



PLANNING COMMISSION ACTIONS

SPECIAL MEETING

November 9, 2009

7:00 p.m.

City Council Chambers

701 Laurel Street, Menlo Park, CA 94025

CALL TO ORDER – 7:00 p.m.

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

INTRODUCTION OF STAFF – Bill McClure, City Attorney; Justin Murphy, Development Services Manager; Thomas Rogers, Associate Planner

A. PUBLIC COMMENTS - None

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. STUDY SESSION

1. [Study Session/Bohannon Development Company/101-155 Constitution Drive and 100-190 Independence Drive \(Menlo Gateway Project\)](#): Opportunity for individual commissioners to provide input on whether the City should enter into negotiations for a Development Agreement with specific caveats related to the Menlo Gateway project, which involves amendments to the General Plan and Zoning Ordinance for properties located at 101-155 Constitution Drive and 100-190 Independence Drive and is generally comprised of the following physical features:
 - 230-room hotel in an 11-story building that is approximately 120 feet in height;
 - Health club of approximately 70,000 square feet in a two-story building of approximately 50 feet in height; and
 - Offices totaling approximately 700,000 square feet in 8-story buildings that are approximately 140 feet in height; and
 - Parking structures totaling approximately 760,000 to 825,000 square feet ranging from 4.5 to 6.5 levels and 55 to 75 feet in height.

In addition, the Commission may provide input regarding how the proposal relates to the context of the surrounding area. Finally, the Commission may discuss how to report back to the Council on November 17, 2009 regarding its discussion.

COMMISSION ACTION: The Planning Commission agreed that the City should enter into in a good-faith negotiation effort with the developer with the following comments/caveats, and authorized the Chair to present a summary at the City Council Meeting of November 17, 2009, supplemented as needed by individual remarks by other Planning Commissioners:

Timeline (Development Agreement Term)

M/S Riggs/Keith, 5-1-1 with Commissioner Bressler opposing and Commissioner Kadvaný abstaining:

- The Commission has concern with a long Development Agreement term and prefers that the hotel construction start within three years.
- The Development Agreement should include incentives and fees to encourage more rapid construction, and mitigations should be phased with development.

Scale (Building Size, Height, etc.)

M/S Riggs/O'Malley, 5-1-1 with Commissioner Pagee opposing and Commissioner Keith abstaining:

- The scale and design of the hotel and office buildings seem acceptable, but the dominance of the parking structures leaves the Commission very concerned.
Staff Comment: The term "dominance" was chosen to reflect individual comments regarding the location, footprint, mass and aesthetics of the parking structures.

Housing

M/S Riggs/Ferrick, 7-0:

- As part of the project scope, the applicant should identify land for housing to accommodate between 10 and 25 percent of the project's employees.
Staff Comment: The Commission expressed a preference for providing housing instead of paying the Below Market Rate (BMR) housing fee. The housing would not necessarily need to be provided on-site.

Traffic

M/S Riggs/Pagee, 7-0:

- The Marsh Road/US-101 interchange should be further mitigated, potentially by adding a new direct exit to Chrysler Drive or Independence Drive.
- The project should include a robust Transportation Demand Management (TDM) plan with the goal of reducing vehicle trips by 50 percent.

Carbon Footprint (Greenhouse Gases)

M/S Bressler/Keith, 5-1-1 with Commissioner O'Malley opposing and Commissioner Riggs abstaining:

- Recommend that the project approach carbon neutrality.
- All mitigations that cannot be carried out on the project site are preferred to be undertaken within the city limits.

Impact on Surrounding Area (Context)

Commissioners did not make a single recommendation, but provided a range of individual comments including the following:

- The process has not generated many comments from other M-2 property/business owners.
- Development pressures on adjacent M-2 are likely limited due to feasibility issues, although project may induce some improvements to nearby sites.
- Relationship with and orientation to the bay is a concern.
- Undergrounding of transmission lines on Constitution Drive parcels could benefit the area as a whole.
- Provision of more retail/services could benefit other M-2 properties and the Belle Haven neighborhood.
- Integration with Bedwell Bayfront Park could be improved.
- TDM Plan elements would benefit employees of businesses in M-2
- M-2 could provide manufacturing sites for companies with administrative offices in M-3

Benefits and Mitigations

Individual commissioners reviewed and commented on previous written correspondence, included as Attachment L of the City Council Staff Report for the meeting of November 3, 2009 as follows:

- Pursue a bike and pedestrian bridge across US 101 either parallel to Marsh Road or near Chrysler Drive/Bohannon Drive.
- The project provides benefit from \$1.6 million in revenue and jobs.
- Establish priority for jobs for Menlo Park residents.
- Place transmission lines along the Constitution Drive site under ground.
- Explore in lieu of impact fees for child care and community capital facilities.
- Insist that housing is provided, either on-site or off-site, instead of payment of fees.
- The City Council, and maybe the Planning Commission, should be directly involved in the Development Agreement negotiations.
- Most of the “Green Building Feature/Environmental Enhancements” of the Public Benefit Idea list should be considered mitigations, not public benefits.
- Pursue adaptive signal timing along corridors, especially Marsh Road.
- Provide child care for employees.
- Provide funding for the Belle Haven Community School.
- Provide funding for tutoring.
- Pursue carbon neutrality through an extensive carbon reduction program.
- The project should change to minimize the need for mitigations.
- Mitigation should reduce things, such as traffic or carbon.
- Benefits should improve things, such as bike and pedestrian connectivity.
- Integrate more retail services, which would benefit M-2 on the whole.
- Increase shuttle frequency to downtown Menlo Park.
- If truly needed, the new fire ladder truck is a mitigation, not a benefit.

By general consensus, the Commission added the following:

- The Development Agreement negotiation should include as an option the payment to the City of a percentage of gross rents or a similar scalable revenue parameter.

ADJOURNMENT – 11:48 p.m.

Future Planning Commission Meeting Schedule

Regular Meeting	November 16, 2009
Regular Meeting	December 7, 2009
Regular Meeting	December 14, 2009
Regular Meeting	January 11, 2010 (tentative)
Regular Meeting	January 25, 2010 (tentative)
Regular Meeting	February 8, 2010 (tentative)
Regular Meeting	February 22, 2010 (tentative)

This Agenda is posted in accordance with Government Code Section §54954.2(a) or Section §54956. (Date Posted: November 5, 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.

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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.

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