point regarding traffic and mobility in the Plan that Commissioners Onken and Strehl would join with them to discuss. He said the final small bullet was El Camino Real pedestrian and bicyclist crossing improvements, and other infrastructure.

The Planning Commission will continue this discussion at the October 28, 2013 meeting.

### **COMMISSION BUSINESS**

There was none.

### **ADJOURNMENT**

The meeting adjourned at 11:28 p.m.

Staff Liaison: Thomas Rogers, Senior Planner

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on November 4, 2013