



PLANNING COMMISSION MINUTES

Regular Meeting
January 13, 2014 at 7:00 p.m.
City Council Chambers
701 Laurel Street, Menlo Park, CA 94025

CALL TO ORDER – 7:01 p.m.

ROLL CALL – Bressler (Arrived 7:04 p.m.), Eiref (Vice Chair), Ferrick, Kadvany (Chair), Onken, Riggs, Strehl

INTRODUCTION OF STAFF – Jean Lin, Associate Planner; Thomas Rogers, Senior Planner; Corinna Sandmeier, Contract Planner

A. REPORTS AND ANNOUNCEMENTS

There were none.

B. PUBLIC COMMENTS

There were none.

C. CONSENT

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

(Commissioner Bressler arrived.)

Commission Action: M/S Onken/Strehl to approve the minutes as submitted.

Motion carried 6-0 with Commissioner Riggs abstaining.

C2. Acceptance of Draft Attendance Report for Calendar Year 2013

Commission Action: M/S Onken/Strehl to accept the report as submitted.

Motion carried 7-0.

D. PUBLIC HEARING

- D1. Use Permit/Stoecker and Northway Architects/116 Blackburn Avenue:** Request for a use permit to remodel and construct a second story addition to an existing nonconforming single-story, single-family residence on a substandard lot, and to determine the Floor Area Limit (FAL) for a parcel with less than 5,000 square feet of lot area in the R-1-U (Single Family Urban) zoning district. The project would also exceed 50 percent of the existing replacement value of the nonconforming residence in a 12-month period.

Staff Comment: Planner Lin said two letters received by staff from Ms. Christie Blair, McKendry Drive and Jessica and Lewis Olsen, Baywood Avenue, supported the proposed design.

Public Comment: Ms. Amy Cramer introduced her husband Scott McGaraghan and noted they were the property owners. She said they would like to add a second story noting their family of four. Ms. Elena Campagna, project architect, said she was available for questions.

Chair Kadvany closed the public hearing.

Commission Comments: Commissioner Onken asked if the recreation room behind the existing garage shown with a kitchenette and shower was a secondary dwelling unit. Planner Lin said staff researched the history of the recreation room / garage structure and that the recreation room was built with a permit to have a full bathroom and a small sink but had not been permitted as a secondary dwelling unit.

Commissioner Riggs moved to make the findings and approve the use permit. He suggested as the lot was nearly 5,000 square feet at which the maximum floor area limit (FAL) was 2,800 that the FAL for this lot be determined to be 2,795 square feet. Commissioner Strehl seconded the motion.

Senior Planner Rogers said the applicant had not requested to build to 2,795 square feet. He noted the lot would be substandard even if it was 5,000 square feet as it has a nonconforming residence. He said a later request for space might require a revision to the use permit, regardless of whether the Commission establishes an explicit FAL at this time.

Commissioner Bressler asked what the purpose of Commissioner Riggs' suggestion was. Commissioner Riggs said he would not want the project to have to come back for a very minor revision. Planner Rogers said staff approves administratively changes that were not visible, that very minor changes noticed by others were brought to the Commission's attention to determine if the change was substantially in compliance with the use permit, and those that were clearly a change to what the use permit allowed needed to get a use permit revision. Commissioner Ferrick said setting the FAL at the proportional rate made sense and allowed for some flexibility.

Mr. McGaraghan in response to Commissioner Bressler's question said they knew they were not proposing to build to the maximum allowable FAL.

Commission Action: M/S Riggs/Strehl to approve the item with the following modification.

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 and variances subject to the following **standard** conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by Stoecker and Northway Architects, consisting of seven plan sheets, dated received on January 9, 2014, and approved by the Planning Commission on January 13, 2014 except as modified by the conditions contained herein.
 - 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. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval of 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 and damaged and significantly worn sections of frontage improvements. The plans shall be submitted for review and approval of the Engineering Division.
- f. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance.

4. Approve the use permit and variances subject to the following project-specific condition:

- a. The maximum allowable floor area limit (FAL), which is only applicable to the currently proposed development specified in condition 3a above, is established at 2,795 square feet. Redevelopment of the subject property involving the demolition of existing buildings and the proposed addition would be subject a new FAL determination.***

Motion carried 7-0.

D2. Use Permit/Farhad Ashrafi/865 Middle Avenue: Request for a use permit to demolish an existing single-story, single-family residence and detached garage, and construct a new two-story, single-family residence with attached garage on a substandard lot with regard to lot width in the R-1-U (Single-Family Urban) zoning district.

Staff Comment: Planner Sandmeier said a letter from Jeanette Halliday, College Avenue, received that day, requested landscaping at the back of the lot to include fast growing trees with canopies of 12 to 15 feet.

Public Comment: Mr. Farhad Ashrafi, project architect, said their site plan showed that trees would be planted at the rear of the property. He said the type of trees would be determined once they had a landscape architect's design.

Commissioner Eiref noted a solar panel roof on a property on the El Camino Real side of the subject site. He asked if they had spoken with that property owner. Mr. Ashrafi said the project property owner spoke with both the left and right side neighbors and provided plans to them. He said they were very receptive to the plans. Commissioner Eiref said the design was within setbacks but was five feet closer to the other house and would be double in height. Mr. Ashrafi said the neighbors had not raised any concerns.

Commissioner Onken asked about the tree planting shown on the right side of the property and if that was to provide screening for the upstairs window. Mr. Ashrafi said that was correct noting one of the bedrooms faced the side.

Chair Kadvany asked if a tile roof was proposed. Mr. Ashrafi said that was correct. He said the property owner wanted to make one change to the plan which was to remove the grids from the windows due to the cost associated with those.

Commissioner Onken asked if this home was being built for the owner to occupy or if it would be sold. Mr. Ashrafi said the owner was developing the residence for sale.

Chair Kadvany closed the public hearing.

Commission Comment: Chair Kadvany said this design would be a change for Middle Avenue in this area which had many older, modest, one-story homes. He said that divided light windows were desirable noting without the grids the windows would create void spaces.

Commissioner Eiref said this would be the first two-story home on that side of Middle Avenue and that any other two-stories were a considerable distance away. He noted he was neutral on the design but thought the design should be held to the highest standards, and he would not want the window grids to be removed.

Commissioner Strehl said she agreed with Commissioners Kadvany and Eiref's comments on the divided light windows.

Chair Kadvany said the Commission was referring to true simulated divided light windows with a spacer bar and not pasted on grids.

Commissioner Riggs said he thought the building was handsome for its style and he appreciated seeing hand drawings nicely portrayed. He said his concern with the project was the style however as this was one of the blocks that was consistently one-story cottages.

Commissioner Onken said not having simulated divided light windows created a different looking project. He said he could consider approving the project as is or continue it to have it come back showing the window grids removed.

Mr. Shahrokh Satvatmanesh, property owner, said he would not alter the windows.

Chair Kadvany said he liked how the forms were put together and that the second floor was nicely recessed from the sides and front. He said however that he did not think the proposed style would integrate with neighboring homes as well as other styles might.

Commissioner Eiref said the residence was surrounded by bungalows and it was possible to do a nice two-story bungalow with a setback. He said as this was the first property for redevelopment in this area of Middle Avenue that it would be great to have something that would fit and could be replicated.

Commissioner Riggs said the design itself was nicely integrated and the massing was amenable for the first two-story in the area. He said he thought the floor plan could work.

Commissioner Onken moved to accept the findings and approve the use permit.

Commissioner Bressler said none of the neighbors had complained about the project. He said he did not like the proposal much but it was within the rules.

Commissioner Ferrick seconded the motion.

Chair Kadvany noted the design of a home on Creek Drive which by itself worked but was completely out of context with the neighborhood. He said he would vote no on this project.

Commissioner Eiref said the home met the correct requirements. He noted the next item was the same architect and that proposal was a very similar design.

Commissioner Riggs said although they did not have design guidelines they should protect neighborhoods, and although this was a handsome design, it did not fit within the context of the neighborhood.

Commissioner Ferrick said the project would bring front and side setbacks into conformance. She said it was a well proportioned design project and although not like neighboring styles, it was not a terrible choice noting other Mediterranean styles. She said without architectural design guidelines there was no basis to deny the project.

Commission Action: M/S Onken/Ferrick to make the findings and approve the use permit including keeping the true divided simulated light window requirement.

Motion failed 2-5 with Commissioner Ferrick and Strehl in favor and the other five Commissioners opposed.

Commissioner Ferrick asked if this proposal was being held to a different standard because the owner would sell the project and not live there. Commissioner Eiref said whether the property owner lived there or not this project would stick out because it was so different from the other homes. Commissioner Strehl said whatever the design was it would be different from the existing surrounding homes. Chair Kadvany said irrespective of design guidelines it was up to an architect to address the context of the street with design, materials, and landscaping. Commissioner Riggs said he was confident Mr. Ashrafi could design within the context of the existing homes.

Mr. Ashrafi upon Commission request said he had visited the neighborhood prior to designing the project. He said staff had made a reference that all the garages in the area were detached and in the rear. He said in fact most of them were attached and recessed. He said there were apartment buildings across the street and west of the park there were four new developments with homes having similar architecture as this proposal. He said on the next block to the east there was a remodel that was two-story and in the middle of the subject block there was a two-story recessed on the back of the lot. He said absent guidelines he believed the zoning ordinance provided the guidelines and envelop in which to design the development. He said as this was being developed to sell that it did not make sense to under-develop the lot. He said the owner put thought into the materials. He said it was a good design that gave depth and volume to the building yet was not overpowering.

Commissioner Onken said it did not matter if the developer would live in the home or not but he questioned that the same architecture was being put forward no matter what neighborhood and its context. He said when they have residential guidelines people would not be surprised when they came before the Commission. He said the zoning ordinance however required the proposed design to come before the Commission.

Mr. Ashrafi said the project was before the Commission because it was a substandard lot. He said if the lot width had been 65 feet the project would not have needed to come before the Commission. He said he served two different entities – his client and the City. He asked what he needed to do noting the project had been awhile coming forward to the Commission because of staff reductions.

Chair Kadvany said he liked the garage even though it took a prominent portion of the front but the architect had mitigated its appearance. He said the forms, massing, and setbacks were good. He said the concern was the surface materials, the roofing and the context with the neighboring homes.

Mr. Ashrafi said they could use siding and shingles for roofing if that was what the Commission wanted. He said they could play with the texture of the building.

Mr. Satvamanesh said he had developed many projects in Menlo Park. He said they did the project at 1131 Saxon Way for which Mr. Ashrafi was the architect and which was a different type of construction. He said they did 333 University Avenue, which was a Craftsman style home. He said for this project they came to the City and asked what would they like. He said they were told there were no guidelines and they could design what they liked. He said that the existing building was stucco with a tile roof and a Mediterranean style. He said they tried to replace with a similar project with what was existing. He said the homes on that block were bungalows but there was no overriding style. He said past the apartments the developments there were Mediterranean. He said he was a civil engineer with a structural and geotechnical master degree. He said there was no design style for his architect to try to match. He said he did not want to build a house that stuck out as no one would want to buy it.

Commissioner Eiref said he would protect the people of Menlo Park and there was a style in the neighborhood which was bungalows. He said the owner was building to the maximums. He said the comment made about removing the dividers because of the cost in a booming real estate market concerned him. He said this property was on the edge of the Allied Arts neighborhood that has many examples of beautiful architecture.

Mr. Satvamanesh said that Mr. Ashrafi was incorrect that the concern with the dividers was the cost. He said he personally did not like dividers and if they saw his home they would see he has no dividers. He said he was out of the country without internet access when the dividers were put into the plans.

Commissioner Eiref said his preference would be to continue the design. Commissioner Bressler said he agreed with Commissioner Eiref that they needed to protect the neighborhood and whether or not there were guidelines was irrelevant. He said if the applicants had specific questions they should ask.

Commissioner Ferrick noted the scrutiny of this project because the lot was substandard. She said the fairness of making the redevelopment process that much more difficult and expensive for the smallest property owner was something the City needed to consider, noting she did not like it as a substandard lot owner herself. She said in this neighborhood there were not only one-story bungalow homes and that she could think of a couple of two story stucco and tiled roof homes within a nearby radius. She noted the nearby Safeway project and its stucco, three-story building and tile roof. She noted stucco two-stories on College Avenue and at 389 Middle Avenue there were two family homes one of which was a Mediterranean tile roof home. She said it would not be her choice of a home but it was the applicant's choice. She said it was her observation that the opinion shifted dramatically when the architect was asked if the owner would live in the home or sell it.

Chair Kadvany said context was what was on the block and not across the street. He said the City about 10 years prior was set to adopt some City guidelines but did not as there were residents opposed. He said the zoning ordinance outlined a process to bring people before the Commission for guidance to prevent the building of McMansions by developers.

Commissioner Ferrick said she thought if the standard lots had some similar process that would be fairer. She agreed that it was good to have review as she thought they got better projects because of it. She noted an earlier project was a modern-style two-story house in the Willows and she was not sure about the context there but it was a likable house. She said initially architects on the Commission described this house as a handsome structure designed adequately and she felt like they were not being consistent.

Commissioner Riggs said he resolved substandard lot unfairness by determining to protect what he could if the City Council would not apply standards all around town. He said in terms of this architecture that he did not think the architect needed the Commission to tell him what siding to use. He said there were ideas to be had from homes in the Allied Arts area. He said that cast window trim had no basis in California. He said he understood wanting to do a "look at me" home but not in a block of the most conservative architecture in town. He said he did not necessarily think stucco or the tile roof should be ruled out.

Commissioner Eiref moved to have the project continued and for the applicant to work with staff. Commissioner Bressler seconded the motion.

Commissioner Strehl said this was not the style she would choose but she felt the applicants had followed the regulations and guidelines, which was why she had voted to approve. She noted homes built in her neighborhood not needing Commission review had not necessarily taken context into consideration and when approved were completely out of context and were larger structures than this proposal. She said she did not think they were necessarily playing evenly across the board with these properties.

Commissioner Bressler said that substandard lots cost less. He said they had nothing to apologize in that regard.

Mr. Satvatmanesh said he paid \$300,000 more than the asking price for this property and he questioned Commissioner Bressler's statement that substandard lots cost less. He said he wished he had been told earlier what the Commission would want. He said he did what the law said, did the process and talked to the planners about what kind of project he could do. He said he wished someone had told him before he had spent \$80,000 already that he would have to change the drawings. He said he did his research and there was no standard that said he had to build a bungalow and if that had been a requirement he would not have bought the lot.

Commission Action: M/S Eiref/Bressler to continue the item with direction including being more consistent with the design of existing homes along Middle Avenue, especially in regards to surface materials.

Motion carried 7-0.

D3. Use Permit/Farhad Naimy/1015 Atkinson Lane: Request for a use permit to demolish an existing single-story, single-family residence and construct a new two-story, single-family residence on a substandard lot with regard to lot depth in the R-1-S (Single-Family Suburban) zoning district. As part of the proposal, a heritage magnolia measuring 20 inches in diameter, at the right rear corner of the property, is proposed for removal.

Staff Comment: Ms. Sandmeier said staff had no additional comments.

Public Comment: Mr. Ashrafi, project architect, said the lot was substandard because of its location on a cul de sac. He said another two-story home was just one home removed from this site and another two lots down. He said they have talked to the neighbors and were doing generous setbacks on both sides. He said the neighbors at 1005 were concerned because of how their front yard was situated and they allowed that neighbor a part of the subject property so the neighbor's lawn would be protected in lieu of putting up a fence. He said they held several meetings with the right side neighbors. He said one aspect to address was the design was originally submitted with slate roof but most of the roofs in the neighborhood except for the Mediterranean house two doors up were composite shingle. He said they would like to change the roof material to composite shingle.

Mr. Nicholas Menaker, resident at 1035 Atkinson Lane, said he was a tenant. He said the homeowner where he lived could not attend this evening nor had he been engaged by the applicants in any of the dialogues mentioned. He said he had not seen any plans until the agenda packet. He said concerns he and the homeowner have were why the setback was moved 10 feet from the left and brought to the statutory minimum on the right. He said that was compressing the property and house in which he lived, and was not necessary as the footprint of the home was not changing. He said another question the homeowner had was whether there would be an air conditioner and if so where it would be located, and what the specifications and size of it were.

Ms. Bonita Lew said her home was located to the rear of the project site. She said in her second letter she requested more screening along the rear fence and that they make the windows smaller as her living area was in the back of her home, and she felt her privacy would be impacted.

Chair Kadvany closed the public hearing.

Responding to a query from the Chair, Planner Sandmeier said an air condition unit was proposed and would be on the left side, confirming that was the opposite side from Mr. Menaker's residence.

Mr. Ashrafi said that each neighbor had received notice that they would hold a neighborhood meeting to share the plans. He noted that Mr. Menaker had not attended. He said they had asked their landscape architect to coordinate the planting of trees on the subject property with the trees planted on the neighbor's property to provide maximum screening. He said the master bedroom on the second story faced the rear and had two three foot windows that would have landscape screening.

Chair Kadvany noted that the windows on the front had shutters but there were none on the rear windows. He thought they should consider using on the rear windows or mitigating the void appearance of those windows somehow.

Commissioner Eiref said there were other large two-story homes in the neighborhood. He said it was a very large home and landscape screening was needed to protect the rear neighbor. He questioned the tall chimney located in the center of the roof as it had stone veneer but which material was not found anywhere else. Mr. Ashrafi said there was a trellis to tone down the chimney. Commissioner Eiref said the stone was basically on the rear of the chimney. Mr. Ashrafi said they have two chimneys both of which have stone veneer. Commissioner Eiref said there was not much backyard and it didn't seem the stone veneer on the rear of the chimneys would be visible for those living in the home but very visible for the rear neighbor. Mr. Ashrafi said they could use different materials on the chimney. Commissioner Eiref asked if they would replace the fence. Mr. Ashrafi said the fence on the right side was on the subject property and would be relocated to the property line and the rest of the fence was on the property line and would be maintained or

repaired if needed. Commissioner Eiref said there would be heavy construction for a 1,900 square foot basement and suggested mitigation such as fencing as much as possible. Mr. Ashrafi said there would be construction fencing.

Commissioner Ferrick said this was a large structure and asked about any energy efficiencies that might be used. Mr. Ashrafi said the appliances would be energy and water saving including a tankless water heater. He said they had not considered solar panels but would use insulation, radiant barriers in the roof, and cool roof technology. Commissioner Ferrick asked about the windows. Mr. Ashrafi said they were all dual glazed windows. Commissioner Ferrick encouraged the use of greater efficiencies than just standard requirements as the energy costs for such a large home would be great. She asked if the paving would be permeable. Mr. Ashrafi said they would use pavers. Commissioner Ferrick said she was fine with the shape and materials of the chimneys except this material was typically from China and that it was energy inefficient to import materials on boats from other countries. She said she would prefer something else for that reason. Mr. Ashrafi said this was a stone veneer that was not an imported product.

Commissioner Onken said the mass was large but within the setbacks. He said the front was articulated with a deep porch that helped break up the mass. He moved to approve.

Mr. Menaker asked why the fence was being moved to property line. Commissioner Onken encouraged him to discuss the property boundary location with staff.

Commissioner Riggs said the Magnolia proposed for removal looked healthy and he could not tell if it was a Southern Magnolia or a Saucer Magnolia. Mr. Menaker said the Magnolia's roots were breaking the concrete. Commissioner Riggs said if it was a Saucer Magnolia it would be a shame to lose one so large. He asked what tree would replace the tree lost in front of the subject property. Mr. Ashrafi said the City requested a 24-inch box Red Oak. Commissioner Riggs said he very much liked the proportions and materials of the chimneys. He asked what the color of the stone would be. Mr. Ashrafi said that they would coordinate stucco, trim and stone color. Commissioner Riggs said typically on larger projects the Commissioner was given materials and color boards and that he was noting that for staff.

Commissioner Ferrick seconded the motion.

Commissioner Riggs suggested that the motion include changing the roof material to composite shingle. Commissioner Ferrick agreed and encouraged the use of energy efficient systems and window upgrades. Commissioner Eiref asked if the applicant would confirm for the record that they would do landscape screening on the rear. Mr. Ashrafi said they would. Commissioner Ferrick asked that they work on the property line and fence location with the neighbor. Mr. Ashrafi said the fence was located two feet into their property and would be relocated on the property line.

Senior Planner Rogers noted the rear neighbor had expressed concern related to the number of trees planned for screening.

Commissioner Onken said the motion was to approve as recommended to include a modification to revise the plans to show the roof to be composite shingle and to include an enhanced landscape plan. Commissioner Ferrick seconded the motion as restated.

Commission Action: M/S Onken/Ferrick to approve the item with the following modifications,

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 Ashrafi Architect, consisting of 17 plan sheets, dated received December 16, 2013, and approved by the Planning Commission on January 13, 2014, 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 and the attached arborist report.

4. Approve the use permit subject to the following project-specific conditions:

- a. Simultaneous with the submittal of a complete building permit application, the applicant may submit revised plans showing the roof to be composite shingle, subject to review and approval of the Planning Division.**
- b. Simultaneous with the submittal of a complete building permit application, the applicant shall submit an enhanced landscape plan, subject to review and approval of the Planning Division. The enhanced landscape plan shall have the objective of providing additional screening to the rear neighbor at 20 Palm Court, and shall be developed with the input of this neighbor.**

Motion carried 7-0.

D4. Use Permit/Benjamin T. Himlan, Off the Grid/1090 Merrill Street: Request for a use permit for a recurring special event (weekly food truck market) on a portion of the Caltrain parking lot, at the corner of Merrill Street and Ravenswood Avenue in the SP-ECR/D (El Camino Real/Downtown Specific Plan) zoning district. The event would occur on Wednesday evenings between 5:00 p.m. and 9:00 p.m., with setup starting at 3:30 p.m. and cleanup concluding at 10:00 p.m. The event would include amplified live music (typically consisting of one to two musicians playing predominantly acoustic instruments) and generator use, which may exceed Noise Ordinance limits. The event would have an initial term of one year, so that its operations can be evaluated prior to any long-term approval.

Staff Comment: Senior Planner Rogers said staff had received additional correspondence since the printing of the staff report. He said copies were given to the Commission and copies were also available for the public. He said similar to other correspondences received included with the staff report there were letters of both opposition and support. He said the City's Economic Development Manager Jim Cogan was available to answer questions as well.

Questions of Staff: Commissioner Eiref asked if there was data related to similar events in the Bay area and impacts on local restaurants. Senior Planner Rogers said staff did not have any numerical, quantitative data but spoke with planners with the cities of Belmont and Burlingame, locations where there were Off the Grid markets. He said those planners indicated that there were no identifiable negative impacts, although in Burlingame there were statements of effects by some local merchants.

Chair Kadvany asked about the noise standard for this event. Senior Planner Rogers said the City's noise ordinance was stated as applying at the nearest residential property and enforced upon complaint. He said with complaints that enforcement officers use a noise meter at the nearest residence to the noise source.

Commissioner Ferrick asked if this was the only location considered. Senior Planner Rogers said there was the possibility of something downtown in the Chestnut Street area as related to the paseo in the Specific Plan and that was suggested to the vendor. He said the vendors indicated they have a good working relationship with Caltrain and the location was active with commuters.

Commissioner Onken said he thought on Wednesday nights there were tables set up in the area providing food to the homeless and asked if that use had gotten a permit. Senior Planner Rogers said he was not personally aware of that activity and it had not been permitted to his knowledge.

Commissioner Eiref said he went by the site at 5:30 p.m. and there were about 20 cars parked on one end. He asked how parking would be blocked. Senior Planner Rogers said the vendor at the Belmont Caltrain, on attachments F2 and F3, posts signage noticing the day, time and where parking would be restricted.

Chair Kadvany asked if the parking fee was the same throughout the day. Planner Rogers said in the Caltrain parking lot west of the tracks all of the parking cost the same, around \$5.00 and was for the entire day.

Commissioner Strehl asked if cars would be towed or ticketed because of the proposed event. Planner Rogers said there was no ticketing by the City but Caltrain can issue tickets when people do not pay fees. He said he has also been informally monitoring the lot and usually in the evening there might be only five cars.

Public Comment: Mr. Ben Himlan, Business Development Manager, Off the Grid, said the concept of grouping food and trains together started in 2010 and they now operate 25 markets in 22 locations across five counties once a week. He said they wanted to create a unique eating experience for the City of Menlo Park. He said they have worked at length with the Planning staff to thoroughly address the details of the proposal and hopefully mitigate concerns. He said he understood those who had concerns but noted there were also many who supported the project and were excited about it.

Commissioner Onken noted a specific condition stating the applicant would monitor trash and clean up after the market. He asked where the trash would be collected. Mr. Himlan said they require every vendor who participated in the market to bring a three compartment trash system with them for recycling, waste and compost. He said the vendors take the units back to their commissaries or restaurants for collection. He said they also put three waste units around the market that typically were used more than those at the trucks and those were emptied periodically into their 16-foot box truck, which was taken back to their San Francisco offices and sorted by San Francisco Conservation Corps (SFCC).

Commissioner Onken asked about liability insurance. Mr. Himlan said they carry \$5,000,000 in liability insurance. Commissioner Onken asked if that covered individual vendors. Mr. Himlan said each vendor also names them as an additional insured on an evidence of insurance and all of those fall under the company's insurance umbrella.

Commissioner Strehl asked if the vendors have to carry additional liability. Mr. Himlan said they did. Mr. Matt Cohen, owner of Off the Grid, said each vendor was required to carry a minimum of \$2,000,000 general liability insurance and \$1,000,000 per incident which was fairly standard for general food service industry.

Commissioner Strehl asked if the eating utensils, cups and plates were all biodegradable or recyclable. Mr. Himlan said they request their vendors to use only compostable and recyclable materials. Commissioner Strehl asked what their projection was for the number of expected customers. Mr. Himlan said they project 800 to 1,000 customers over the five hours and having 10 trucks. Commissioner Strehl asked about the fee to Caltrain. Mr. Himlan said they pay a base monthly fee of \$750 and a percentage of the profit. Commissioner Strehl asked if they provide tables and chairs. Mr. Himlan said only chairs. In response to Commissioner Strehl's question about attendance in Burlingame, Mr. Himlan said there were about 1,000 to 1,200 people with one large turn as people came home from work and then another of people who went home first, came later and who tended to stay longer. Commissioner Strehl asked about their relationship with local food vendors in Burlingame. Mr. Himlan said in Menlo Park they had worked with City staff for seven months to apply for a permit but in Burlingame they were told they did not need a permit as they had authorization for private property and had a business license. He said there was opposition from the Broadway Bid at which point they decided to terminate their contract with Caltrain. He said they then went to the City and asked them to issue a permit. He said that led to a public hearing and Council voted 4 to 1 for Off the Grid to stay. He said since then they have made efforts to work with the BID for cross-promotional opportunities that might be available.

Commissioner Onken asked if the applicant had any information as to negative or positive impacts on local businesses. He also asked if the Off the Grid research department had looked into ways to dampen the generator noise produced. He asked why they needed 10 trucks noting that on Monday nights there were four trucks in the Willows area and throngs of people. Mr. Himlan said as they have grown people have requested that they locate in their community and he thought they already had a customer base in Menlo Park. He said the number of trucks depended on attendance. He said they were asking to do 10 to 12 trucks. He said realistically they would start

with 10 trucks and gauge attendance. He said the number of trucks helped reduce lines and increased parking turnaround. He said typically they have eight to 10 trucks and in some areas they have 12 which were larger scale destination places. He said they encourage all their vendors to use a Honda generator that was the most energy efficient and quietest in the market. He said some trucks have the generators built into them while others were external but in both instances those were permitted through the County Health Department. He said in this proposed location there was already a lot of noise with cars on Ravenswood Avenue. He said generator noise has not deterred people from wanting to stay. He said they have testimony from different property management groups and businesses they work with but those entities had not shared their sales numbers. He said they can communicate with a lot of people through social media and they operate rain or shine. He said people come from 10 to 15 miles away and that foot traffic potentially would have a beneficial impact on local businesses. Commissioner Eiref suggested surveying customers to find out if they use other facilities in the City.

Chair Kadvany noted there would be one porta-potty. Mr. Himlan said they would have one ADA accessible porta-potty which was what they use in most of their locations. Chair Kadvany said it was all day parking and asked about employee parking, and what happened with Caltrain parking after 5:00 p.m. Mr. Himlan said employees come via the 16-foot box truck and noted a parking analysis in the staff report. He said they want to use the south end and at 5:00 p.m. they found that area lightly parked or even empty. He said the parking analysis showed over increments of 30 minutes as the evening progressed parking decreased allowing for parking availability for their customers. He said the parking fees would apply. He said Caltrain has authorized use of the space and had considerable data about use. He said there would be some overlap at 5:00 p.m. as it was a commuter lot. He said in the 5 to 7 p.m. timeframe people tend to get food to go and for the later hours people come to eat and stay. Chair Kadvany said he thought \$5 for parking was steep for those who wanted to stay 15 to 30 minutes. Mr. Himlan said they could have a conversation with Caltrain about that but at this point it was intended that the fees would apply. Chair Kadvany said there was some uncertainty about parking and maybe people would not pay \$5 to park. He asked if they considered a smaller pilot project to then determine if the parking needed increasing. Mr. Himlan said scaling down the number of trucks would not necessarily keep people from coming. He said there's been a lot of press and attention and they would need to be prepared for that if the permit was approved for them to operate.

Mr. Cohen said at their location in San Francisco there's adjacent parking at Fort Mason whose parking fees are about the same as the Caltrain's. He said while more hourly rented it starts at \$3 and goes to \$5 for one hour. He said people use that parking. He said they have identified 8 to 10 trucks for their markets as that was the number of trucks needed to serve the need. He said there might be a huge surge of use in the beginning that might drop later at which time they could have fewer trucks but they would not want the situation where people had to wait in line an hour to get food.

Mr. Joseph Sinnott said he and his wife lived across the street from the Caltrain station. He said he was very familiar with the area proposed for the market. He said it would be a mistake to issue the permit if even on a temporary basis. He said the site was close and at the same elevation as the southbound tracks or about 20 feet away. He said men, women, and children eating at the site would be subject to harmful levels of high whistle intensity sounds and might experience hearing loss. He said the tracks at the Belmont station were elevated and so there were no whistles and also further away from the trucks. He said in Menlo Park trains that don't stop at the station start sounding whistles north of Oak Grove Avenue and through the station area until they cross Ravenswood, noting there were eight of these trains each weekday night between 5 and 7 p.m. He said hearing loss depended upon not only the sound level but cumulative levels of exposure. He said he had read that train whistles were at 110 to 120 decibels and 85 decibels was enough to

cause some type of hearing loss. He suggested measuring the sound levels of site to see if they were acceptable.

Mr. Bob Larson said he was the owner and operator of the Round Table Pizza at 1220 El Camino Real in Menlo Park. He said his father started the restaurant at that site in 1959 and he was proud to continue his business in Menlo Park. He read from an article that independently owned local businesses have taken a beating in the wake of the recession and bringing this event to town represented unfair competition and created an uneven playing field. He said restaurants pay property taxes either directly if they own the premises or through rent. He said they hire local workers and they contribute to a vibrant business district seven days a week. He said food trucks don't pay rent or property taxes and just a small fee to Off the Grid. He said what outrages him the most was these food trucks would use publicly owned property which he pays for with his taxes. He said it was like a store coming to town and instead of leasing a building setting up shop in City Hall. He said there was no research on impacts. He said Burlingame restaurant owners have reported a loss of business because of food trucks in their city. He asked amplified music was need for a food truck event next door to an apartment complex at Menlo Square, home to 25 families. He said this was not about anti-competition. He said being in the restaurant business for 37 years that he expected competition but he would never have foreseen that a benign parking lot would turn into a movable food court one week night every week. He said there were food trucks in all of the corridors of the City five days of the week and that has affected his catering by at least 60 to 70%. He said there was a lack of scrutiny and no outreach to business owners. He said Wednesdays were good nights for local businesses while Monday Tuesdays tended to be slow.

Ms. Enjay Smith, Menlo Square, said the residents there ranged from small children to older people. She said her concern was the possible problem of the music/noise. She said the report indicated the amplified music and the generators would be a new noise source. She said her concern was for the residents of Menlo Square that somebody would impose their music upon the residents. She said people don't want trucks to drive up to their front door and play whatever music they want. She said she understood the music would be directed toward Kepler's but in that area noise ricochets off all the buildings. She said she was on the back of Menlo Square and it sounded like the train was coming right down El Camino Real. She said if the permit was approved, which she hoped it was not as she thought there were much better places that wouldn't cause aggravation for the residents, she suggested that whenever there was agitation or complaint about the music that the plug be pulled for the rest of whatever the initial period of the use permit was.

Mr. Ali El Safy said he was a small business owner in Menlo Park for the last 20 years. He said his restaurant Bistro Vita was located at 601 Santa Cruz Avenue. He said he was concerned with the proposal as they were just emerging from a difficult recession and business was just slowly returning to Santa Cruz Avenue. He said with the loyalty of his customers and employees they were making a comeback but it was not guaranteed. He said the addition of unregulated food trucks to the local food scene would threaten his business noting the costs of employee salaries, worker's compensation insurance and other insurance. He said his business generates \$78,000 of sales tax annually, he pays property taxes and he hires local kids when they come home for the summer. He suggested that Off the Grid was a great idea but should be in a different location and different day with no music. He suggested Burgess Park as it would be safer or in the area near Facebook.

Ms. Nicki Poulos said she operates a coffee shop in Menlo Park. She said she agreed with the first speaker Mr. Sinnott and with the second, third and fourth speakers about the music, and agreed it was wrong to have freeloaders come in after local business owners had suffered through the recession. She said she agreed with the idea of having them located further away from the

downtown. She said she did not think the cleanliness would be up to standards noting she finds her business' trash containers filled with others trash. She said she did not want to be dealing with someone else's trash.

Mr. Luis Oseguera said he and his mother Catalina run Mex-to-Go restaurant at 1081 El Camino Real. He said his father opened the restaurant there in 1987. He said the proposed use was unfair to those who running a business in Menlo Park noting the expense of operations. He said he agreed with all of the previous speakers from local businesses that this was unfair and that it was not justifiable to open up a parking lot and have vendors take away local business customers.

Mr. Kurt Ugur said that any sales tax generated by these trucks would go to the County and not the City. He said he did not know the City was running a charity. He said for his business he pays \$8,500 in property tax, \$2,300 for sewer, \$597 for a parking space at Plaza 8 where he cannot find parking, pays for business license, and he donates for nonprofit Menlo Park organizations. He said to have this market in the center of the train station was unthinkable. He said the County's health inspections and level of hygiene and safety of the restaurants inspected by them protected the health of people. He asked who would inspect these food vendors. He said this would be unfair business practices and would bring trouble on the City. He asked where 1,000 people would park their cars. He said one porta-potty would not suffice. He asked the Commission to listen to those speaking tonight and not allow this to happen at this location. He said the City had lost businesses because of the recession and economy was improving but now the City was entertaining the intent to allow people to come into the City and make money without paying any taxes.

Chair Kadvany called for the speaker Emilio but no one answered.

Mr. Bez Zahedi said he owned Una Mas Mexican Restaurant at 683 Santa Cruz Avenue which he has operated there for seven years. He said he agreed with the other speakers. He said parking on this side of El Camino Real was free after 6 p.m. He said there was a huge parking issue and for this group to come and use needed parking spaces for the local businesses was wrong and they would lose customers because they would have nowhere to park. He said the closed Caltrain parking lot would force everyone else to park elsewhere. He said like Mr. Wglor noted that one porta-potty would not be enough and people would come to their restaurants to use their bathrooms, and that when people come back to their cars from the Caltrain lot they would put their garbage in their businesses' waste receptacles. He noted the reference to commuters getting takeout food from 5 to 7 p.m. He said those were the local restaurants' customers who come and pickup food from them.

Chair Kadvany asked if the projected 1,000 people was over the whole evening or expected at one time. Mr. Cohen said it was the high end number for attendance over the evening. He said it was about 100 to 150 people an hour.

Ms. Kelly Vallarino, unincorporated Menlo Park, Monterey Avenue, said she was a daily commuter to Oakland. She said that there were approximately 81 home games for the San Francisco Giants and approximately 12 day games on Wednesdays. She said they have many friends who go and use the Caltrain parking in Menlo Park to go by train to the games. She said there would be traffic impacts noting many local sports events. She said when the food trucks were inspected by the County of San Mateo they were typically empty.

Chair Kadvany called on Kristen Leep but there was no response.

Mr. Hank Lawrence said the proposal was not a good idea. He said the restaurateurs and merchants were the fabric of Menlo Park, and should be recognized for having provided really good service and belonging to the community. He said these were good people who worked hard, paid a lot of taxes and contributed much to the community. He said they needed to be treated with a certain level of dignity and respect. He said he talked with Fran Dehn and suggested the Chamber of Commerce work with all of the restaurateurs and come up with something they could do mid-week Tuesday or Wednesday where restaurants would host some type of special such as reduced prices, or a theme or more sidewalk café thing. He suggested they hold up on this proposal and allow the locals to make an alternate proposal.

Ms. Christin Evans said she was involved with the Kepler's 3.0. She said Kepler's Books was located adjacent to the proposed site. She said they polled over 20 staff members about the proposed one year trial period for the event. She said there was unanimous support for the market to be there but also concerns and caveats basically regarding the need to address parking conflicts, bathroom use, and duration of the trial period. She said the idea of having late evening diverse food choices was appealing to the staff and staff felt having this would also be fun for their patrons who attend over 200 different activities at their store a year. She said she met with Mr. Himlan and Mr. Cohen to discuss joint marketing efforts for some exciting evenings out for Menlo Park residents and the broader community that their two businesses serve. She said their primary concern would be mitigated with some measures. She said regarding parking that though Off the Grid patrons might park in the Menlo Center garage that through signage alerting their event attendees of where parking designated for them was available this could be mitigated. She said Off the Grid was offering signage for posting at the garage at Menlo Center. She said in 2013 Kepler's hosted 33 events out of 52 Wednesdays of which they thought only eight would have posed a significant conflict with Off the Grid. She said they also would like to address the bathroom concern noting that Kepler's already has significant issue with non-customer use of their bathroom facilities. She said they requested that Off the Grid use a high quality porta-potty that was inviting and regularly maintained, and that would address the majority of demand. She said if there was more demand they would request Off the Grid supply a second porta-potty. She said during the trial period they would monitor the use of Kepler's bathrooms. She said ideally they would like to see a trial period of less than a year and that two to three, even six months would produce data on impacts to businesses but they also understood Off the Grid wanted to recover its investment in building a market presence so were willing to live with the one year trial period. She said in summary they enthusiastically supported Off the Grid's temporary use permit for a trial year and eating food from the food trucks.

Mr. Milton Borg said he was very close to the problem as he has owned the 7-11 and J & J Hawaiian Barbecue for 50 years. He noted that Dardanelle's was no longer in the Menlo Square, the tea shop was gone, and he questioned whether Café Borrone's would have built a new restaurant site if they knew they would lose six hours of business one night a week. He said once a week it would be chaos and prospective tenants would not want to lease there. He said his tenant who own J&J Hawaiian also owned Jason's and was very concerned with this proposal. He said he receives a lot of mail from the City but he did not receive anything on this hearing which was proposing 52 days of loss of income for local restaurants. He said until the Daily Post wrote about this not many people knew about it.

Ms. Lenore Hennen said she lived at the far side of Menlo Square backing up to Oak Grove Avenue, that she hears the dogs barking at the animal hospital and everything happening at the Caltrain station parking lot. She said the City's noise ordinance had a maximum of 60 decibels and Off the Grid used equipment that allows for 125 decibels. She said she would hear that noise loud and clear in her unit which was at the far end of the complex. She said she did not buy her residence expecting to have someone else's music imposed upon her. She said there would be

bags of garbage and she did not believe the garbage would be completely removed. She said she was appalled that there would be 1,000 people at one of these events. She was concerned they would use a parking study done by the applicant. She said there was parking shortage in the City and certainly afternoon and early evenings were busy times.

Mr. Serge Karanov, owner of Jeffrey's Hamburgers, said he agreed with many of the points made. He said merchants donate a lot tax wise and to schools and other community organizations. He said at his San Mateo business food trucks were allowed one summer on Mondays and his business dropped 24% on those days.

Ms. Emily Finch, architect and Menlo Park resident, introduced her neighbor Toddy. She said they lived on Noel Drive. She said the location of the food trucks was basically their front yards but they fully supported the food trucks. She said it would bring much needed vibrancy and night life to Menlo Park. She said she and her neighbor eat at the restaurants in Menlo Park and one night a week they would try something different. She said they would walk so parking would not be an issue.

Toddy said they thought the food trucks would bring life and vitality to Menlo Park and might even boost businesses and economy by providing a healthy place for friends and families to get together. She said they did not think noise would be a problem noting the train noise and music and laughter from Iberia in the evenings. She said she thought a lot of people would walk or ride their bikes, or come from the train. She said there was an office building with a large parking lot for which some arrangements might be made to use parking at night. She said she could get a petition of support from residents of Noel Drive.

Ms. Finch said as an architect the location they were selecting was an underutilized spot and would bring life and might cut down on crime that happens there.

Chair Kadvany closed the public hearing.

Commission Comment: Recognized by the Chair, Mr. Matt Cohen, Off the Grid, said they would expect people to use alternate modes of traffic to get to the market. He said all of the trucks would have Menlo Park business licenses, pay sales tax, and participate as responsible members of the Menlo Park community. He said they have reached out to Fran Dehn to work with the Chamber to encourage the restaurants to actually participate in some sort of Wednesday night endeavor and they would be happy to cross promote that. He said all of the trucks were inspected once a year through the County. He said the County also receives a schedule of their events and the trucks were routinely inspected onsite for food quality and sanitation standards. He said what they wanted to achieve with the music was less of a concert atmosphere and more of atmosphere to be enjoyable for sitting, relaxing and eating. He said two key demographics of people who attend their events were professionals 30 to 40 year olds with young families and 20 to 35 year old young professionals. He said there would be two staff members cleaning the site throughout the course of the events and each of the trucks would take their trash back to the commissaries as legally required through the health department and all of his business' trash was being sorted by the San Francisco Conservation Corps.

Commissioner Bressler asked about local restaurants participating. Mr. Cohen said that if a restaurant has a truck and would like to participate they should contact them. He said however the use of tents was a different permitting process.

Commissioner Strehl asked what the vendors were charged. Mr. Cohen said they charge them \$50 base fee and 10% of the revenue per event. Commissioner Strehl asked if they ever had to

provide security at their events. Mr. Cohen said they have never had a security incident at any of their events in the three and a half years they have been doing them. He said he thought their events provided a safety enhancement to the areas rather than a detriment. Commissioner Strehl asked if the vendors' employees were California residents and citizens. Mr. Cohen said vendors were required by law to adhere to all labor regulations and their choices of vendors offered the best representation which was why he thought they have been so successful with their markets.

Commissioner Riggs asked about the possibility of increasing the number of restrooms noting commuters getting off the train. Mr. Cohen said they could but noted one restroom has been sufficient for each of the events they have done. Commissioner Riggs asked if the music could be revisited should there be a certain level of complaint. Mr. Cohen said they were happy to put an A-frame with the contact information of the manager onsite. He said they wanted to respond and adjust the level as necessary. He said the music element provided them the opportunity to work with local musicians.

Commissioner Ferrick said there was a comment about 12 home Giant games on Wednesdays and asked how they would handle that. Mr. Hamline said one of the days he did a site evaluation was a day game and the parking lot was very full. He said the game was over at 3 p.m. and the lot cleared drastically from 3 to 5 p.m. He said this year there were eight games on Wednesdays that would be night games at 7:45 p.m. He said on those days they would need to come early in the morning and barricade the one portion of the parking lot.

Commissioner Strehl asked about the fees paid to the City. Senior Planner Rogers said the most significant single fee for the City would be for the use permit review. He said the applicant and each individual truck would need to get a business license. He said if items were taxable a percentage of that should come to the City. Commissioner Strehl asked if the Farmer's Market needed a permit or paid fees. Senior Planner Rogers said it had been in existence so long he would need to research the questions.

Commissioner Bressler asked why the food trucks in the Willows did not come for Commission review. Senior Planner Rogers said no application had been made nor had there been any complaints. He said in general terms he thought such food truck events anywhere in the City should require this type of use permit review.

Commissioner Ferrick asked if the Farmer's Market impacted local groceries. Senior Planner Rogers said there was no data but anecdotally there had been concerns that it would but since then the Farmer's Market had become a beloved event. He said sales tax information since the location of BevMo in Menlo Park, for which there had been great concern from local merchants that the business would impact their businesses, indicated there was greater sales tax revenue and indication of new customers and not the movement of customers from one store to the other. Commissioner Ferrick asked if there was a way to get data from local restaurateurs to see if there was an impact. Planner Rogers said potentially by comparing sales tax revenue from 2013 to 2014 should this project be approved.

Commissioner Ferrick said this event in offering diversity might have an additive beneficial impact of bringing new people to Menlo Park. She said she has worked with a number of downtown merchants. She said an office colleague and she went to an off the grid market at Serramonte. She said they got some food but it was cold so they used another restaurant to be inside and warm. She thought it could be a collaborative and additive event for the City. She thought the review process might be sooner to assure there were no negative impacts to local restaurants.

Commissioner Riggs said he was sensitive to both the concerns of the restaurateurs and the desire as defined by the Specific Plan process to increase downtown vibrancy. He suggested having a shorter period than one year for an initial review.

Commissioner Eiref said he would support a shorter period to have an initial review. He suggested the applicant could get data by doing a survey of users. He was concerned with parking. He asked about sidewalk widening to support downtown restaurants increasing outside seating. Senior Planner Rogers said it was a project on the Capital Improvement Program list for next year he believed.

Commissioner Onken said the demographics supporting the downtown restaurants and those supporting the food trucks were different. He said he would agree with Commissioner Riggs on a more limited trial period and to require two toilets rather than one. He said regarding noise that the food trucks were closer to the library than Menlo Square. He said they were not paying sales tax revenue or property tax which was painful but they would bring vibrancy. He said he could support with a shorter period for review.

Commissioner Strehl said she did not like the proposal at all at first but then thought about the Farmer's Market and used that analogy. She said the Farmer's Market had created some vibrancy in the downtown on Sundays and she sees people afterwards go to Trader Joe's and Draeger's. She said she hoped there was a possibility this proposal would create vibrancy and not impact local restaurants. She said she had concerns with the location noting Ravenswood was a choke point. She said she could support for a limited trial of six months.

Chair Kadvany said given the needs of Menlo Park to develop interest in vibrancy and that this was one day a week, that this was in a good location. He said there were quite a few correspondences supporting the application. He said parking was somewhat uncertain. He said he was concerned that the basement garage for Menlo Center would be used for this event. Mr. Cohen said they met with Kepler's and they would provide signage. Ms. Evans, who spoke earlier on behalf of Kepler's Books, said Kepler's did not think there would be any persistent parking conflict because of this event.

Chair Kadvany said he liked the idea of working with the Chamber particularly during the summer on cross-promotional activities. He said it sounded like the trash would be handled, another bathroom added if needed, the noise would be monitored and northwest winds would tend to move it towards Ravenswood Avenue. He asked staff to comment on parking noting that if the lot filled and users did not go to Menlo Center to park which was unwanted they would need to find parking elsewhere and if they didn't find any he thought they would leave. Senior Planner Rogers said the willingness to find free parking and walking depended on the distance and if it was too far people would just leave. He said one output of a trial period whether one year or less would be observing the Caltrain lot and if that lot's fee payment became an issue that could become a requirement for the applicant to resubmit with Caltrain agreeing to remove that payment requirement. He said if other private parking lots had reoccurring issues there could be a requirement to do more signage. He said that staff's observations were consistent with the applicant's parking study and that as afternoon moved into evening, parking spaces are vacated at the Caltrain lot. Chair Kadvany said he could support a nine-month review time through the end of the year. He noted all the challenges that restaurateurs face running a successful restaurant. He said he suspected food trucks were also a challenging business. He said the goal was to do an enjoyable experience for the people of Menlo Park noting the demographic of such an event was one that was not particularly well served in Menlo Park at this time.

Commissioner Bressler said the Kepler's parking was the biggest issue and that concern had been addressed. He said this proposal was an innovation of service to people in Menlo Park, and he did not think it was the role of the Planning Commission to stand in the way of innovation. He said he would like the applicant to get at least nine months of operation before the use was reviewed.

Commissioner Ferrick said her main concern was the safety of the location and the impact to Ravenswood and its already congested traffic in the early evening hours. She said her other concern was that Caltrain was the choice of travel from this area for Giants games as opposed to gridlock traffic on 101 and paying \$20 to park in the stadium lot. She said in addition to those dates she had concerns about the Wednesday when there would be concerts downtown as she did not want to impact the success of the summer concert series. She said the City's annual block party also occurred on a June Wednesday night as a kickoff for the concert series. She said it would be important to work with Fran Dehn and the committee to make sure it all would work if this was approved. She said she was concerned about the eight night time Giants games and suggested moving the market to a different location so parking was not denied at the Caltrain parking lot for people going to the games. She said she thought the market generally would have a positive and additive effect on local merchants and she would encourage the partnering with the applicant and merchants on joint events and promotions. She said she saw three restaurants that might be impacted negatively: Jeffrey's, Mex to Go, and Round Table Pizza as they tended to serve families and the younger demographic in the immediate area. She said she would support a six-month trial noting Off the Grid was confident about their business model so they should be able to bring data back in six months that demonstrated success. She said if it was not working then it would not be allowed to continue throughout the entire summer. She asked if Jim Cogan the Economic Development Manager for the City would like to add his perspective on the application.

Mr. Cogan said last year he had contacted Off the Grid to make them aware of a change in permitting fee and that started a conversation about this proposal. He said the City was close to Redwood City and Palo Alto and lost considerable resident discretionary spending to those cities. He said an event like this was a way to pick up some of that business.

Commissioner Eiref said he thought visitors would look for free parking and suggested perhaps a reduction or waiver of parking fee on the Caltrain lot. He said they should have metrics associated with a trial period of operation. He said these type of events were not relaxing eating events noting particularly generator noise but also music and trains traveling past. He said this would not substitute for a great restaurant experience in Menlo Park.

Commissioner Strehl said the use permit would go into effect with the first event and asked when that would be projected. Mr. Cohen said it would take three weeks to prepare and they could probably start the first Wednesday in February. Commissioner Strehl said a six month trial would take the event through August. She said City Wednesday night events and Giants games were a concern and asked if they had considered Tuesday nights. Mr. Cohen said they do a Belmont location on Monday nights and wanted to be sensitive by separating the events by at least one day. He said operationally for them they have band width on Wednesdays and it would be challenging to do on another evening.

Chair Kadvany noted the porta-potty would be screened and left on site. Commissioner Onken said he thought this would make a scenic train station look like a construction site. He said as it was managed by Off the Grid at the event that ideally it should be brought and removed. Mr. Cohen said it would have a trellis around it and be locked. Mr. Himlan said the unit and the fence would be locked. He said the location was on the side of the building.

Commissioner Riggs moved to make the findings and approve the use permit with modifications to have a six-month review period and per the staff report to have the porta-potty delivered and removed and to have two units. He said he would not expect acoustic music to be an issue but if there were problems to have a condition for the applicant to work with staff to resolve them. He noted that the Caltrain lot in Redwood City was free after 6 p.m. He said it was not clear what to do about the Wednesdays when there were evening Giants games. He proposed that the applicant either skip those Wednesdays or find another location as well as the evening of the downtown block party.

Chair Kadvany asked if two porta-potties were used if they would both be stored or removed. Mr. Himlan said that he did not know the details at this time. Mr. Cohen suggested they could work with staff.

Commissioner Eiref suggested noticing whether lines were forming for the porta-potty use. He said he thought this event would be a good thing the night of the downtown block party.

Discussion ensued about parking on Giants evening game days and potential impacts with observations that there would be a trial period to review and that people would figure out parking for these times when there was more activity at the Caltrain lot and downtown.

Chair Kadvany said he would prefer a nine-month trial period. Commissioner Riggs said he did not want to expose the local restaurateurs to potential risks for that length of time without a review. Commissioner Eiref said six months was enough time but asked what the data would be. Commissioner Ferrick said that potentially there would be some sales tax data and good self reporting from local businesses. Senior Planner Rogers said the sales tax information was reported infrequently and six months was not adequate to get such data. He said he suspected the best data point would be to the extent the Commissioners could themselves observe the event.

Commissioner Riggs asked if he could get an opinion from Mr. Cogan on the block party and this event. Mr. Cogan said for the block party that he thought there might be some conflict and they would need to work with the Chamber and the applicant on that. He said he saw complementary use with the concert series. He said the downtown restaurateurs had not had a lot of time to digest this proposal and he and the City would continue to work with them to get information and input. He said perhaps in six months it might even be definable that another location would be better for this event.

Senior Planner Rogers responding to a question from Commissioner Strehl provided general process information, elements of Commission review and actions including the potential of requiring a different location for the event in the future.

Commissioner Riggs said he would keep his motion and the only remaining question was whether another restroom was needed. Chair Kadvany said he thought that could occur quickly if need was indicated. Commissioner Riggs said his motion was to make the findings and approve the use permit with a six month review period and to have the restroom removed after each event.

Commissioner Bressler seconded the motion.

Chair Kadvany asked what would happen in six months. Planner Rogers said the applicant would need to submit a use permit extension application similar to what was required for this hearing.

Commissioner Ferrick said she was concerned with the term expiring in six months noting the time required to get items on the Commission agenda and noticed and asked if the term could be one-year but the review on potential changes scheduled as close to six months as possible.

Commissioner Riggs said he thought there was ample time to schedule the July or August renewal and by then they would either have the confidence or not to extend the term longer. He said they wanted the proposal to work.

Recognized by the Chair, Mr. Cohen said one year was a realistic time frame to know how they were doing but he was willing to come back in six months to discuss but they would not be able to recoup their investment in six months. He suggested it would be better to have a six month review with at least a one year term.

Commissioner Riggs said he thought the proposal was synergistic and would be inspiring. He said the investment might not be recouped in six months but he thought they would succeed. Mr. Cohen suggested that the six month would allow them to tweak the proposal. Commissioner Eiref asked if there could be a one year term. Commissioner Ferrick said she was concerned with the fees associated with a six month review.

Commissioner Eiref suggested that the number of trucks was a parameter that could be adjusted. Senior Planner Rogers said the number of trucks was integral to the proposal.

Chair Kadvany said the motion on the table would require a six month review and potential use permit renewal with a requirement for restroom delivery and removal for each event. He said another option discussed was to have a one year term with a six month review.

Commission Action: M/S Riggs/Bressler to make the findings and approve the use permit for six months and to have the restroom delivered and removed for each event.

Motion failed 2-4 with Commissioners Riggs and Strehl voting approval, Commissioners Bressler, Eiref, Onken, and Kadvany voting against, and Commissioner Ferrick abstaining.

Chair Kadvany moved to make the findings and approve for a term of one year with a six-month review. Commissioner Onken seconded the motion.

Commission Action: M/S Kadvany/Onken to approve the item with the following modifications.

1. Make a finding that the project is categorically exempt under Class 4 (Section 15304, "Minor Alterations of Land") 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 project plans and project description letter, provided by the applicant, dated January 2, 2014, and approved by the Planning Commission on January 13, 2014 except as

modified by the conditions contained herein, subject to review and approval of the Planning Division.

4. Approve the use permit subject to the following **project-specific** conditions:

- a. The market operations shall be limited to Wednesday between 5:00 P.M. and 9:00 P.M. Setup may start at 3:30 P.M., and cleanup shall be concluded by 10:00 P.M.
- b. Alcohol sales and/or consumption is prohibited.
- c. The applicant and all vendors shall comply with all applicable permitting requirements, including but not limited to: City Business License, Board of Equalization Seller's Permit, San Mateo County Mobile Food Facility Permit, liability insurance, and vehicle insurance.
- d. The applicant shall regularly monitor trash while the market is operating, and shall fully clean the market and immediately surrounding areas at the conclusion of each event.
- e. Amplified live music is permitted between 6:00 P.M. and 8:00 P.M., and shall typically consist of one to two musicians playing predominantly acoustic instruments.
- f. The applicant shall implement the parking signage plan.
- g. Every week, the portable restroom shall be delivered to the site on the day of the event, and removed the following day.
- h. The use permit shall expire one year after the first event is held, unless the applicant obtains approval of an extension of the use permit. ***The use permit is subject to initial review by the Planning Commission six months after the first event is held.***

Motion carried 5-2 with Commissioners Strehl and Riggs in opposition:

Senior Planner Rogers said there would be City fees associated with the six month review.

E. REGULAR BUSINESS

There was none.

F. COMMISSION BUSINESS

There was none.

ADJOURNMENT

Meeting adjourned at 12:15 a.m. on Tuesday, January 14, 2014.

Staff Liaison: Thomas Rogers, Senior Planner

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on February 10, 2014