PLANNING COMMISSION ACTIONS

May 3, 2010
7:00 p.m.
City Council Chambers
701 Laurel Street, Menlo Park, CA 94025

CALL TO ORDER – 7:05 p.m.

ROLL CALL – Bressler (Vice Chair), Ferrick, Kadvany, Keith, O'Malley (Chair), Pagee, Riggs – 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

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 February 22, 2010 Planning Commission meeting. ***Continued from the Meeting of April 5, 2010*** **COMMISSION ACTION:** Unanimous consent to continue the minutes for further review of the Parks and Recreation Commission's discussion about the use of synthetic turf and Hillview School/Tinker Park.

2. Approval of minutes from the March 22, 2010 Planning Commission meeting.
COMMISSION ACTION: Unanimous consent to approve the minutes with the following modifications.
   - Page 8, 1st paragraph, 1st line: Replace "Kadvany questioned some of" with "Kadvany asked about"

3. Approval of transcripts from the April 19, 2010 Planning Commission meeting.
COMMISSION ACTION: Unanimous consent to approve the transcripts as submitted.

C. PUBLIC HEARING – None

D. REGULAR BUSINESS

1. General Plan Amendment, Zoning Ordinance Amendment, Rezoning, Development Agreement, Conditional Development Permit, 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). (April 19, 2010 – Staff Report); (Supplemental Memorandum to the 4/19/10 staff report)

1. General Plan Amendment to create a new 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 137.5%, provided offices do not exceed 100%;
2. General Plan Amendment to change the land use designation of the properties from Limited Industry to Commercial Business Park;
3. Zoning Ordinance Amendment to create a new M-3 (Commercial Business Park) zoning district to allow for uses and FAR as stated in the corresponding General Plan land use designation;
4. Rezoning the properties from M-2 (General Industrial) to M-3(X) (Commercial Business Park, Conditional Development);
5. Development Agreement to create vested rights in project approvals and specify benefits to the City;
6. Conditional Development Permit associated with 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 494,670 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 173,436-square foot, eleven-story, 230-room hotel; a 68,964-square-foot health and fitness center; a 4,285-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, establish easements, and abandon areas reserved for future street dedication;
8. Heritage Tree Removal Permits to remove 36 heritage trees on the Independence site, 31 heritage trees on the Constitution site, nine off-site trees along Chrysler Drive, one off-site tree along Independence Drive, and two off-site trees along Marsh Road near Florence Street;
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.

In addition, a Fiscal Impact Analysis (FIA) and separate financial analyses have been prepared for the proposed project and are available for review at the City offices and website.

The Planning Commission is scheduled to make a recommendation to the City Council on all of the items listed above on May 3, 2010. The City Council will be the final decision-making body on the proposed project. ***Continued from the Meeting of April 19, 2010***

COMMISSION ACTION: M/S Riggs/O'Malley to recommend approval of the project according to Attachment A of the staff memo with the following additional items; 4-3 (with Commissioners Bressler, Kadvany and Pagee opposed):

1. Accept the alternate parking structure design;
2. Modify the hotel consistent with the rendering presented at the meeting if acceptable to applicant;
3. Re-examine the amount of the penalty for non-compliance of the trip limitation;

4. Tighten the definition of minor and major modifications and what would come back to the Planning Commission for review;
5. Encourage the applicant to identify five to 10 acres of land for housing in the City;
6. In the negotiations, consider a sales tax in lieu fee to be applied to office square footage as completed in a range of approximately $1.40 per square foot per year.

E. COMMISSION BUSINESS

1. Update on pending planning items.

A. El Camino Real/Downtown Specific Plan (Phase II) Process

F. REPORTS AND ANNOUNCEMENTS

ADJOURNMENT – 11:31 p.m.

Future Planning Commission Meeting Schedule

Regular Meeting	May 17, 2010
Regular Meeting	May 24, 2010 (Potential Study Meeting)
Regular Meeting	June 14, 2010
Regular Meeting	June 28, 2010
Regular Meeting	July 12, 2010
Regular Meeting	July 26, 2010

This Agenda is posted in accordance with Government Code Section §54954.2(a) or Section §54956. (Date Posted: April 29, 2010) 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