



## **PLANNING COMMISSION MINUTES**

**Regular Meeting**  
**October 28, 2013 at 7:00 p.m.**  
**City Council Chambers**  
**701 Laurel Street, Menlo Park, CA 94025**

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**CALL TO ORDER** – 7:02 p.m.

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

**INTRODUCTION OF STAFF** – Rachel Grossman, Associate Planner; Jean Lin, Associate Planner; Thomas Rogers, Senior Planner

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

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

- a. Housing Element Steering Committee Meeting #3 – October 21, 2013
- b. El Camino Real/Downtown Specific Plan Initial Review - City Council – November 12, 2013

Senior Planner Rogers said the Housing Element Steering Committee had met on October 21, with Commissioners Strehl and Ferrick representing the Planning Commission. He said they looked at zoning to permit emergency and homeless shelters. He said November 12 was the projected, if tentative, date for the City Council to consider the El Camino Real/Downtown Specific Plan.

Commissioner Ferrick said the Housing Element Steering Committee also discussed the secondary dwelling unit program to encourage secondary dwelling units.

### **B. PUBLIC COMMENTS**

There was none.

### **C. CONSENT**

Commissioner Onken requested that the 4<sup>th</sup> paragraph on page 26 of the September 9, 2013 minutes beginning “Commissioner Onken...” be deleted in its entirety.

**C1. Approval of minutes from the September 9, 2013 Planning Commission meeting**

**C2. Approval of minutes from the September 23, 2013 Planning Commission meeting**

Commission Action: M/S Riggs/Strehl to approve the consent agenda with the modification to the minutes of September 9, 2013 as requested by Commissioner Onken.

Motion carried 5-0 with Commissioners Bressler and Eiref absent.

#### **D. PUBLIC HEARING**

- D1. Development Agreement Annual Review/Facebook, Inc and Wilson Menlo Park Campus, LLC (East Campus) and Giant Properties, LLC (West Campus)/1 Hacker Way (East Campus) and 1 Facebook Way (West Campus):**  
Annual review of the property owner's good faith compliance with the terms of the Development Agreements for the Facebook East Campus and West Campus (Facebook Campus Project).

Commissioner Onken recused himself from consideration of item D1.

Staff Comment: Planner Grossman noted staff had no additions to the written report.

Questions of Staff: Chair Kadvany asked about Caltrans' response and whether more time should be built into these types of development agreements related to Caltrans' response time. Planner Grossman said that a good suggestion. She noted the applicant had been working diligently to develop and submit plans to Caltrans and the City. She said they were looking at Willow Road bicycle lanes and some potential improvements at Highway 101 and Willow Road.

Chair Kadvany opened the public hearing. There were no public comments. Chair Kadvany closed the public hearing.

Commission Action: M/S Ferrick/Riggs to find and determine upon the basis of substantial evidence that the property owners have, for the period between October 2012 and October 2013, complied in good faith with the terms and conditions of the Development Agreements.

Motion carried 4-0 with Commissioner Onken recused and Commissioners Bressler and Eiref absent.

Commissioner Onken rejoined the Commission at the dais.

- D2. Use Permit Revision/Phillips Brooks School/2245 Avy Avenue:** Request for a use permit revision to increase the maximum student and staff populations, from 276 to 320 students (an increase of 44 students) and from 50 to 58 staff (an increase of 8 staff), at an existing private school in the P-F (Public Facilities) zoning district. The proposal includes associated amendments to existing

conditions to allow the proposed school population increase until July 31, 2032, and to modify the trip cap monitoring requirements.

Staff Comment: Planner Lin noted two correspondences that had been distributed to the Commission at the dais: an email from Linda Mikula and Karim Abdalla, both residents of Zachary Court expressing several traffic related concerns. They proposed that the City conduct unannounced traffic monitoring during the entire school year as opposed to the months of October and November as currently proposed; that the Phillips Brooks School (PBS) post traffic trained individuals along Avy Avenue during special events to manage traffic; keep the current 140 vehicle trip cap for the next 20 years; and increase potential monetary penalties due to additional revenues from increased student enrollment. She said additionally they were concerned with increased congestion and safety in the neighborhood including cars parking on Zachary Court, drivers speeding onto Zachary Court and drivers talking on their cell phones during pickup times. She said the second piece of correspondence was an email from Marc and Mary Ann Saunders, residents of Bellair Way, stating PBS has implemented effective traffic control during school events but they had some concerns with traffic during pickup time when vehicles block Avy Avenue between Deanna and Monte Rosa Drives. They suggested drivers positioned their vehicles close to the center line of the street to allow traffic to flow past on the right.

Public Comment: Mr. Scott Erickson, Head of School, PBS, said part of his priorities since his hire in 2011 was securing a long-term lease with the Las Lomas Elementary School District (LLESD) and improving neighbor relationships. He said they have secured the long-term lease of the campus and he believed they have established a trusting relationship with the neighbors. He said that included their open-door policy and meeting with neighbors so he might hear directly any concerns or ideas they may have. He said he was committed to solutions that resulted from direct communications with the neighbors. He said the neighbors have access to PBS and the campus during off-school hours for their children and grandchildren to play. He said they need a modest increase in student enrollment from 276 to 320 students, or 44 additional students, a 16% increase, and a corresponding increase in employees from 50 to 58, also a 16% increase. He said the reasons for the request was economic sustainability, better enrollment management, increased opportunities for Menlo Park students, and ample campus capacity to handle increased student enrollment. He said their request was reasonable as they would keep the trip cap at its current 140 vehicles. He said they would implement a professionally designed and robust traffic demand management plan (TDM). He said they have agreed to new conditions in the Use Permit to allow for City controlled traffic monitoring and penalties. He said they have held regular quarterly meetings for neighbors including a special meeting for neighbors the week before this hearing. He said he meets one-on-one with neighbors and he and his staff communicate by phone and emails with neighbors. He said he was committed to positive relationships with neighbors. He said present were their traffic consultant Mike Mowery, Kimley-Horn and Associates, land use attorney, Jennifer Renk, McKenna Long

& Aldridge, and PBS Communications Manager Amy Woropay as well as Menlo Park residents and trustees in support.

Chair Kadvany asked about traffic on Zachary Court. Mr. Erickson said that he just met with the neighbor who wrote the email that past Friday. He said that neighbor had not been aware of the neighbor meetings they offer. He said he committed with her to enhance their monitoring of pickup etiquette. Chair Kadvany noted he had visited the school and understood there was staff trained to monitor and supervise traffic. He asked Mr. Erickson to elaborate on that training. Mr. Erickson said they have a program for carpool times by which all adults were charged with making sure the children were safely put into cars in the carpool lanes. He said they have administrative staff that rotates in the observation of carpool lanes to ensure parents' compliance.

Ms. Joyce Massaro, LLESD, said she was representing LLESD's Superintendent Lisa Cesario. She said LLESD fully supported PBS request for a use permit amendment to allow for a modest increase in enrollment that would support its important educational mission.

Chair Kadvany closed the public hearing.

Commission Comment: Commissioner Ferrick noted that there was no increase in trip cap proposed and PBS provided a stronger, enforceable carpool program than was possible at public schools. She said she had no concerns with the request.

Commissioner Riggs said he had some concerns as this was a 20-year approval. He questioned the negligible amount of penalty and the length of time to procure the fine. He asked if it was possible to have a review of a traffic complaint by the Planning Commission triggered at one year. Planner Lin said that the conditions could be modified by the Planning Commission, and suggested hearing from the applicant.

Ms. Jennifer Renk, PBS' land use attorney, said the City would monitor annually for five years. She said it was set up so that if there was a compliance issue in the first year that PBS would have time to cure the issue and the City would continue to monitor. She said if there was a compliance issue the second year PBS would get a penalty. She said if in the third year, PBS still out of compliance, they would need to come before the Planning Commission.

Commissioner Riggs said if the Commission was convinced that there would be correction then in the second year following a Planning Commission review potentially there would be doubled penalties and another visit to the Planning Commission for noncompliance.

Ms. Renk asked if his proposal was that if PBS was out of compliance for one year that the second year they would come to the Planning Commission. Commissioner Riggs said he was but wanted other Commissioners to weigh in on the suggestion.

Chair Kadvany said he thought the penalties would work to keep PBS in compliance.

Commissioner Riggs said he would like the 60 and 90 day periods tightened up.

Ms. Nikki Nagaya, Menlo Park Transportation Division, said related to the 60 and 90 day thresholds that the City would monitor on an annual basis every fall as proposed. She said if in its first count in the fall they see noncompliance and PBS exceeding the 140 vehicles trip cap then they be given a period of time to make corrections which related to the 90 days after which the City would do another count.

Commissioner Riggs said that he did not think five months was needed to realize there was a problem and to cure it. He said he thought 30 days was enough time to implement the plan to solve the noncompliance.

Commissioner Ferrick said she assumed the \$500 penalty was per car over the trip cap, and something PBS would want to avoid.

Ms. Nagaya said since the count was done in the October-November time frame that a 30 day period would be into the holiday time period which they wanted to avoid. She said there needed to be time for PBS to implement a new plan.

Mr. Erickson said they were open to shortening the implementation period to 60 days. He said their incentive and commitment was to be fully in compliance. He said they did not expect to have to pay a fine or be out of compliance.

Commissioner Riggs asked why the monitoring did not occur in September-October noting school started in August. Ms. Nagaya said the intent of monitoring in October-November was to let the school year settle in, noting that the beginning of a school year at any school was hectic and to do the count prior to the holiday season.

Commissioner Ferrick said she could support shortening the implementation period to 60 days noting that 30 days was probably not sufficient as it was around the holiday season and not typical conditions. She moved to approve the use permit revision with a modification from 90 to 60 days for implementing the plan of additional transportation demand management measures. Commissioner Riggs seconded the motion.

Commission Action: M/S Ferrick/Riggs to approve use permit revision request with the following modification.

1. Make a finding that the project is categorically exempt under Class 14 (Section 15314, "Minor Additions to Schools") 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 revision subject to the following **ongoing project-specific** conditions:
  - a. The applicant shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.
  - b. The applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the new construction.
  - c. Subleasing of the site, or allowing use of the site for non-school related activities, by Phillips Brooks School shall require approval of a use permit revision by the Planning Commission.
  - d. The maximum allowable student population on the site shall be 320 students. This increase shall be valid until either the earlier of the school leaving the site or the expiration of the school's lease on July 31, 2032.
  - e. The maximum allowable number of staff on the site shall be 58 staff. This increase shall be valid until either the earlier of the school leaving the site or the expiration of the school's lease on July 31, 2032.
  - f. All student instruction and regular school activities shall continue to be limited to the hours of 8:00 a.m. to 3:30 p.m. The school's hours of operation shall be extended with the goal of ending at 10:00 p.m., except for the monthly board meetings, which would be allowed to occur until 11:00 p.m., for the following ancillary School activities:
    - Daily student drop off from 7:30 to 8:00 a.m.;
    - Daily after school care;
    - After school sports practices (three times per week);
    - "Back-to-School" night (once per year);
    - Middle School Admissions Night (once per year);
    - Board Meetings (once per month);
    - Board Committee Meetings (two to three times per month);

- Parent Coffees (six per year);
  - Parent's Association Meeting (two to three times per year);
  - Student Presentations (once per year for each class);
  - New Family Picnic (once per year);
  - Book Fair (once per year); and
  - Neighborhood meetings on school operations.
- g. The applicant shall not allow more than 140 outbound vehicle trips to be generated by the school during the morning traffic peak hour period (7:45 a.m. – 8:45 a.m.). The City shall perform traffic counts on an annual basis, with the cost of each annual count, \$975.00 (adjusted annually starting in 2014 per the Consumer Price Index for All Urban Consumers in the San Francisco-Oakland-San Jose area), to be reimbursed by the applicant. The peak hour traffic count shall be the average of at least three weekday counts (Tuesday, Wednesday or Thursday). Counts should be performed between mid-October and mid-November, starting in the 2014-2015 school year. Counts should avoid days immediately before or after holidays or long weekends, and should not be performed on days of inclement weather conditions.

If the annual traffic count shows that actual outbound trips exceed the trip limitation, the applicant shall prepare a plan of additional transportation demand management measures within 60 days in order to bring the trips into compliance and shall implement this plan within ~~90~~ **60** days of its preparation. At the end of this ~~90~~**60**-day implementation period, the City shall conduct a supplemental traffic count, with the cost of that count, \$975.00 (adjusted annually starting in 2014 per the Consumer Price Index for All Urban Consumers in the San Francisco-Oakland-San Jose area), reimbursed by the applicant, to confirm compliance with the trip count threshold.

If the supplemental traffic count shows that actual outbound trips exceed the trip limitation, the applicant shall pay a penalty of an annual \$500 per excess AM peak hour outbound trip (adjusted annually starting in 2014 per the Consumer Price Index for All Urban Consumers in the San Francisco-Oakland-San Jose area). Revenues from the payment of penalties shall be due to the City within 30 days of City's issuance of the invoice and the City shall use the money for programs designed to reduce trips or traffic congestion within the City of Menlo Park. Annual monetary penalties shall apply for each subsequent year the trip limit is exceeded; the penalty amount shall increase by \$500 per trip for each subsequent year that a violation occurs. If the school is out of compliance with the trip cap for three (3) consecutive years, the Community Development Director shall have the discretion to bring the use permit to the Planning Commission for review. If a subsequent trip count is below the AM peak hour outbound

limit, no annual penalty shall apply. If the school is in full compliance with the trip cap for five (5) consecutive years, the penalty would revert back to the base penalty amount of \$500 per trip (adjusted annually starting in 2014 per the Consumer Price Index for All Urban Consumers in the San Francisco-Oakland-San Jose area) from any previously accrued per trip penalty rate.

If, after five (5) consecutive years of monitoring, no violations of the vehicle trip limitation have occurred, annual monitoring will be discontinued. Monitoring may be resumed at any time if the City receives complaints regarding the traffic volume on Avy Avenue related to Phillips Brooks School during the morning peak hour. After a complaint has been received, the City will evaluate whether a potential violation has occurred, and the Community Development Director shall have the discretion to resume the monitoring. If monitoring is deemed warranted, the City will notify the applicant of the determination at least one week before initiating the monitoring program. The applicant will be responsible for reimbursing the City for the cost of the traffic count, \$975.00 (adjusted annually starting in 2014 per the Consumer Price Index for All Urban Consumers in the San Francisco-Oakland-San Jose area). In this instance, at least one year of monitoring will be completed.

- h. The applicant shall continue to communicate in writing to all parents of students enrolled in the school that no parking is allowed on the north side of Avy Avenue and the first block of Bellair Way. Documentation of the communication shall be submitted to the Planning Division on an annual basis, and the effectiveness of the street parking restriction shall be analyzed by the Transportation Division.
- i. The existing “right turn only” sign located at the exit of the school’s parking lot shall be maintained until the City Council directs otherwise. The right-turn only sign may be modified to display actual carpool times.
- j. The applicant shall submit a copy of the student enrollment roster and the staff roster to the Planning Division for purposes of verifying the student enrollment and staff numbers. The rosters shall be submitted annually three months from the first day of the school year. The Planning Division shall return the rosters to the school within one week of receipt. The City shall not make copies of the rosters or disseminate any information from the rosters to the public to the extent allowed by law.



- k. The applicant shall maintain the committee of school representatives and neighbors to identify issues related to the school's operation and develop resolutions to those issues. The committee shall meet a minimum of once every three months starting from October 2, 2001. The results of the committee's work shall be reported annually by the applicant in writing to the Planning Division.
- l. The applicant shall comply with all aspects of the traffic safety control program approved by the City Council on February 12, 2002. Compliance with these items shall be to the satisfaction of the Transportation Division.
- Maintain the landscaping in front of the site in order to provide adequate visibility for vehicles exiting the driveway, yet also maintain the screening of the school facilities.
  - Encourage the Las Lomas District to monitor the intersection of Avy Avenue and Altschul Avenue during the times when the District's students use the intersection.
  - Maintain the curb red for a distance of 20 feet on the south side of Avy Avenue to the east of the driveway exit to allow improved visibility and to allow improved turning movements from the driveway exit onto Avy Avenue.
  - Maintain the curb red for a distance of 165 feet on the south side of Avy Avenue to the west of the driveway exit to allow improved visibility and to allow improved turning movements from the driveway exit onto Avy Avenue.
  - Maintain "school zone" signage on the eastbound and westbound approaches of Avy Avenue near the site.
  - The Police Department shall augment its enforcement efforts to enforce the parking prohibitions at the red curb locations on Avy Avenue, as budget resources allow.
  - The Police Department shall augment its enforcement efforts near La Entrada School and the intersection of Avy Avenue and Altschul Avenue during the morning drop-off and afternoon pick-up periods, as budget resources allow.
- m. The Community Development Director shall review any complaints received by the City regarding the expanded student enrollments and staff numbers at Phillips Brooks School. The Community Development Director and his/her designee shall work with the School and the neighbors to try to resolve such complaints, when possible. The Community Development Director shall have the discretion to bring complaints to the Planning Commission for review.

- n. The applicant shall maintain the site in compliance with the following approved plans:
- The approved plans prepared by BFGC Architecture, consisting of seven plan sheets, dated received September 15, 2009, and approved by the Planning Commission on September 21, 2009, except as modified by the conditions.
  - The approved plans prepared by Berger Detmer Ennis, consisting of 28 plan sheets, dated received January 5, 2006 and approved by the Planning Commission on January 9, 2006, and subsequent revisions dated May 1, 2007 consisting of 18 plan sheets except as modified by the conditions.
- o. The landscaping and irrigation plan shall comply with the Water Efficient Landscape Ordinance. The applicant shall maintain landscaping and irrigation along Avy Avenue and within the campus per the approved plans. Plantings should include native species, a variety of trees, plants, shrubs, and groundcover.
- p. The applicant shall require that drop-off and pick-up of passengers occur only in designated loading and unloading zones, as specified on plans dated received January 5, 2006. Compliance with this item shall be to the satisfaction of the Transportation Division. The applicant shall also require that no drop-off or pick-up of passengers occur on Zachary Court.
- q. The sports court canopy can be used for play during recesses, physical education classes, after school sports practices, and school assemblies. Modifications to the appearance or use of the structure may warrant a use permit revision and architectural control review by the Planning Commission as determined by the Planning Division.
- r. Should the informal arrangement between Phillips Brooks School and St. Denis Church (2250 Avy Avenue) for the use of St. Denis Church's parking lot be cancelled, the applicant shall submit a plan to provide for overflow parking, for review and approval by the Planning and Transportation Divisions.

Motion carried 5-0 with Commissioners Bressler and Eiref absent:

## **E. REGULAR BUSINESS**

- 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). ***Continued from the meeting of October 7, 2013***

Chair Kadvany noted that the Commission had taken informal, straw votes on various aspects of the El Camino Real/Downtown Specific Plan (Plan) at prior meetings.

Senior Planner Rogers said correspondence received since the last meeting's consideration of the Plan had been distributed to the Commission and public at the back table. He said there were also copies of previous staff presentations and the Chair's recommended process/content recommendations. He said the staff report listed options for how to proceed related to Commissioner absences and recusals with pros and cons noted for each. He said in all scenarios individual Commissioners were able to relay their individual opinions to the City Council. He said the City Attorney had indicated it was not advisable to aggregate individual Planning Commissioner positions on various topics from different meetings as that did not allow for full consideration of the discussion of topics, which might cause a Commissioner to alter his/her position. He said for the public's benefit that the Planning Commissioners had considered holding special meeting dates but that had proved challenging and would become more difficult with the upcoming holidays.

Commissioner Riggs said that he would like to wrap up their discussion this evening as recommended by one public member in an email, noting that the Plan originally was considered by the Planning Commission in five meeting and with this review they were at four meetings already. He said they could discuss those topics for which they have a quorum and wrap it up.

Chair Kadvany said that would exclude anything to do with Middle Avenue and El Camino Real Southeast for specific recommendations.

Commissioner Strehl expressed her concurrence with Commissioner Riggs' comments. She said the question was whether there was anything wrong with the Plan. She said the Plan had been in effect just one year and other than the Mermaid Inn project only one other project had emerged from the Plan area. She said not commenting on the Southeast zone she could state the Plan worked in its entirety. She asked if they felt significant changes were needed or whether some clarifying memoranda might suffice. She said her question was whether they needed to parse out different sections of the Plan or could consider it in its entirety.

Commissioner Onken said there was concern regarding Commissioner absences and impacts on the discussion but he considered the Commission to be in a study mode and

not taking formal action yet. He said he appreciated the Chair's report, Attachment D, and thought they should concentrate on that. He said they could consider and make straw votes. He said absent Commissioners could read the minutes; and when they had the opportunity they might comment on those areas too.

Commissioner Ferrick said she was not able to make the dates offered for special meetings. She said in their discussions they were becoming fairly repetitive. She said her opinions about the Plan were on the Plan as a whole and not in pieces, and she hoped they could wrap up their discussion this evening. She said she had written a lengthy reply to the proposed process noting she was okay with the check boxes for straw votes but had concerns with how some of the topics were worded as those might not convey the full sentiment of the Commission.

Chair Kadvany said changes were possible. He said it was important to convey the message to the City Council that in some instances there were desired changes but in other instances there had been discussion.

Commissioner Ferrick said this was a Plan with specificity and she did not think they had to consider it piece by piece, noting it had only been in effect a year. She said for public benefit and architectural control discussions those were not geographically specific and both Commissioners Onken and Strehl could stay and there would be a quorum.

Commissioner Riggs said he was uncomfortable with the format in Attachment D. He said he did not want to look at individual aspects he thought were thoroughly discussed leading up to last summer's adoption of the Plan, and that had been discussed at the last three Planning Commission meetings. He said he would prefer following staff's recommended procedure which was to establish firstly whether there was a need for change and secondly what that change was. He said he did not think they needed to review the multiple elements of the Plan to determine whether there was a need for change.

Chair Kadvany said he had prepared a format to do that and provided a summary page of contents: definitions to be added for clarification involving scale, vibrancy, intrinsic benefit; scope of Planning Commission architectural control; public benefit and thresholds; Middle Avenue Plaza and El Camino Real Southeast; uses and conditional uses; building parameters; infrastructure; and downtown. He said all of those topics had been discussed and there were general straw votes about those. He said they had not gotten to traffic and mobility.

Commissioner Onken suggested if no changes were desired that they could review the topics and indicate no changes or otherwise. Chair Kadvany indicated he had listed things he had heard during their discussions but which did not necessarily reflect his own opinions.

Commissioner Ferrick requested that item D6 be reserved to the end as it meant the refusal of two Commissioners which would result in there not being a quorum.

Senior Planner Rogers asked if the Chair wanted to accept public comment noting there was no requirement for it, as it had been taken previously at two other meetings, and the item had been continued. Chair Kadvany said he would not reopen public comment noting there would be additional opportunities for public comments in writing and at the City Council's future hearing.

*Action summary: The Planning Commission considered a process/content recommendation prepared by the Chair. A preliminary version of this recommendation had been attached to the staff report and a slightly edited version was distributed at the meeting. The Planning Commission opted to conduct a detailed review of all elements of the Chair's process/content recommendation that could be addressed at the October 28, 2013 meeting (i.e., everything except for Section D "Middle Plaza & ECR SE Zone"), and to defer other topics to the November 4, 2013 meeting. The topics and the Commission's discussion of them follow.*

*Categories of opinion on proposed text changes were supportive, opposed, and indifferent.*

#### **A. "Proposed Definitions to be Added to the Specific Plan"**

In response to a question from Commissioner Ferrick, Chair Kadvany said that definitions could be made when topics such as those noted were first introduced in the Plan. In response to a question from Commissioner Ferrick, Senior Planner Rogers said his main comment on this section and what it was proposing was how those definitions would be carried over into the scope of Planning Commission architectural control. He said Community Development Director Heineck and he were concerned that these definitions could introduce uncertainty and confusion about what was permitted or allowing more discretion with architectural control to revise height standards.

Commissioner Ferrick said she was a bit indifferent as to whether a definition was added or not but if these particular definitions were wanted by the Commission that staff would then need to review and present them in streamlined and simple way.

Commissioner Onken said this would tell the City Council that the Plan was deficient in these definitions. He said adding them seemed fairly harmless noting he was not comfortable with the term of village character. He said he was indifferent regarding these.

Commissioner Riggs said he thought this area was too detailed and wanted a greater overview of the Plan. He noted there were 12 visioning principles and not five as listed.

Commissioner Ferrick said she did not support inserting definitions.

Senior Planner Rogers said there had been 12 vision plan goals identified and listed in the Plan as context, and the Plan stated five guiding principles. He said those might be called Plan guiding principles.

Commissioner Strehl said she concurred with comments made by Commissioners Ferrick and Riggs.

Senior Planner Rogers asked if the Chair wanted the box indicating support, nonsupport, or indifferent completed. Chair Kadvany suggested there would be one Planning Commissioner in favor of the proposed text additions and four who were indifferent or not supporting.

## **B. "Scope of PC Architectural Control"**

### **B1**

Chair Kadvany said this proposed adding the idea of scale to the text for Architectural Control in the Plan and noted features of setbacks, articulation, and building surfaces that influence scale.

Commissioner Ferrick said the word "scale" did not have a lack of presence noting it was in the Plan and used in comments made by the public and in Planning Commission discussions. She said there was already a great deal of specificity in the Plan related to heights, setbacks, articulation, building breaks, and modulation. She said she would not support adding the word scale as it would not add anything as it was well characterized already by the elements in the Plan.

Commissioner Onken said he would not support adding scale to the text as it might create confusion and he would not want changes to zoning regulations as that would require a far different process for Plan revision.

Chair Kadvany said he thought it was important to articulate issues like this. He noted that people said the larger project that emerged under the Plan was too big. He said with the building parameters as set there was no ability to respond to the public. He said he would support this one to reflect that view and his concern.

Commissioner Strehl said she supported the building parameters in the Plan for architectural control and would not support this suggested change to add the concept of scale.

Chair Kadvany said in reference to scale that they had received numerous emails from the Sierra Club requesting a 48-foot height maximum noting there was a 60-foot height maximum in some of the zones under the Plan. He said some additional focus on scale

could allow for dealing with the top end of the envelope rather than limiting all building heights to 48 feet. He said he supported the 60-foot height but feared opposition would move the Council to reduce the height to 48 feet. He said this was an effort to permit the 60-foot height by introducing a concept of scale. He said he supported adding to architectural control greater oversight of design of larger projects related to scale impacts.

Commissioner Ferrick said that three Commissioners opposed these proposed changes and Commissioner Riggs had not commented.

Commissioner Riggs said Chair Kadvany's definitions were good. He asked if scale had been considered for inclusion in the Plan. Senior Planner Rogers said the overall intent with the Plan was not to have principles in isolation from the rules but to have an integrated Plan with community preferences included with an acknowledgment that any particular site, particular use of materials or unique interfaces could be managed through architectural control. He said under the previous review process that architectural control was viewed by the public as the way to get square footage reduced on a project. He said he did not think that was advisable, but if that was the direction, then the clearest thing would be to just reduce the FAR standards. He said staff believed that the architectural control process currently in the Plan provided the Planning Commission the discretion to modify the important elements in the Commission's perception of scale without necessarily having the word scale included.

## **B2**

Chair Kadvany introduced text on guiding principles under architectural control. He said this would help address when a project was not in violation of regulatory controls but was not consistent or contributing to one of the guiding principles.

Commissioner Onken said the question was whether the Plan said enough about vision and character and whether more emphasis needed to be placed on those issues. He said he thought the Plan said enough on vision and character and that he could not support augmenting the Plan to place greater emphasis on vision principles.

Commissioner Ferrick said she was indifferent to the suggestion as the vision principles were included in the Plan. She said if it was particularly important to the majority and Council that was fine but she felt it was repetitive to what was already in the Plan.

Chair Kadvany said the Plan was written well but not accessible to the general public. He said regarding scale and guiding principles that it was a communication issue and questioned how it might be explained better to the community. He commented that it was subtle as it was somewhat an intersection of technical criteria, human judgment and neighborhood context.

Commissioner Ferrick said the City's website had a nice summary when they were going through the process as to the goals and guiding principles of the Plan. She said perhaps they needed a refresh of the summary sheet but did not think that would require a Plan update.

Chair Kadvany said communication about the Plan was the City's responsibility. He said he supported adding text related to vision and guiding principles. The other four Commissioners were indifferent or not supportive on the topic.

### **B3**

Chair Kadvany introduced the topic of adding text related to building remodeling and architectural control, noting the Mermaid Inn project.

Commissioner Onken said he thought the Plan was insufficient in addressing the existing building fabric of the Plan area and that it should stress that the existing building fabric should meet Plan goals. He said that staff might address this when remodeling applications in the Plan area were submitted. He said in the future perhaps a variance should be required to allow such projects to keep elements not in line with the Plan. He said he supported reemphasizing to builders remodeling that these needed to be under as much scrutiny under the Plan as new projects.

Chair Kadvany suggested having remodeling projects in the Plan area provide a less finished scheme earlier as to what they would propose to allow time for Planning Commission to consider prior to actual architectural control review.

Commissioner Riggs asked if it was the Plan that allowed the Mermaid Inn to have the same setback or the Commissioners. He asked if they were empowered as Commissioners to deny the Mermaid Inn project unless it met the setbacks of the Plan. Planner Rogers said he was not aware of architectural control being used that way in other parts of the City, including areas beyond the Plan area. He said in general the suggestion being formed was a different way of treating buildings that do not conform to zoning from how that was done anywhere else in the City. He said the City's very consistent track record has been to treat existing properties that were rezoned as conforming, which was a way to incentivize the reuse of buildings that still have a useful life and character. He said changing that could potentially have some fairly significant impacts in terms of environmental impacts and historical resources, and in general was completely different to how such projects been treated.

Commissioner Strehl suggested reminding applicants for remodeling projects applied for in the Plan area to comply with the Plan elements to every effort possible.

Commissioner Onken said they needed to assure that projects along El Camino Real and in the downtown be developed mindful of the Plan regulations.



Commissioner Ferrick said she concurred with recommending the addition of the text regarding building remodeling. Chair Kadvany noted that there appeared to be some consensus on this item.

Senior Planner Rogers said one potential outcome of requiring full setback compliance for a project proposing a facelift, was a decision to not do any work at all. He noted that if it manifests itself as a requirement for an additional study session, it could become another source of complaints about process hurdles.

Chair Kadvany stated that it was about striking a balance, and having more information earlier. Senior Planner Rogers noted that for the Mermaid Inn, there may have been unacknowledged significant ramifications for moving the wall, such as reducing the number of hotel rooms that could be provided.

Commissioner Ferrick stated that her intent was not to create a more arduous process, but questioned why the Mermaid Inn applicant invested money while not complying with the setback requirements. Senior Planner Rogers stated that it was a question of proportion (the relationship between the cost of moving a structural wall vs. the overall cost of the project) and historical precedent for similar noncompliant buildings in the city.

Commissioner Onken said he thought that the Plan did not sufficiently emphasize expectations for remodeling projects in the Plan area, and that the proposed verbiage would assist.

Commissioner Riggs noted that the remodeling of legal nonconforming properties created when zoning changes would be based on cost. He said replacing a front, shear wall at the Mermaid Inn would be very expensive and offer no gain for the property owner, plus a loss of rentable area. He said he thought it would kill the project.

Chair Kadvany stated that it was primarily a heads-up, getting the information in front of the applicant. Commissioner Ferrick questioned whether it could have a chilling effect.

Senior Planner Rogers said that the Mermaid Inn review process included an initial staff review of the scale of the project, relative to the cost of compliance. He said that an earlier check-in and/or more information could be provided for the Planning Commission. He said an additional study session meeting could be a hurdle. Commissioner Ferrick agreed with that, especially for smaller downtown properties.

Chair Kadvany confirmed that he and Commissioner Onken supported adding this text. Commissioner Ferrick said she had mixed feelings about it. She said she thought staff would review Plan expectations with applicants bringing requests in the Plan area.

Commissioner Strehl said she was indifferent to the suggestion. She said a really bad outcome would be no improvement projects applied for at all.

Commissioner Onken said the perception was the Plan was only for new buildings and he thought it was important to communicate that the Plan's goals were also for remodeling projects, and for staff to work with applicants in such a way.

With the general consensus of Commissioners Ferrick, Kadvany, and Onken, this recommendation was moved forward, with the prefacing discussion.

## **B. SCOPE OF PC ARCHITECTURAL CONTROL**

### **3. Text for Specific Plan on *building remodeling and architectural control*:**

Specific Plan proposals for building remodeling or changes to site layout (e.g. parking) will be evaluated in terms of potential implications for the attainment of Plan goals, especially with regard to future neighboring development. Examples include pedestrian and bicycle connectivity, shared public spaces, building access and parking. Remodeling proposals not meeting all Plan criteria should be presented to the Planning Commission for early feedback.

**Comment:** This text is motivated by recent experience with remodeling to the Mermaid Inn on ECR, for which the PC has tentatively approved (some changes required) remodeling without meeting the Plan sidewalk width standard. All such projects should be scrutinized carefully for precedents and opportunities.

The Planning Commission took a short break at this point.

## **C. "Public Benefit and Architectural Control Thresholds; Public Benefit Categories"**

### **C1**

Chair Kadvany said the question was whether LEED certification should be considered a public benefit.

Commissioner Riggs said the Council wanted LEED certification as a public benefit for projects in the Plan area. He noted however the City's adoption of CalGreen and the greater energy efficiency of buildings built today compared to 40 years ago.

Commissioner Onken said he was a certified LEED practitioner and this requirement was redundant noting CalGreen requirements. He said he supported identifying public benefits that were not necessarily monetary but LEED certification was not that relevant any longer. He said he favored the text and striking LEED certification as a public benefit.

Commissioner Strehl asked if it remained as a public benefit whether it would encourage a remodeling project to go through LEED certification. Chair Kadvany said he did not think it would incentivize such a project.

Commissioner Ferrick said LEED silver certification was sort of the standard currently and should not be considered a public benefit. She said she agreed dropping LEED silver certification as a public benefit.

Planner Rogers said that LEED Silver certification was a requirement for all new projects and large remodeling projects under the Plan. He said the Plan allowed for City staff to set up an independent auditor program to verify that compliance. He said regarding the scale of remodels that the Marriott Residence Inn Project was a “big” project but they were not removing their HVAC or changing their windows. He said Mermaid Inn was not a large enough project to require LEED certification. He said the Plan stated that every new project had to meet LEED Silver but if the project applicants elected to go for higher certification that could be considered as some public benefit. He said this suggested change regarding Public Benefit was relatively straightforward if the Commission wanted to suggest it.

Commissioner Ferrick said she was indifferent to the suggestion, but did not want to send the community the message that LEED certification was not important.

Chair Kadvany said he would support removing it as it diluted what they were seeking in public benefit.

Commissioner Riggs said he agreed with Chair Kadvany and that LEED silver certification was not a public benefit but he also did want to send a message to the community that it was unimportant. He said he would much prefer an undercrossing.

All of the Commissioners but Commissioner Ferrick supported this recommended change, the text of which follows.

**C. “PUBLIC BENEFIT AND ARCHITECTURAL CONTROL THRESHOLDS;  
PUBLIC  
BENEFIT CATEGORIES”**

1. Eliminate LEED certification as a potential public benefit.

**Comment:** LEED certification is not an appropriate public benefit category. High levels of LEED certification or the equivalent may be considered as supporting attainment of the Plan vision principle of healthy environment and sustainability.

**C2**

Chair Kadvany said the next section addressed a maximum public benefit threshold defined at a base FAR of 1.1 for all El Camino Real zones and the Station Area East zone. He said this would mean that many properties on El Camino Real would have

this bonus level, which would provide equity. He noted the FAR public benefit threshold was lower in the northern part of the El Camino Real Plan area.

Commissioner Ferrick asked staff to address how the figures in the Plan to trigger public benefit had been derived.

Senior Planner Rogers said the first suggestions related to these thresholds in the draft Specific Plan were based upon feedback from community workshops on building preferences and creation of models and forms. He said the City Council during the draft Specific Plan process directed staff to look at the feasibility of those figures and if those were needed to get typical profitability or whether the City would be giving a lot of value away without getting value in return. He said in the Final Specific Plan a more detailed feasibility analysis was done and presented fully to the public for consideration. He said that analysis was attached to the last meeting's staff report on the Plan, and the Commission had discussed it then. He said differing FAR in different areas was meant to address the unique conditions faced by properties in distinct zones.

Commissioner Ferrick asked if those were the densities and FARs considered under the EIR. Senior Planner Rogers said that was correct. Commissioner Ferrick asked what changing the FAR threshold would do for the Plan and the City. Planner Rogers said when it was suggested FAR threshold for public benefit be reduced to 0.55 there were strong concerns about development feasibility and achieving inherent Plan goals. He said although a more modest decrease was proposed here that staff would have the same concerns. He said the one principle underlying the thresholds was to create and spark development of key opportunity sites.

Commissioner Ferrick asked if changing those would result in requiring new study or another process of some sort. Planner Rogers said any such change would require some level of environmental review to determine whether the effects of that change were effectively and adequately described in the Program EIR or whether they created new impacts or new mitigations. He said how CEQA typically has worked over the decades was to view any sort of reduction in traffic or building envelope as a lessening of impacts. He said through experience that such building pressures drive developers elsewhere. He said another aspect on which down zoning might create impacts was the greenhouse gas effect where the impact ratio was a ratio of greenhouse gases per service population, and was based on how many people, the type of development and how much energy that created. He said they would need to study any impacts on the housing assumptions that were pinned to the Housing Element. He said FAR if adjusted could not impact the densities and be less than 30 units to the acre.

Chair Kadvany said this was not reducing FAR but the trigger of FAR for public benefit. Senior Planner Rogers said not all developers would want the public benefit levels so they would need to look at the base level development and whether someone would build smaller to avoid public benefit trigger. He said it would be linked with the feasibility exercise.

Commissioner Ferrick said lowering the threshold of FAR for public benefit might have environmental impacts or affect processes such as the Housing Element.

Commissioner Strehl asked if changing the FAR threshold for public benefit would be a minor or greater change to the Plan. Senior Planner Rogers said it would be a major change and would require graphical revisions, more environmental review, and Housing Element compliance review.

Chair Kadvany said this was not changing the FAR but changing the public benefit threshold and was not about changing FAR or density. Commissioner Strehl said if there was a change in the threshold for the public benefit the developer might potentially decide to build less to avoid the public benefit trigger which she thought was a fairly major concern. She said also there were feasibility studies and what would trigger investment in their community, which was the goal of the Plan. She said changing the public benefit trigger would send a bad message about the intent of the Plan in providing some certainty to the developer. She said she had concerns about changing the threshold level for public benefit noting there had only been one project and they had not had the process to determine if a change was warranted.

Commissioner Onken said they should leave the threshold where it was.

Commissioner Riggs said he agreed with Commissioners Strehl and Onken. He said the frustration was how to fund infrastructure. He said when they committed to the Plan the City and community had committed to making a change as they were dissatisfied with the stagnant downtown, half abandoned El Camino Real and the leaderships that led to that. He said the Plan made development more streamlined and with certain conditions developers could do more. He said the City and residents' commitment might involve seed money for a parking structure and El Camino Real traffic and crossing improvements.

Chair Kadvany said he did not think lowering the threshold for public benefit would impact development. He said assumptions made under the Plan were out of date as the economic times were improved. He said the Plan was not a revenue generator. He said the City has serious infrastructure needs without a funding plan. He said with the upswing to the economic cycle and the very valuable land that he did think a slight nudge down on the public benefit threshold would have an impact on development. He said it was an important symbolic statement to make to push the Council to realize that a funding mechanism was needed to fund infrastructure.

Commissioner Ferrick said she would not support this suggested change. She agreed it was important to fund the infrastructure improvements and wanted to address that under traffic and mobility. She said it appeared the Chair supported this change and the other four Commissioners did not support it.

Commissioner Riggs said they needed to push Council to fund infrastructure and noted there were 32 pages in the Plan on how to implement and fund the public improvements.

### **C3**

In response to a question from Chair Kadvany, Senior Planner Rogers said the public benefit process as structured in the Plan gave the Commission flexibility to identify what public benefits and intrinsic benefits would be for a project.

Commissioner Ferrick said she was indifferent to the suggestion. Chair Kadvany said he thought he was indifferent as well but it was a prompt to look at these topics in projects. He said if developers were fearful about public benefit he thought it should be communicated that bringing great projects in themselves were a public benefit.

Commissioner Onken said the question was whether the Plan could clearly use intrinsic benefit as a measure.

Chair Kadvany noted they were all indifferent to adding this text.

Item C4, which had been added just before the meeting, was skipped without discussion.

### **E1**

Chair Kadvany said this was intended to reduce total office use to no greater than 25% in zones except for the downtown. He said office use did create vibrancy. He said this would make it easier to have housing. He said he thought there was Commission support for this.

In response to Commissioner Ferrick, Senior Planner Rogers noted staff's previous report in September outlining options for what the Planning Commission could do regarding office use such as designating it as a conditional use particularly for medical office use. He said the 50% was based approximately on City's past proportions for the El Camino Real District and the C3 District. He said the latter allowed for 25% office use and the former allowed for upwards of 60%. He said they averaged it and replicated it as 50% for the Plan. He said Chair Kadvany's suggestion was most applicable to the last option which was to lower the office FAR limits and not permit any new development above those limits. He related the pros and cons associated with that. He said regarding impacts to the Housing Element those would need discussion but he did not see an obvious impact to it. He said it would still need to be analyzed from an environmental standpoint.

Commissioner Ferrick asked if lowering the maximum to 25% would be a major or minor change. Senior Planner Rogers said it did not seem as major a change as other

suggestions, and would likely be minor. Commissioner Ferrick said there were some concerns about medical office use and traffic but it was her understanding that traffic associated with office use and medical office use were similar with medical office traffic distributed throughout the day. Senior Planner Rogers said Transportation Division staff had found in doing some preliminary calculations for a development project that the peak trips for medical office were greater than office use. He said medical office use in the Plan has an even lower FAR allowance than office use.

Chair Kadvany said housing would also stimulate more retail.

Commissioner Onken said in the Plan area there were a few large properties. He said by reducing office use to 25% they would effectively prevent large companies from being in the Plan area. He said he was all in favor of more housing.

Chair Kadvany said the percentage could be greater or the use could be conditionally approvable.

Commissioner Strehl said she was concerned in lowering the allowable office use space that might impact the financial viability of a project. She said office space generally helped pay for housing. She said she thought offices would encourage vibrancy during the day and might encourage more retail development. She said office use contributes to City and school coffers but did not have the demand for City services that housing has. She said she would not support lowering the percentage.

Commissioner Riggs said if they were too prescriptive for what they wanted to see in a zone that would not allow room for investment cycles. He said he did not really buy into the housing and jobs imbalance. He said related to retail that it would be great to zone for it but it would happen to the degree for which there was a demand for it. He said he would support revisiting incentivizing retail perhaps every two years.

Commissioner Ferrick said there were zones with minimum amounts of required retail. Senior Planner Rogers said a retail use could occupy 100% of its FAR. He said in practice, multi-story buildings generally did not have retail in the upper stories. He said where there was a minimum retail expectation it could be exceeded. Commissioner Ferrick said she agreed with Commissioner Strehl's comments. She said regarding housing in the current Housing Element that they were on track to meeting their housing obligations. She said they would not want to impact that by reducing office use as housing impacted school enrollment.

Chair Kadvany said vibrancy was the outcome he was looking for here, and viable retail was the missing component and uncertainty. He said he was indifferent to the suggested text noting there was a positive daytime value from office use. He said this Planning Commission and future ones should look at projects in terms of vibrancy and potential retail. He said they needed to activate the east side of Menlo Park with mixed uses including retail.

Commissioner Ferrick said perhaps there was a way to communicate to the Council that retail use should be encouraged on El Camino Real. Senior Planner Rogers quoted from the September 24 staff report on page E8 that as part of its comprehensive direction on the Draft Specific Plan, the City Council required that potential revisions regarding retail uses and whether/how they could be encouraged/required be explored. He said this seemed to primarily relate to the El Camino Real corridor. He said that staff and the consultant prepared a detailed memorandum on retail uses, which could be found on the project web page. He said they found that the Plan supported a long-term economic shift away from the historic pattern of auto-oriented convenience retail along El Camino Real to a mixed-use neighborhood with concentration of retail and restaurants in nodes. He said that was how they came to the requirement for the Middle Avenue node. Commissioner Ferrick said there was a desire to encourage more retail but if it was already in the Plan sufficiently that was fine.

Chair Kadvany said he was indifferent. The other four Commissioners indicated they did not support.

#### **F. "Building Parameters"**

##### **F1**

Chair Kadvany said the first item related to what constituted open space noting balconies were not specified in the definition and calculation of open space under the Plan.

Commissioner Ferrick said she researched and found that in most cities balconies counted as open space as long as it was in balance with public open space. She said she would not support changing the text.

Chair Kadvany confirmed with Commissioners that they would continue past 11:30 p.m. in their discussion as needed.

Chair Kadvany asked to what extent balconies were required or not required in residential settings. Senior Planner Rogers said he believed there was nothing in the Building Code that required balconies. He said the Plan set up different requirements so for a development that was downtown with a residential component that a certain amount of open space would be required for each unit. If it was provided as private open space it could be less square footage than a share of common space. On El Camino Real there was an open space requirement that applied to all development and could include balconies but also would need to occur at podium and ground levels. He said parking areas did not count as open space.

Commissioner Onken said he initially thought it questionable that balconies should count as open space but thought apartment units downtown with balconies were better



than with just a thin strip of grass for open space. He said he would not support the change in text suggested.

Commissioner Strehl said most cities use balconies to count toward open space.

Chair Kadvany said he was indifferent to this suggestion and the other Commissioners did not support.

## **F2**

Chair Kadvany introduced the suggestion related to front setbacks.

Commissioner Riggs said a particularly deep setback would read as a hole in street frontage. He asked about 1706 El Camino Real that was finishing construction and noted the large arch on that site. He said it was about 100-foot of frontage and 30-foot arch. Senior Planner Rogers said in the downtown there was a 0-foot front setback to maintain the historical frontage and recessing entry to the point it would effectively create a hole was not allowed. He said on parts of El Camino Real where there were setbacks it was possible to do what the 1706 had done as the overall building volume read at the front setback line but with some visual relief provided. He said that would have to be explored on a case by case basis.

Chair Kadvany noted there was no support to change the text to allow front setback greater than currently allowed under the Plan

## **G. “Infrastructure”**

### **G1, G2, and G3 considered together**

Chair Kadvany said these were implementation recommendations to the City Council to focus on certain major infrastructure goals to be pursued immediately to support Plan implementation including a Middle Avenue bicycle/pedestrian tunnel and plaza and a downtown parking garage. He said the next recommendation would be for the Council to aggressively pursue the revenue generation measures listed in the Plan including bond measures, public benefit contributions, and a flat assessment on new construction toward one of the infrastructure projects as recommended by the Sierra Club.

Commissioner Onken said he was supportive of the first two items to remind Council to focus on the issues of infrastructure and revenue generation.

Commissioner Ferrick said she agreed.

Commissioner Riggs said he could support item one. He said they could start working on an assessment district. He said he did not know if there was a legal way to require a flat fee for new development.

Planner Rogers said it was complicated to apply taxes. He said with new development it was possible to charge impact fees but beyond a voluntary negotiated process, there was the potential that the fee was a tax. He said certain types of taxes needed two-thirds support in an election.

Commissioner Strehl said they were recommending that the City Council pursue revenue generation and not defining how.

Commissioner Ferrick said she could support the infrastructure priorities and the second item noting the great number of ideas listed in the Plan to possibly generate revenue but she did not think necessarily singling out one was the correct answer.

Chair Kadvany said it seemed that everyone supported one and two. He said he could support three as well.

Commissioner Ferrick said this was the most important thing to her that they had considered. She said she did not see tinkering with public benefit and thresholds as instrumental to addressing this need.

Text of recommendations supported by the Commission related to infrastructure:

## **G. INFRASTRUCTURE**

### ***Implementation recommendations for City Council action***

**1. Infrastructure goals.** The City Council should identify major infrastructure goals to be pursued immediately in support Plan implementation including: **a) design and construction of a Middle Avenue bicycle/pedestrian tunnel and plaza; b) Downtown parking garage** (location/size TBA based on parking study). As partial or complete funding becomes available for **a)** or **b)**, funding goals and priorities should be adjusted accordingly.

**Comment:** A downtown parking garage has been recommended in the Specific Plan as a priority goal for implementation and is essential to Downtown development realizing Plan goals. A garage will take years to design and build whose planning should therefore be pursued immediately. Middle Avenue improvements and funding are uncertain and so is addressed here and below in the context of ECR SE.

**2. Revenue generation A.** The City Council should aggressively pursue revenue generation directed to funding of major Plan infrastructure goals improvements using a combination of financial instruments determined to be most effective over time, are fair to property owners and developers, and are relevant to changing economic conditions. Such means may include, but are not limited to new

building square footage assessment (e.g. \$x/floor area); public benefit contributions; bond measures and other means identified already in the Specific Plan.

**Comment:** A downtown parking garage has been recommended in the Specific Plan as a priority goal for implementation and is essential to Downtown development realizing Plan goals. A garage will take years to design and build whose planning should therefore be pursued immediately. Middle Avenue improvements and funding are uncertain and also addressed in the context of ECR SE.

## **H. “Traffic and mobility”**

### **H1, H2, and H3 considered together**

Chair Kadvany said the first item was a recommendation to establish a Transportation Management Association (TMA) for all of El Camino Real. He said the second item was to put more emphasis on bicycle and pedestrian improvements along El Camino Real and improve east-west connectivity. He said the third item was ways of using TMA fees to encourage less dependence on cars, to unbundle parking, and incentivize people to not need parking.

Commissioner Strehl said she supported TMAs conceptually but asked how it would be funded and organized.

Commissioner Riggs said he was supportive of encouraging the Council to do a TMA. He said he could not support item two as either they supported traffic along El Camino Real or supported bike lanes as those would impact traffic greatly. He said bicycling on El Camino Real would never be a positive experience. He said the plan envision bicyclists use Alma, Derry and Garwood and connect to the Palo Alto Bridge where they were clear of all of the commercial driveways. Chair Kadvany said if you lived on the west side that getting to Alma was problematic. Commissioner Riggs said that they needed a way to cross El Camino Real. He said he has asked for dual button crossing to allow for different crossing times. He said he could not support four way crossings.

Commissioner Onken said he would support the emphasis on a TMA, and while bicycle and pedestrian improvements along El Camino Real were difficult he could support putting an emphasis on accomplishing those.

Commissioner Ferrick said one way to create the TMA would be to require new development to be in the TMA with an option for existing businesses to buy in later. She said she could support the third item. She said regarding the second item that she got stuck on the last sentence and suggested deleting it. Chair Kadvany said he was willing to strike the second sentence. Commissioner Ferrick said she could support item two.

Commissioner Riggs said he could support item two with the modification. He said regarding item three that unbundling commercial parking could drive employees to park in residential areas. Chair Kadvany said it was positioned as an option.

There was general concurrence on all three suggestions.

Following is the text of recommendations agreed upon by the Commission.

## **H. TRAFFIC & MOBILITY**

**1.** City Council should direct the creation of an effective and financially efficient **Transportation Management Association** open to all offices, businesses and residences in the entire Plan area. The TMA mandate should include coordination, monitoring, reporting and improvement of Transportation Demand Management programs for participating businesses, offices and residences.

**2.** Specific Plan project development along El Camino Real should be accompanied by significant bicycle and pedestrian connectivity and safety improvements, particularly with respect to a potential pedestrian/bike tunnel location; ECR north/south mobility; and ECR east/west crossings. ~~In addition to crossing, bike lane designs or controls described in the Plan, further options representing best practices or safety models should be considered, including four-way crossings.~~

**Comment:** A TMA can be instituted during the time that initial Specific Plan area projects are built out. Pending TMA creation, the city should pursue TMA goals using internal resources.

**3.** The Specific Plan should include provisions for: **a)** in-lieu parking fees to be applied to TMA funding; **b)** unbundling of commercial, in addition to residential, parking; **c)** ability for parking fees to apply as employee parking “cash-out.”

**Comment:** Recent experience of Palo Alto and San Mateo to finance parking options show that provisions **a)** and **b)** need to be in place before projects are permitted. Provision **c)** has been shown effective in some cities at reducing parking demand by motivating cost-effective behavior rather than building additional parking stalls.

## **I. “Downtown”**

### **I1**

Chair Kadvany said the last suggestion was to recommend to the City Council to fund and implement pilot projects for the Downtown Paseo and sidewalk extension.

Commissioner Ferrick said that infrastructure and traffic and mobility projects were higher priorities for her. She suggested that the Downtown projects be part of their CIP priorities discussion. She said she was indifferent.

Otherwise, the other Commissioners appeared to support this suggestion, the text of which follows:

## **I. DOWNTOWN**

1. The City Council should fund and implement pilot projects for the Downtown Paseo and sidewalk extension.

**Comment:** The pilot projects represent the fundamental starting point for public space improvements to activate the Downtown and should not be delayed.

## **J. COMMISSION BUSINESS**

There was none.

## **ADJOURNMENT**

The meeting adjourned at 12:01 a.m. (Tuesday, October 29, 2013)

Staff Liaison: Senior Planner Rogers

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on November 18, 2013