PLANNING COMMISSION ACTIONS

October 19, 2009
7:00 p.m.
City Council Chambers
701 Laurel Street, Menlo Park, CA 94025

Teleconference with participation by Commissioner Kadvany from:
3334 E. 1st Street
Long Beach, CA 90803
(Posted October 15, 2009)

CALL TO ORDER – 7:00 p.m.

ROLL CALL – Bressler (arrived at 7:05 p.m.), Ferrick, Kadvany (participated via teleconference at 9:04 p.m.), Keith, O'Malley (Vice chair) (absent), Pagee, Riggs (Chair)

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

A. PUBLIC COMMENTS

Commissioner Kadvany provided written correspondence on the El Camino Real/Downtown Specific Plan process.

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

Items on the consent calendar are considered routine in nature, require no further discussion by the Planning Commission, and may be acted on in one motion unless a member of the Planning Commission or staff requests a separate discussion on an item.

1. Approval of minutes from the September 21, 2009, Planning Commission meeting. M/S Kieth/Pagee to approve the minutes with the following modifications; 5-0 (with Commissioners O'Malley and Kadvany absent).

   - Page 10, last paragraph, 2nd line from bottom: Remove extra period.
   - Page 12, 1st paragraph, 1st line: Replace "builds as efficient as if projects received" with "requires buildings as efficient as any state and gets close to".
   - Page 12, 2nd paragraph, 1st line: Replace the word "four" with "three".
   - Page 23, 2nd paragraph, 10th line: Replace the word "impacts" with "relation".
   - Page 27, 7th paragraph, whole paragraph: Replace "Commission Kadvany said he had similar comments on the trees and he could not understand doing buildings that were representative of the century. He said he would like to see an exemplary building built." with "Commission Kadvany said he would like to see an exemplary building, representative of the new century.".

- Page 23, 2nd paragraph, 7th line: Replace "The proposed tree species shall be compatible and not detrimental to the health of the adjacent tree species (e.g., Eucalyptus)." with "The proposed tree species shall be compatible with the adjacent tree species (e.g., Eucalyputs).
- Page 23, 2nd paragraph, 10th line: Replace "impacts" with "relation".

C. PUBLIC HEARING

1. **Use Permit and Architectural Control/Roger Kohler/344 Waverley Street**: Request for a use permit and architectural control for a 210-square-foot second-story addition to an existing fourplex that is nonconforming with regard to the number of dwelling units and is located on a substandard size lot with regard to lot area in the R-3-A (Garden Apartment) zoning district. M/S Pagee/Keith to approve the item as recommended in the staff report; 5-0 (with Commissioners O'Malley and Kadvany absent).

2. **Appeal of Administrative Permit/Safeway, Inc./515 El Camino Real:** Appeal of the Community Development Director's approval of an administrative permit for outside seating in conjunction with food services (both Peet's Coffee and Rubio's Restaurants) and to allow the sale of beer and wine in conjunction with a restaurant use (Rubio's Restaurants only) in the C-4 ECR(X) (General Commercial, Applicable to El Camino Real, Conditional Development) zoning district. M/S to continue the item with the following direction; 5-0 (with Commissioners O'Malley and Kadvany absent).

    - Provide more detail (and possibly enhancements) for the railing at Rubio's;
    - Revise plans to clearly relay existing and proposed conditions in an equivalent manner;
    - Provide more information about the Transportation Demand Management (TDM) plan and its ongoing enforcement;
    - Review delivery van parking and potentially relocate it (at least during the day) to the outskirts of the parking lot;
    - Specify that ashtrays will be regularly maintained;
    - Provide the total number of bicycle parking spaces, both existing and proposed;
    - Confirm that the arcade light fixtures and materials match what was required;
    - Provide more information about the ability of employees to conduct on-site banking transactions; and
    - Provide more information about security standards and program for the complex.

3. **Use Permit/Entos Design/1040 Hamilton Court:** Request for a use permit for a dialysis clinic to be located in an existing office building, and for a change of use in a building that is nonconforming with regard to parking where 112 parking spaces are required per the Zoning Ordinance and 92 spaces would be provided in the M-2 (General Industrial) zoning district. M/S Keith/Pagee to approve the item as recommended in the staff report; 6-0 (with Commissioner O'Malley absent).

4. **Use Permit/Pacific Biosciences/1392 Hamilton Avenue:** Request for a use permit for indoor use and indoor and outside storage of hazardous materials for manufacturing of single molecule, real time (SMRT) chips and reagents for use in association with genome sequencing in the M-2 (General Industrial) zoning district. M/S Ferrick/Keith to approve the item as recommended in the staff report; 6-0 (with Commissioner O'Malley absent).

D. STUDY SESSION

1. **Study Session/General Plan Amendment, Zoning Ordinance Amendment, Rezoning, Development Agreement, Architectural Control, Tentative Parcel Maps, Heritage Tree Removal Permits, Below Market Rate (BMR) Agreement, and Environmental Review/Bohannon Development Company/101-155 Constitution Drive and 100-190 Independence Drive (Menlo Gateway Project): (Supplement Memo)**

1. General Plan Amendment to create a new Mixed-Use Commercial Business Park land use designation, which would allow research and development (R&D) facilities, offices, hotels/motels, health/fitness centers, cafes and restaurants, and related commercial uses. The maximum floor area ratio (FAR) would be set at 100% for offices, R&D, and related commercial facilities, 12.5% for health/fitness centers, cafes and restaurants, day care facilities, and related retail/community facilities, and 25% for hotels/motels (total maximum FAR of 137.5%);
2. General Plan Amendment to change the land use designation of the properties from Limited Industry to Mixed-Use Commercial Business Park;
3. Zoning Ordinance Amendment to create a new M-3 (Mixed-Use Commercial Business Park) zoning district to allow for uses and FAR as stated in the corresponding General Plan land use designation. In addition, the M-3 zoning district would permit a maximum building height of 140 feet and a maximum number of 235 hotel rooms, and would specify use-based off-street parking requirements;
4. Rezoning the properties from M-2 (General Industrial) to M-3 (Mixed-Use Commercial Business Park);
5. Development Agreement to create vested rights in project approvals, address implementation of the proposed design and infrastructure improvements in the project area, and specify benefits to the City;
6. Architectural Control approval of specific project plans for the construction of new buildings with a maximum of 955,170 square feet of gross floor area (137.5% FAR) and a maximum building height of 140 feet;
    - The Constitution Drive site would include two eight-story office buildings totaling 494,669 square feet; potential neighborhood-serving convenience retail and community facility space; and two multi-story parking structures;
    - The Independence Drive site would include a 200,000-square-foot, eight-story office building; a 171,563-square foot, eleven-story, 230-room hotel; a 68,519-square-foot health and fitness center; a 4,245-square-foot restaurant; potential neighborhood-serving convenience retail and community facility space; and a shared multi-story parking structure;
7. Tentative Parcel Maps (one on the Independence site and one on the Constitution site) to merge lots, adjust lot lines, and establish easements.
8. Heritage Tree Removal Permits to remove 40 heritage trees on the Independence site and 32 heritage trees on the Constitution site;
9. BMR Agreement for the payment of in-lieu fees associated with the City's Below Market Rate Housing Program; and
10. Environmental Impact Report (EIR) to analyze the potential environmental impacts of the proposal.

This item will focus on the proposed uses, building and site design, public benefit, and Fiscal Impact Analysis (FIA) related to the proposed Menlo Gateway project. No action will be taken on the proposed project. ***(Item continued from the meeting of October 5, 2009)***

One member of public provided comments on the proposal: Elias Blawie.

Planning Commissioners provided comments on the project. The Planning Commission did not take an action. The following topics were the focus of the discussion: housing impact, fiscal impacts, relationship to M-2 district, Development Agreement term, traffic impacts, and public benefits.

E. COMMISSION BUSINESS

1. Review of planning items on City Council agendas.

A. El Camino Real/Downtown Specific Plan (Phase II) Process
B. 1300 El Camino Real
C. 1706 El Camino Real
D. 101-155 Constitution Drive and 100-190 Independence Drive (Menlo Gateway Project)

F. REPORTS AND ANNOUNCEMENTS

ADJOURNMENT – 11:50 p.m.

Future Planning Commission Meeting Schedule

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: October 15, 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 b y 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.

Revised: 4/11/07