



REGULAR MEETING MINUTES

Date: 11/2/2015
Time: 7:00 p.m.
City Council Chambers
701 Laurel St., Menlo Park, CA 94025

A. Call To Order

Chair John Onken called the meeting to order at 7:01 p.m.

B. Roll Call

Present: Drew Combs, Katie Ferrick, Susan Goodhue, John Kadvany, Larry Kahle, John Onken and Katherine Strehl

Absent: None

Staff: Thomas Rogers, Interim Principal Planner, Kyle Perata, Associate Planner, Jean Lin, Associate Planner

C. Reports and Announcements

Interim Principal Planner Thomas Rogers reported on the recent State of the City event held at the Rosewood Hotel. He also reported that the City Council at its October 20 meeting had given direction to allow for three hours free parking in the downtown parking plazas and 90 minutes free parking on the downtown streets. He said at the Council's November 10 meeting they would consider how to implement this trial parking change. He said the Council began the biennial review of the El Camino Real/Downtown Specific Plan a month prior and that review had been continued to their November 17 agenda.

D. Public Comment

There was none.

E. Consent Calendar

- E1. Approval of minutes from the October 5, 2015 Planning Commission meeting. (Attachment)

ACTION: Motion and second (Onken/Katie Ferrick) to approve the minutes as submitted; passes 6-0 with Commissioner Susan Goodhue abstaining.

F. Public Hearing

- F1. Use Permit/Facebook, Inc./1080 Hamilton Avenue:
Request for a use permit to allow the storage and use of hazardous materials (diesel fuel) for an emergency generator associated with the applicant's operations center located in the M-2 (General

Industrial) zoning district. ([Staff Report #15-022-PC](#))

Commissioner Drew Combs recused himself due to a potential conflict of interest as he is a Facebook employee, and left the meeting.

Staff Comment: Associate Planner Kyle Perata said he had no additions to the written report.

Applicant Presentation: Mr. Steve Tsuruoka, Project Manager, Facebook, said the availability of an emergency generator was critical for 24/7 use of the space at 1080 Hamilton Avenue in the case of a power outage.

Chair Onken asked for public comment. There was none, he closed the public hearing.

Commission Comment: Commissioner Catherine Strehl moved to approve. Commissioner Ferrick seconded the motion.

ACTION: Motion and second (Strehl/Ferrick) to approve the use permit as recommended in the staff report; passes 6-0 with Commissioner Combs recused.

1. Make a finding that the project is categorically exempt under Class 1 (Section 15301, "Existing Facilities") of the current California Environmental Quality Act (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 Gensler, consisting of three plan sheets, dated received October 14, 2015, and approved by the Planning Commission on November 2, 2015 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. If there is an increase in the quantity of hazardous materials on the project site, a change in the location of the storage of the hazardous materials, or the use of additional hazardous materials after this use permit is granted, the applicant shall apply for a revision to the use permit.
 - e. Any citation or notification of violation by the Menlo Park Fire Protection District, San Mateo County Environmental Health Department, West Bay Sanitary District, Menlo Park Building

Division or other agency having responsibility to assure public health and safety for the use of hazardous materials will be grounds for considering revocation of the use permit.

- f. If the business discontinues operations at the premises, the use permit for hazardous materials shall expire unless a new business submits a new hazardous materials business plan to the Planning Division for review by the applicable agencies to determine whether the new hazardous materials business plan is in substantial compliance with the use permit.

G. Regular Business

G1. Architectural Control and Below Market Rate (BMR) Housing Agreement/Lane Partners/1010 - 1026 Alma Street:

Request for architectural control to demolish two existing commercial buildings, construct a new three-story office building with two underground parking levels in the SP-ECR/D (El Camino Real/Downtown Specific Plan) zoning district. The proposed development would be at the public benefit bonus level, which would exceed the Base level floor area ratio (FAR) for office uses on the subject site. The public benefit bonus proposal includes the provision of public plazas along Alma Street, a small pavilion for a cafe, and a financial contribution to the City. A lot merger would merge five existing parcels into one parcel. As part of the proposed project, two heritage trees are proposed for removal. In addition, the applicant is requesting approval of a Below Market Rate (BMR) In Lieu Fee Agreement for this project. *Continued from the meeting of October 19, 2015* ([Staff Report #15-023-PC](#))

Staff Comment: Associate Planner Jean Lin said five additional pieces of correspondence on the proposal had been received that day and forwarded to the Commission with hard copies made available to the public this evening. She noted the completed Specific Plan Checklist and Environmental Checklist that were unique to Specific Plan projects.

Questions of Staff: Commissioner Combs said there were two proposed payments to the City - one for a Below Market Rate (BMR) in-lieu fee and the other for public benefit. Planner Lin said that was correct. She said there was an \$185,000 payment to the City as part of the public benefit proposal as well as payment for the Below Market Rate (BMR) in-lieu fee, and that the project was also subject to the Transportation Impact (TIF) in-lieu fees, a Supplemental TIF and a Downtown/El Camino Real Specific Plan preparation fee. She said the fees were listed in Attachment A on page A6. Commissioner Combs asked into what fund the \$185,000 payment would be deposited. Planner Lin said they would be put into the City's general fund.

Commissioner John Kadvany asked if the Commission could recommend that the public benefit money be used for some specific project or use. Interim Principal Planner Rogers said the City Council determined how funds were spent. He said if the Commission took action on the proposal to approve any recommendation about the use of funds would be advisory. He said the Commission was scheduled to do an annual review of the Capital Improvement Plan in December and they could then make a stronger recommendation about the use of those funds should the subject project be approved.

Applicant Presentation:

Mr. Marcus Gilmour, Principal, Lane Partners, said the architect team would review the design and then he would present the revised public benefit proposal.

Mr. Chris Haeggglund, Principal, BAR Architects, introduced his associate Ben Schaefer, and said they would focus on design changes made since May when the Commission last saw the project. He said they created a shift to the roof plane based on the planning standards, added larger windows on the ground floor to meet the City's transparency regulations, made a slight shift in the massing in the rear, and some changes to the windows in the upper space. He said this was a three-story office building with two below grade parking levels. He said the design was driven by the oak trees on the site noting that some trees would need to be removed but the two largest oaks were being preserved. He said the second floor stepped back, the third floor stepped back even more, and there were outside terraces on both the second and third floors.

Mr. Schaefer said the outside spaces provided diversity both for the tenants and the public passing by the building and an active street face was being created on all levels of the building. He noted the West Plaza would have the community serving retail business. He said their goal was LEED gold and they hoped to exceed that standard. He said they would have solar panel arrays on the roof. He said they were providing more public space. He said they hoped that a coffee or some similar vendor would come into the open air pavilion to do business.

Mr. Gilmour said they increased the total financial value of their public benefit by 70%, increasing from \$380,000 to \$642,000, as they themselves calculated it. He said they increased the public space by 70% increasing from 2,300 square feet to about 4,000 square foot. He said in the bonus floor area ratio they were pursuing the public space area was about 69% of the total. He said they jogged the fence behind the large oak tree so the public would be able to enjoy it. He said they expanded the coffee pavilion from 170 to 324 square feet and added an ADA-compliant restroom single-user restroom for the vendor's employees to use. He said they added two electric vehicle charging stations on Alma Street for the public.

Questions of the Applicant: Commissioner Kadvany said it seemed they were going for a net zero building. Mr. Haeggglund said they were committing to the LEED gold but were looking at a net zero building.

Commissioner Combs asked if one of the two original pathways had been removed. Mr. Gilmour said the original plan had a pathway which they removed because it was narrow and potentially a safety hazard. He noted there was access on the south part of the site next to Jan's Deli.

Commissioner Larry Kahle asked about the public plaza east as he was concerned it might be underutilized and at some point disappear. Mr. Gilmour said Jan's Deli was next door to it. He said the Deli served lunch and this area could serve as overflow eating area. He noted there were also bicycle racks there. He said the key emphasis was on the west plaza. Commissioner Kahle asked if there was a 15-foot wall along the back of the plaza. Mr. Schaefer said it was an extension of the building and an architectural expression with the intent for it to not look like a fence between the residential neighborhood and the project but to look like an architectural feature.

Commissioner Kadvany noted a gate and a door in the fence and asked about their uses. Mr. Schaefer said those were for the tenant to use to open for private events or deliveries.

Public Comment:

- Ms. Gillian Robinson, Zombie Runner LLC, Palo Alto, introduced Don Lundell, co-owner of their running store and espresso café. She said they were looking for a second location for their espresso café, and had begun discussions with Lane Partners. She expressed support for the

project.

- Mr. Verle Aebi, Menlo Park, provided the Commission with an email he sent to Associate Planner Lin in September about the project. He asked the Commission to recommend to the City Council that the \$185,000 be earmarked specifically for the Alma Street and Ravenswood Avenue intersection as he had been told by City staff that a traffic light at that intersection would cost about \$200,000. He said this would also help the tenants of the proposed project.
- Mr. Clem Molony, Willows neighborhood, Menlo Park, noted he supported the architectural control, Below Market Rate (BMR) housing in-lieu fee agreement, the public benefit including the public plazas, the bike centricity, and target of LEED gold. He recommended approval noting this type of building would add to downtown vibrancy.
- Ms. Krista Skehan, Menlo Park resident, said she loved the project noting it was tastefully designed and provided good public benefit.
- Ms. Carol Schumacher, Menlo Park business owner, said she had written a letter in support of the project and wanted to reiterate that the project was a great asset and she welcomed it.
- Mr. Bill Sanders, Menlo Park resident, suggested a residential component for the project on the third story.

Chair Onken closed the public hearing.

Commission Comment: Commissioner Ferrick asked the applicant if the requirement for parking spaces was reduced whether they would want to do that. Mr. Gilmour said reducing a full level of parking was attractive but to do that they would need to eliminate 40 stalls and that was a large number. He said they were satisfied with the number of parking spaces they would provide. Commissioner Ferrick said she asked that as the building was located close to the train station and less parking might be viable. She said the applicant had a goal of LEED gold or better and asked about the project's water conservation measures. Mr. Schaefer said they were had much more to look at but at this time the design team had identified low flow toilets and as many low flow plumbing amenities as possible. He said they would host storm water onsite for mitigation to help with rainwater runoff. Commissioner Ferrick asked about other features. Mr. Schaefer said they would have photovoltaic (PV) arrays on the roof. He said maximizing those would help them move toward net zero energy consumption. He said there were two electric vehicle charging stations in the public right-of-way, six green parking spaces in the building garage, and a dedicated bike room with showers. Commissioner Ferrick confirmed with Mr. Schaefer that it would be possible to add charging stations in the garage if more were needed in the future.

Commissioner Kahle said the project was handsome. He said he would like to see more space in the left public plaza. He said the blue color of the metal roof might present problems as blue was a tricky color.

Commissioner Strehl said she was pleased with the considerable expansion of the public space, the redesign around the oak tree, and that they had addressed the Commission's concerns previously stated in May.

Responding to questions from Commissioner Combs, Mr. Gilmour said the building was planned to be flexible so that all the space might be marketed for one tenant or for tenants on each floor. He

said their initial marketing would be for one tenant and that they had started initial discussions.

Commissioner Kadvany said with public benefit the City was effectively a partner in this project. He said the cost of the amenities was around \$600,000, which was the City's investment in the project. He said however the City was de-vesting its benefit through its parking requirements. He said the expense of the underground parking was not beneficial to the City as a whole. He said he would like a strong recommendation to the Council to reconsider the parking.

Chair Onken said the City was updating its General Plan and through that process it might be prudent to review parking rates. Commissioner Kadvany said the Council had not completed the review of the Specific Plan. He said there was a possibility Council could change parking requirements through that process.

Commissioner Goodhue asked what amount of parking was possible to eliminate if that was the choice with the zoning indicating a much higher ratio. Associate Planner Lin said staff did not have flexibility with the parking rates in the Specific Plan. Commissioner Goodhue asked about conditions to require maintenance of the public plaza as such in the future. Associate Planner Lin said a condition of approval addressed the ongoing use and maintenance of the public pavilion to the City's satisfaction. She said there would be a recorded covenant that would include minimum hours of operation for the pavilion, keeping it open and operational, and maintaining the property. She said non-compliance would be a violation of the conditions of approval.

Commissioner Ferrick said that additional traffic was associated with the project and providing parking for every employee in the building was counterproductive as it was located close to the train station. She noted the project parking was not usable by the public and the expense of the two underground levels of parking was unfortunate. She said she liked the green wall, the architecture, the general airiness of the upper stories, and the building's proximity to transit.

Commissioner Strehl suggested Commissioners could speak individually to the Council about reconsidering the parking regulations in the Specific Plan for projects in close proximity to the train station. She said at this point Lane Partners was operating under the rules adopted by the City Council. She said she liked the idea by one of the speakers to earmark the public benefit money to transportation improvements particularly at Alma and Ravenswood.

Commissioner Combs said the parking regulations in the Specific Plan were adopted for the entire Station Area. He said he thought it must be painful for the applicant to done the Specific Plan checklist process, designed a project that met its standards and in the consideration of their project that was ready for approval to have those standards questioned by members of one of the bodies that approved those standards. He said Commissioners should be talking to the City Council about the parking requirements and not expending the applicants' time with that discussion. He suggested that their approval should have a recommendation to the City Council that the in-lieu fee be earmarked for some public infrastructure project in the Specific Plan such as the under/over pass at Middle Avenue. He said those funds should not be put in the General Fund but should be in a Specific Plan fund. He said he supported the project.

Commissioner Strehl said the Commission had previously discussed public benefit and having public benefit money used for Specific Plan projects. She asked if the Commission could make that recommendation to Council regarding the \$185,000 this project was providing the City. Associate Planner Lin said the Commission was able to act on the architectural control and Below Market Rate (BMR) agreement tonight and once they acted they would not make a

recommendation to the City Council unless the Commission action was appealed to the City Council.

Interim Principal Planner Rogers said the Commission could append such direction to their motion if they moved to approve the project request. He said also it would then be something they needed to reemphasize when the Commission reviewed the CIP and something individual Commissioners would need to bring to City Council members.

Commissioner Strehl said Commissioners could also individually recommend to the City Council in their review of the Specific Plan that a Specific Plan fund should be established for these public benefit payments. Interim Principal Planner Rogers noted that when the Commission's recommendations on the Specific Plan were sent to the City Council they had to report there was not a clear consensus on that topic.

Chair Onken said the parking requirements developed under the Specific Plan were done to reassure residents that the projects developed under the Specific Plan would prevent overflow parking on City streets. He said he supported working with Council and the applicant to mitigate the impact of the project on the Ravenswood and Alma intersection. He said he liked the changes to the project. He said regarding the size of the public plaza it struck a balance with what was offered before and a much larger space. He said regarding public benefit there was both financial contribution and physical public benefit. He said he would support the project as proposed.

Commissioner Kadvany said he thought they could approve the project allowing conditional flexibility that if the parking regulations under the Specific Plan were reduced by the City Council before this project began construction that the applicant could have the opportunity to revise the parking to be less if they so desired with staff review and approval. He said if the parking was reduced the City should share in the additional benefit for the applicant. He said he had concerns about the viability of the larger pavilion in the as yet underdeveloped area noting that this was the City's investment as well.

Commissioner Strehl said the Commission had given Lane Partners strong direction in May on the project and the applicant had responded to that direction. She moved approval of the architectural control findings and Below Market Rate (BMR) agreement as recommended in Attachment A with a strong recommendation to the City Council that they earmark the public benefit funds from the project to transportation improvements linked to the Specific Plan. She said if it was possible for Lane Partners to remove a level of parking and the Council changed the parking rules for the Specific Plan in the coming weeks that they could work with staff to accomplish that. Commissioner Kadvany seconded the motion. He asked Commissioner Strehl about transportation improvements. Commissioner Strehl said she meant the Specific Plan projects many of which were transportation related.

Interim Principal Planner Rogers said the City Council would meet on the Specific Plan on November 17 and hopefully finish their review. He said direction from the Council would be undertaken and might require additional environmental review. He said six months to finish revisions to the Specific Plan was a reasonable expectation. He said Commissioner Kadvany had suggested that if the applicant were able to reduce parking and wanted to reduce parking there might be more value from the project for the City to claim. He said however there was not a formula staff could point to calculate that other than having the Commission, a discretionary body, make the public benefit decision. Commissioner Kadvany said he would have to let that part go.

Mr. Gilmour said they appreciated the flexibility in the parking and were looking at other sites downtown which a reduction in parking rates might help if that went forward. He confirmed that the Commission was giving them the option to reduce their parking should the parking requirements in the Specific Plan be reduced in the next couple of weeks.

ACTION: Motion and second (Strehl/Kadvany) to approve the architectural control and Below Market Rate (BMR) agreement as recommended in Attachment A with a strong recommendation to the City Council that they earmark the public benefit funds from the project to Specific Plan projects; passes 7-0.

1. Make findings with regard to the California Environmental Quality Act (CEQA) that the proposal is within the scope of the project covered by the El Camino Real/Downtown Specific Plan Program EIR, which was certified on June 5, 2012. Specifically, make findings that:
 - a. A checklist has been prepared detailing that no new effects could occur and no new mitigation measures would be required (Attachment K).
 - b. Relevant mitigation measures have been incorporated into the project through the Mitigation Monitoring and Reporting Program (Attachment L), which is approved as part of this finding.
 - c. Upon completion of project improvements, the Specific Plan Maximum Allowable Development will be adjusted by 15,208 square feet of non-residential uses, accounting for the project's net share of the Plan's overall projected development and associated impacts.
2. Adopt the following findings, as per Section 16.68.020 of the Zoning Ordinance, pertaining to architectural control approval:
 - a. The general appearance of the structure is in keeping with the character of the neighborhood.
 - b. The development will not be detrimental to the harmonious and orderly growth of the City.
 - c. The development will not impair the desirability of investment or occupation in the neighborhood.
 - d. The development provides adequate parking as required in all applicable City Ordinances and has made adequate provisions for access to such parking.
 - e. The development is consistent with the El Camino Real/Downtown Specific Plan, as verified in detail in the Standards and Guidelines Compliance Worksheet (Attachment F).
3. Approve the Below Market Rate Housing In Lieu Fee Agreement. (Attachment J).
4. Approve the architectural control subject to the following **standard** conditions:

- a. Development of the project shall be substantially in conformance with the plans prepared by BAR Architects, consisting of 47 plan sheets, dated received October 27, 2015, and approved by the Planning Commission on November 2, 2015, except as modified by the conditions contained herein, subject to review and approval of 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. Frontage improvements and dedication of easements shall be to the satisfaction of the Engineering Division.
- 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 the review and approval of the Engineering Division.
- f. Simultaneous with the submittal for a demolition permit, the applicant shall submit a plan for: 1) construction safety fences around the periphery of the construction area, 2) dust control, 3) air pollution control, 4) erosion and sedimentation control, 5) tree protection fencing, and 6) construction vehicle parking. The plans shall be subject to review and approval by the Building, Engineering, and Planning Divisions prior to issuance of a demolition permit. The fences and erosion and sedimentation control measures shall be installed according to the approved plan prior to commencing demolition.
- g. Simultaneous with the application for a grading permit, the applicant shall submit a draft "Stormwater Treatment Measures Operations and Maintenance (O&M) Agreement" with the City subject to review and approval by the Engineering Division. With the executed agreement, the property owner is responsible for the operation and maintenance of stormwater treatment measures for the project. The agreement shall run with the land and shall be recorded by the applicant with the San Mateo County Recorder's Office. The applicant shall enter into and record a Stormwater Treatment Measures Operations and Maintenance Agreement prior to building permit final inspection.
- h. Simultaneous with the submittal of a complete building permit application, the applicant shall submit the City's "NPDES Permit Compliance Checklist", and provide for permanent stormwater control measures selected from the City's "Local Source Control Measures List", as appropriate, for review and approval of the Engineering Division. For potential solutions, the Applicant may refer to "Start at Source", a Manual developed by the Bay Area Stormwater Management Agencies Association by (BASMMA).

- i. 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.
- j. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a utility plan that shows all existing communications lines along the site's Alma Lane frontage to be undergrounded, subject to the approval of the Engineering Division.
- k. 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 issuance of a grading, demolition or building permit.
- l. Simultaneous with the submittal of a complete building permit application, the applicant shall provide documentation indicating the amount of irrigated landscaping. If the project proposes more than 2,500 square feet of irrigated landscaping, it is subject to the City's Water Efficient Landscaping Ordinance (Municipal Code Chapter 12.44). Submittal of a detailed landscape plan would be required concurrently with the submittal of a complete building permit application.
- m. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a lighting plan, providing the location, architectural details and specifications for all exterior lighting subject to review and approval by the Planning Division.
- n. Simultaneous with the submittal of a complete building permit application, a design-level geotechnical investigation report shall be submitted to the Building Division for review and confirmation that the proposed development fully complies with the California Building Code. The report shall determine the project site's surface geotechnical conditions and address potential seismic hazards. The report shall identify building techniques appropriate to minimize seismic damage.
- o. Prior to issuance of each building permit, the applicant shall pay the applicable Building Construction Street Impact Fee in effect at the time of payment. The current fee is calculated by multiplying the valuation of the construction by 0.0058.
- p. A complete building permit application will be required for any remediation work that requires a building permit. No remediation work that requires approval of a building permit shall be initiated until the applicant has received building permit approvals for that work. All building permit applications are subject to the review and approval of the Building Division.
- q. The applicant shall retain a civil engineer to prepare "as-built" or "record" drawings of public improvements, and the drawings shall be submitted in AutoCAD format to the Engineering Division.

- r. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance. Prior to demolition permit issuance, the applicant shall retain an on-site arborist who shall be designated with the responsibility and authority to insure that the instructions for tree protection are properly executed throughout the construction of the project.
5. Approve the architectural control subject to the following **project-specific** conditions:
- a. The applicant shall address all Mitigation Monitoring and Reporting Program (MMRP) requirements as specified in the MMRP (Attachment L). Failure to meet these requirements may result in delays to the building permit issuance, stop work orders during construction, and/or fines.
 - b. Simultaneous with the submittal for a demolition permit, the applicant shall submit a tree preservation plan to address the protection of all heritage trees to remain, detailing the location of and methods for all tree protection measures, as described in the arborist report, for review and approval by the City Arborist. Prior to demolition permit issuance, the project arborist shall submit a letter to the Building Division confirming adequate installation of the tree protection measures. The project arborist shall monitor the heritage trees throughout project construction, and shall submit monitoring reports every four weeks for review of the City Arborist.
 - c. A Tree Protection Access Easement Agreement for the protection of the existing 35.5-inch oak tree (tree #7) shall be submitted for review and approval by the City Attorney and recorded with the County of San Mateo prior to issuance of the demolition permit.
 - d. Simultaneous with the submittal of a complete building permit application, the applicant shall submit an updated LEED Checklist, subject to review and approval of the Planning Division. The Checklist shall be prepared by a LEED Accredited Professional (LEED AP). The LEED AP should submit a cover letter stating their qualifications, and confirm that they have prepared the Checklist and that the information presented is accurate. Confirmation that the project conceptually achieves LEED Silver certification shall be required before issuance of the building permit. Prior to final inspection of the building permit, the project shall submit verification that the development has achieved final LEED Silver certification.
 - e. Lot merger shall be recorded prior to the issuance of demolition, grading, or building permit.
 - f. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a draft Public Access Easement (PAE) along the property frontage to accommodate the full 15-foot wide sidewalk and public plaza areas. Said dedication shall be accepted by the City Council prior to the issuance of the building permit. Said PAE shall be recorded prior to building permit final inspection, subject to review and approval of the Engineering Division.
 - g. Simultaneous with the submittal of a complete building permit application, the applicant shall submit revised plans showing solar panel installations are screened from view from publicly-accessible spaces.

- h. Simultaneous with the submittal of a complete building permit application, the applicant shall provide detailed plans for the proposed coffee pavilion, outdoor trash enclosure, and outdoor transformer enclosure for review and approval of the Planning, Building, and Engineering Divisions. The Alma Street façade for the coffee pavilion shall comply with the requirements for minimum ground floor transparency. The plans shall also include a signage plan, with the intent of relaying the public nature of the public plazas.
 - i. Prior to issuance of the building permit, the applicant shall submit all relevant transportation impact fees, subject to review and approval of the Transportation Division. Such fees include:
 - i. The citywide Transportation Impact Fee (TIF) is currently estimated at \$70,413.04. This was calculated by multiplying the fee of \$4.63/square feet for non-medical office space by 25,156 square feet and multiplying the fee of \$4.63/square feet by 324 square feet for restaurant space, and applying a credit of \$4.63/square feet for retail and restaurant space for 10,272 square feet of existing commercial uses. This fee is updated annually on July 1st based on the Engineering News Record Bay Area Construction Cost Index.
 - ii. The Specific Plan EIR requires fair-share contributions for additional intersections not included in the citywide TIF. The City has adopted a Supplemental Transportation impact fee for the infrastructure required as part of the Downtown Specific Plan. The fee is estimated at is \$14,417.20, and was calculated by multiplying \$379.40 per PM peak hour vehicle trip by 38 PM peak hour trips.
 - j. Prior to building permit issuance, the applicant shall pay the El Camino Real/Downtown Specific Plan Preparation Fee, which is established at \$1.13/square foot for all net new development. For the subject proposal, the fee is estimated at \$17,185.04 (\$1.13 x 15,208 net new square feet).
 - k. Prior to project construction, the applicant may request a reduction in the amount of parking provided on-site in accordance with any modifications to the Specific Plan's parking requirements to allow such a reduction, subject to review and approval of the Planning Division.**
6. Approve the architectural control subject to the following **ongoing, project-specific** conditions:
- a. The applicant shall be responsible for the construction and on-going maintenance of all proposed improvements associated with the public benefit bonus proposal, including the public plaza areas, public bicycle racks along the project's Alma Street frontage, and public electric vehicle charging stations, to the satisfaction of the Planning Division.
 - b. The coffee pavilion provided as part of the public benefit bonus proposal shall operate as follows:
 - i. The applicant shall be responsible for all functions required to operate the coffee pavilion, including without limitation, the selection of a coffee operator, collection of rent, maintenance, routine and extraordinary repairs, and security;

- ii. The applicant shall procure a reputable, full-service coffee operator, subject to the reasonable approval of the Planning Division, to manage, occupy, and operate the coffee pavilion;
- iii. At a minimum, the hours of operation shall be from 7:00 a.m. to 7:00 p.m. on weekdays, and from 8:00 a.m. to 1:00 p.m. on weekends;
- iv. The hours of operation may be subject to review six months after operation, and annually thereafter, and may be revised by the Planning Division in its sole discretion;
- v. The applicant shall take all commercially reasonable steps to ensure that the coffee pavilion is in continuous operation; and
- vi. Prior to building permit issuance, the applicant and the City shall record a covenant reflecting the requirements of these conditions of approval related to the coffee pavilion against the property in the Official Records of the County of San Mateo.

G2. Review of Draft 2016 Planning Commission Meeting Dates ([Staff Report #15-024-PC](#))

Commissioner Ferrick said the April 4 meeting could be problematic with public school spring break schedules noting it also following a closed Friday and she thought Easter. She suggested it could be moved to October. Chair Onken noted there was a four week gap in the October calendar between meetings. Interim Principal Planner Rogers said that there was a meeting on October 10 and he thought it might be a graphics mistake. Commissioner Strehl noted the November 21 meeting was the week of Thanksgiving and that might present potential conflict for people who take holiday trips. She said October 10 was Columbus Day and that might be a City holiday. Interim Principal Planner Rogers thanked the Commission for their comments and said staff would review the meeting schedule.

H. Informational Items

Chair Onken suggested at the beginning of future Planning Commission meetings that they institute a recognition item for outstanding projects in the City.

H1. Future Planning Commission Meeting Schedule.

- Regular Meeting: November 16, 2015
- Regular Meeting: December 7, 2015
- Regular Meeting: December 14, 2015

J. Adjournment

Chair Onken adjourned the meeting at 8:44 p.m.

Staff Liaison: Thomas Rogers, Interim Principal Planner
Recording Secretary: Brenda Bennett

Approved by the Planning Commission on December 7, 2015