



PLANNING COMMISSION ACTIONS

August 31, 2009

7:00 p.m.

City Council Chambers

701 Laurel Street, Menlo Park, CA 94025

CALL TO ORDER – 7:05 p.m.

ROLL CALL – Bressler, Ferrick, Kadvany, Keith, O'Malley (Vice chair), Pagee, Riggs (Chair) – [All present](#)

INTRODUCTION OF STAFF – Deanna Chow, Senior Planner; Megan Fisher, Associate Planner; Justin Murphy, Development Services Manager

A. PUBLIC COMMENTS

Under "Public Comments," the public may address the Commission on a consent calendar item or any subject not listed on the agenda within the jurisdiction of the Commission. When you do so, please state your name and city or political jurisdiction in which you live for the record. The Commission cannot respond to non-agendized items other than to receive testimony and/or provide general information.

B. CONSENT - NONE

C. REGULAR BUSINESS

1. **Review of Substantial Conformance/Gita Kashani/642 Santa Cruz Avenue:** Review of exterior modifications made to an existing commercial building in the C-3 (Central Commercial) zoning district where architectural control was previously approved as requested by Commissioner Pagee. [M/S Keith/Pagee to find the proposed changes to the building in substantial conformance with the November 23, 1998 architectural control approval; 6-1 \(Commissioner Riggs opposed\).](#)

D. PUBLIC HEARING

1. [Rezoning, Planned Development Permit, Tentative Parcel Map, Below Market Rate Agreement, Heritage Tree Removal Permit, and Environmental Review/Sand Hill Property Company/1300 El Camino Real:](#) Requests for the following: 1) Rezoning the properties from C-4 General Commercial District (Applicable to El Camino Real) to Planned Development (P-D) District, 2) Planned Development Permit to establish development regulations including parking, building height, landscaping, and building setbacks, and conduct architectural review for the proposed development of 110,065 square feet of commercial space (51,365 square feet of retail/restaurant/service uses and 58,700 square feet of non-medical office uses), 3) Tentative Parcel Map to merge the existing six lots and create up to four commercial condominium units, 4) Below Market Rate (BMR) housing agreement for the payment of in-lieu fees associated with the City's BMR Housing Program, 5) Heritage Tree Removal Permits to remove one on-site and two off-site heritage trees, and 6) Environmental Review of the proposed project for potential environmental impacts.
[The Planning Commission made the following recommendations to the City Council on the proposed project:](#)

1. M/S Ferrick/Keith to adopt the Findings for Certification of the Environmental Impact Report, including the Statement of Overriding Considerations, adopt the Resolution of the City Council of the City of Menlo Park, State of California Certifying the Final Environmental Impact Report (EIR) for the 1300 El Camino Real Project, and Adopt the Mitigation Monitoring and Reporting Program prepared for the project with the following modifications to the Findings for Certification document; 5-1-1, with Commissioner O'Malley opposed and Commissioner Keith abstaining.

Alternative 2

Findings: The Mixed Use alternative is rejected as an alternative because it would include the construction of housing (which is not a project objective), and would not substantially reduce the environmental impacts of the proposed project, ~~and would expose residents to unhealthy levels of air pollutants.~~ It would achieve the objectives of the project, although not to the degree of the proposed project, because residential uses would be substituted for some of the commercial space that would be included as part of the project.

Explanation: The Mixed Use alternative would have similar impacts to the proposed project resulting from construction and redevelopment on the project site and the location of the site with respect to existing land uses. The majority of these impacts could be mitigated to a less-than-significant level, similar to the proposed project. However, certain significant unavoidable transportation and air quality impacts remain under the alternative ~~(including potential health effects related to exposure of residents to high levels of railroad emissions).~~ Although the alternative would achieve the objectives of the project, it would do so to a lesser extent than the proposed project because commercial development on the site would be reduced.

Alternative 3

Findings: The Maximum Residential alternative is rejected as an alternative because it would include the construction of housing (which is not a project objective), and would not substantially reduce the environmental impacts of the proposed project, ~~and would expose residents to unhealthy levels of air pollutants.~~ It would achieve some of the key objectives of the project to a lesser degree than the project, including the creation of a commercial development that encourages the use of public transit and the provision of opportunities for local-serving retail and office activity.

Explanation: In general, per unit area, residential uses generate fewer vehicle trips (and less vehicle-related noise and emissions) than commercial uses. Therefore, the Maximum Residential alternative would be superior to the project and Mixed Use alternative in terms of reducing air quality, noise, and traffic impacts to surrounding neighborhoods. The housing that would be provided as part of the Mixed Use and Maximum Residential alternatives would be considered beneficial because Menlo Park and the region suffer from a shortage of housing, particularly affordable housing. However, certain significant unavoidable transportation and air quality impacts remain under the alternative. ~~However, the alternative would expose more residents on the site to potentially hazardous train emissions. In addition,~~ The Maximum Residential alternative would not achieve two of the key objectives of the project to the extent of the project.

2. M/S Bressler/Pagee to make a finding that the proposed rezoning of property with the primary address of 1300 El Camino Real, from C-4 (General Commercial – Applicable to El Camino Real) to P-D (Planned Development District) is consistent with the General Plan land use designation of El Camino Real Professional/Retail Commercial and introduce an ordinance rezoning property with the primary address of 1300 El Camino Real from C-4 (General Commercial – Applicable to El Camino Real) to P-D (Planned Development District); 6-1, with Commissioner O'Malley opposed.
3. M/S Keith/Ferrick to make a finding that the proposed Planned Development Permit 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 planned development, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City, make a finding that the Planned Development Permit allows for development that supports a mix of commercial uses in close proximity to each other, involves combining smaller legal parcels for the purpose of creating a more innovative development proposal than would have been possible if the parcels were developed separately, improves a vacant site near the downtown, and contributes fees to the City's Below Market Housing Program for 1300 El Camino Real, subject to the terms and conditions of the Planned Development Permit, and approve the Planned Development Permit with the following modifications; 6-1, with Commissioner O'Malley opposed.

- Modify 5.1: The Planned Development Permit shall expire **two years** from the date of approval if the applicant does not submit a complete building permit application within that time; however, the Planned Development Permit shall automatically be extended if the term of the tentative parcel map is extended, for up to ~~two years one year~~. If, ~~four~~ three years from the date of approval, the applicant still has not submitted a complete application for building permit, then the Community Development Director may extend this date per Municipal Code Section 16.82.170.
 - Modify 6.17: Prior to building permit submittal, the applicant shall work with the property owner of 560 Derry Lane (APN 061-430-200) to arrange dedication of the Garwood Way right-of-way and a cost sharing agreement to fully construct the improvements to the Garwood Way plan line (proposed Derry Lane) as shown on plan sheets DL-1 through DL-4, including the dedicated southbound right-turn lane as shown on plan sheet DL-2. If the applicant has made a good faith effort to obtain an agreement with the property owner of 560 Derry Lane as determined by the Public Works Director, but the property owner of 560 Derry Lane is unwilling to dedicate the right-of-way, then the applicant shall submit alternative roadway layout plans to the Transportation Division and Menlo Park Fire Protection District (MPFPD) for review and approval. Additionally, the applicant shall pursue an agreement with the property owner of 560 Derry Lane to establish ~~an easements~~ in the established plan line to install the proposed water line and for pedestrian and bicycle access. If the applicant has made a good faith effort to establish ~~an easements~~ for the water line and for pedestrian and bicycle access as determined by the Public Works Director, but the property owner of 560 Derry Lane is unwilling to have ~~an one or both~~ one or both easement(s) established on the property, then the applicant shall submit an alternative water main plan to California Water Service Company (CalWater) and MPFPD for review and approval. These items shall be completed prior to submittal of the off-site improvement plan described in condition 6.21.
 - Modify 6.36: Concurrent with building permit submittal, the applicant shall demonstrate to the satisfaction of the City that the construction and building material, energy efficiency, water conservation and efficiency, and solid waste measures listed in the Mitigations and Monitoring Reporting Program (MMRP) and other measures identified in the *City of Menlo Park Climate Change Action Plan* have been incorporated into the design and construction of the project to the extent feasible, subject to review and approval by the Planning, Building, and Engineering Divisions prior to building permit issuance. Throughout and following construction of the project, the applicant shall pursue and secure a LEED certification for the project. Prior to approval of final building permit inspection for the building shells, the applicant shall submit to an application for LEED certification to the U.S. Green Building Council (USGBC), and provide a copy of the application to the Planning Division. Within 18 months of the final building permit inspection for the building shells, the applicant shall provide proof of LEED certification from the USGBC. (MM GCC-1)
4. M/S Ferrick/Keith to make a finding that the Tentative Parcel Map has been reviewed by the Engineering Division and has been found to be technically correct and in compliance with the State Subdivision Map Act and the City's Subdivision Ordinance and approve the Tentative Parcel Map; 7-0.

5. M/S Keith/Pagee to approve the Below Market Rate Housing Agreement for the payment of fees to comply with the commercial requirements of the BMR Program; 7-0.
6. M/S Keith/Pagee to adopt findings, as per Chapter 13.24 of the Municipal Code, regarding heritage tree removal: the blackwood acacia proposed for removal is in poor/potentially hazardous condition. The coast live oak and valley oak proposed removal conflict with the right-of-way improvements and are not in good condition. The proposed landscaping plan includes trees that range in size and variety, and would be installed on site and as street trees. At least ten of the proposed trees have the potential to grow into heritage trees. Approve the Heritage Tree Removal permit; 7-0.

In addition, the Planning Commission included the following statement and direction to supplement its recommendations:

7. In the interest of seeing development move forward at this particular site, the Planning Commission decided to forego the opportunity to include a residential component to the project; Unanimous consent.
8. Prior to the City Council meeting, the applicant shall prepare additional drawings, including enlarged colored site plans and elevations, for the proposed courtyard along El Camino Real and the courtyard between the two buildings. Additionally, the applicant shall consider adding some plantings or some other form of visual interest in front of the fin wall along the El Camino Real frontage. Unanimous consent.

E. COMMISSION BUSINESS

1. Review of planning items on City Council agendas.
 - A. El Camino Real/Downtown Specific Plan (Phase II) Process
 - B. Appeal of Use Permit for 825 Santa Cruz Avenue
 - C. Environmental Quality Commission Award Nominations for 2009

F. REPORTS AND ANNOUNCEMENTS

ADJOURNMENT – 11:51 p.m.

Future Planning Commission Meeting Schedule

Regular Meeting	September 14, 2009
Regular Meeting	September 21, 2009
Regular Meeting	October 5, 2009
Regular Meeting	October 19, 2009
Regular Meeting	November 2, 2009
Regular Meeting	November 16, 2009
Regular Meeting	December 7, 2009
Regular Meeting	December 14, 2009

This Agenda is posted in accordance with Government Code Section §54954.2(a) or Section §54956. (Date Posted: August 27, 2009.) Persons with disabilities, who require auxiliary aids or services in attending or participating in Planning Commission meetings, may contact the City Clerk at (650) 330-6600. Members of the public can view or subscribe to receive future weekly agendas and staff reports in advance by e-mail by accessing the City website at <http://www.menlopark.org>. Agendas and staff reports may also be obtained by contacting Vanh Malathong at 650-330-6736.

Any writing that is distributed to a majority of the commission by any person in connection with an agenda item is a disclosable public record (subject to any exemption under the Public Records Act) and is available for inspection at The Community Development Department, Menlo Park City Hall, 701 Laurel Street, Menlo Park, CA 94025 during regular business hours.

Planning Commission meetings are recorded and audio broadcast live. To listen to the live audio broadcast or to past recordings, go to http://menlopark.granicus.com/ViewPublisher.php?view_id=2.



PLANNING COMMISSION

Agenda and Meeting Information

The Planning Commission welcomes your attendance at and participation in this meeting. The City supports the rights of the public to be informed about meetings and to participate in the business of the City.

ASSISTANCE FOR PERSONS WITH DISABILITIES: Person with disabilities who require auxiliary aids or services in attending or participating in Planning Commission meetings, may call the Planning Division office at (650) 330-6702 prior to the meeting.

COMMISSION MEETING AGENDA AND REPORTS: Copies of the agenda and the staff reports with their respective plans are available prior to the meeting at the Planning Division counter in the Administration Building, and on the table at the rear of the meeting room during the Commission meeting. Members of the public can view or subscribe to receive future weekly agendas and staff reports in advance by e-mail by accessing the City website at <http://www.menlopark.org>.

MEETING TIME & LOCATION: Unless otherwise posted, the starting time of regular and study meetings is 7:00 p.m. in the City Council Chambers. Meetings will end no later than 11:30 p.m. unless extended at 10:30 p.m. by a three-fourths vote of the Commission.

PUBLIC TESTIMONY: Members of the public may directly address the Planning Commission on items of interest to the public that are within the subject matter jurisdiction of the Planning Commission. The City prefers that such matters be presented in writing at the earliest possible opportunity or by fax at (650) 327-1653, e-mail at planning.commission@menlopark.org, or hand delivery by 4:00 p.m. on the day of the meeting.

Speaker Request Cards: All members of the public, including project applicants, who wish to speak before the Planning Commission must complete a Speaker Request Card. The cards shall be completed and submitted to the Staff Liaison prior to the completion of the applicant's presentation on the particular agenda item. The cards can be found on the table at the rear of the meeting room.

Time Limit: Members of the public will have **three** minutes and applicants will have **five** minutes to address an item. Please present your comments clearly and concisely. Exceptions to the time limits shall be at the discretion of the Chair.

Use of Microphone: When you are recognized by the Chair, please move to the closest microphone, state your name and address, whom you represent, if not yourself, and the subject of your remarks.

DISORDERLY CONDUCT: Any person using profane, vulgar, loud or boisterous language at any meeting, or otherwise interrupting the proceedings, and who refuses to be seated or keep quiet when ordered to do so by the Chair or the Vice Chair is guilty of a misdemeanor. It shall be the duty of the Chief of Police or his/her designee, upon order of the presiding officer, to eject any person from the meeting room.

RESTROOMS: The entrance to the men's restroom is located outside the northeast corner of the Chamber. The women's restroom is located at the southeast corner of the Chamber.

If you have further questions about the Planning Commission meetings, please contact the Planning Division Office (650-330-6702) located in the Administration Building.