



REGULAR MEETING DRAFT MINUTES

Date: 04/26/2021

Time: 7:00 p.m.

Meeting Location: [Zoom.us/join](https://zoom.us/join) – ID# 951 2198 7504

A. Call To Order

Chair Henry Riggs called the meeting to order at 7:02 p.m.

B. Roll Call

Present: Andrew Barnes, Chris DeCardy, Larry Kahle, Michele Tate, Henry Riggs (Chair)

Absent: Michael Doran, Camille Kennedy

Staff: Payal Bhagat, Contract Principal Planner; Kyle Perata, Principal Planner

C. Reports and Announcements

Principal Planner Kyle Perata said the City Council at its April 20, 2021 meeting held a study session on the Community Amenities list with a report from the Community Amenities subcommittee. He said no action was taken and Council directed staff to move forward with a community amenities in-lieu fee that was in the community amenities ordinance and needed a separate ordinance to go into effect. He said that would come to the Planning Commission at its May 10 meeting for its recommendation to the City Council. He said Council needed to do public outreach to act on any of the subcommittee suggestions to amend the list so the existing list would remain in effect.

Chair Riggs confirmed that the list was the one adopted during ConnectMenlo in 2016.

Commissioner Michele Tate asked if it was reiterated during the study session that the community amenities were to serve the Belle Haven community. Planner Perata said the subcommittee did reiterate that in its letter to the Council.

D. Public Comment

There was none.

E. Consent Calendar

- E1. Approval of court reporter and minutes from the March 22, 2021, Planning Commission meeting. ([Attachment](#))

Chair Riggs said he had submitted a couple of minor edits to staff on pages 13 and 54 of the court reporter's notes. Planner Perata said staff had received those and would get those to the court reporter for correction.

Chair Riggs said on page 13, line 21, was a reference to “DMR” that should be “BMR.” He said on page 54, line 8, for an exchange between Chair Riggs and Planner Bhagat that the reporter missed the change in speaker so line 8 was Planner Bhagat speaking.

ACTION: Motion and second (Chris DeCardy/Riggs) to approve the court report transcript with suggested changes and minutes as submitted from the March 22, 2021 Planning Commission meeting; passes 4-0-1-2 with Commissioner Larry Kahle abstaining and Commissioners Michael Doran and Camille Kennedy absent.

F. Public Hearing

- F1. Use Permit, Architectural Control, Below Market Rate (BMR) Housing Agreement, and Environmental Review/SP Menlo LLC/111 Independence Drive:
Request for a use permit, architectural control, BMR housing agreement, community amenities agreement, environmental review (certification of the final environmental impact report “Final EIR”, adoption of CEQA findings, and adoption of a mitigation monitoring and reporting program “MMRP”) to redevelop the site with approximately 105 multi-family dwelling units and an approximately 746 square foot commercial space in one building with an above grade multi-story parking garage integrated into the proposed eight-story building, located in the R-MU-B (Residential Mixed Use, Bonus) zoning district. The project site currently contains an approximately 15,000 square foot single-story office building that would be demolished. The proposed building would contain approximately 96,055 square feet of total gross floor area. The project would have a floor area ratio (FAR) of 237.5 percent for residential uses and two percent (2%) for commercial uses. The proposal includes a request for a use permit to modify certain R-MU design standards and a request for an increase in height, density, and FAR under the bonus level development allowance in exchange for community amenities. The proposed project would include a BMR housing agreement that requires a minimum of 15 percent (or 14 units of the 92 maximum units allowed by the Zoning Ordinance before accounting the 13 bonus units) be affordable. The applicant is proposing to incorporate 13 additional dwelling units (which are included in the total 105 units), per the density bonus provisions in the BMR Housing Program (Chapter 16.96.040), which allows density and FAR bonuses, and exceptions to the City's Zoning Ordinance requirements when BMR units are incorporated into the project. The Final EIR for the proposed project does not identify any significant and unavoidable environmental impacts that would result from the implementation of the proposed project. The Final EIR identifies potentially significant environmental impacts that can be mitigated to a less than significant level (LTS/M) in the following categories: Air Quality and Noise. The Final EIR identifies less than significant (LTS) environmental impacts in the following categories: Population and Housing, Transportation, and Greenhouse Gas Emissions. The City previously prepared an initial study for the proposed project that determined the following topic areas would have no impacts, less-than-significant impacts, or less than-significant impacts with mitigation measures (including applicable mitigation measures from the ConnectMenlo EIR): Aesthetics, Agriculture and Forestry Resources, Biological Resources, Cultural Resources, Energy, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise (construction-period, groundborne vibration, and aircraft-related noise), Public Services, Recreation, Utilities and Service Systems, Tribal Cultural Resources, and Wildfire. The Draft EIR was circulated for an extended 60-day public review from December 4, 2020 through February 2, 2021 and the Planning Commission held a public hearing on the Draft EIR at its meeting on January 11, 2021. The Final EIR includes responses to all substantive comments received on the Draft EIR. The project location does not contain a toxic site pursuant to Section 6596.2 of the Government Code. ([Staff Report #21-022-PC](#))

Staff Comment: Contract Principal Planner Payal Bhagat read into the record additional language for the resolution:

- 1) *Adding a “Successor and Assigns” clause which says: “This Resolution, including the findings, entitlements, rights and obligations contained herein, shall confer to the full benefit of, and be binding upon, any successors, heirs and assigns of Applicant.”*
- 2) *Change the “Applicant” to “SP Menlo LLC”*
- 3) *Change the signatory to “Massy Mehdipour”*

Planner Bhagat continued with an overview of the project and described *the process* for the preparation of the Final EIR. She said the Housing Commission reviewed the project BMR proposal and recommended approval.

Theresa Wallace, LSA, said LSA was the consulting firm for the City on the environmental review for the 111 Independence Drive project. She reviewed the CEQA process and timeline for the project, the initial study, and development of a draft EIR. She said the focused Draft EIR found no significant and unavoidable impacts from the project, less than significant impacts with mitigation for air quality and noise, and less than significant impact for greenhouse gas (GHG) emissions, population and housing, and transportation. She said the draft EIR also evaluated a range of three project alternatives including no project, base level development and maximum buildout. She said it was determined that the base level alternative would be the superior alternative in terms of environmental impacts. She said that alternative would not meet some of the objectives of the project to the same extent the proposed project would and would not meet some of the objectives of ConnectMenlo to the same degree as the proposed project.

Ms. Wallace said the Final EIR included an additional analysis to review the proposed project impacts related to GHG emissions using the statewide 2030 target. She said the Draft EIR scaled that analysis to the 2023 opening year for the project. She said the newer analysis established a lower threshold for GHG emissions and concluded that GHG emissions generated by the project would be less than significant and was the same conclusion reached in the Draft EIR for the project 2023 opening year. She said with completion of the response to comments document, City staff and LSA concluded that none of the comments on the Draft EIR disclosed new significant information, that no new significant or substantially more severe environmental impacts had been identified, that no new feasible mitigation measures or alternatives had been identified that were considerably different from others previously analyzed and the Draft EIR did not require recirculation. She said the Final EIR for consideration of certification was the Draft EIR and Initial Study, the Response to Comments Document, and the Mitigation Monitoring and Reporting Program.

Applicant Presentation: Mr. Sateez Kadivar introduced Jon Ennis, President, Nathan Simpson, Lead Designer, Ian Murphy, Principal, and Yoon Chang of BDE Architecture, project architects, and Paul Lettieri, President, Guzzardo Partnership, landscape architects. He said he represented the owners, a local family, and he was a Menlo Park native. He said the project located at the corner of Marsh Road and Highway 101 was in some ways the entry into the City especially for people coming from Highway 101 due to the shape of the parcel and the significant curve along the majority of the street facing façade. He said the natural inclination in multi-family dwellings was to go rectilinear and they worked hard to do something different. He said they worked off the pronounced curve of the Gateway building and did an inverse curve creating a yin and yang effect.

Mr. Kadivar said the project would demolish an existing 15,000 square foot office building and would not add office space. He said it had 105 dwelling units, 90% of which were one-bedroom or studios and thus would not impact schools in the area. He said the project had minimal auto parking, a 1:1 ratio compared to the number of units and ample bike parking, a 1.5:1 ratio. He said the building was all electric, 20% of the auto parking had EVSE, and all of the auto parking was wired for EV. He said that the project would have 14 Below Market Rate (BMR) units with multiple income levels including moderate, low and very low income. He said the project under the Community Amenities Agreement provided four additional BMR units (revised from the two units presented at Study Session #3) and a café providing a surplus of \$234,578.

Nathan Simpson provided a visual presentation of the design plans and materials palette.

Paul Lettieri, Principal, Guzzardo Partnership, provided a visual presentation of the landscaping and outdoor amenities on the ground level, pool and spa level, and deck level. He showed slides addressing neighbor connectivity along the emergency vehicle access road.

Chair Riggs opened the public hearing and closed it as there were no speakers.

Commission Comment: Commissioner DeCardy referred to the staff report discussion of level of service (LOS) at intersections and mitigation to bring the LOS to its current level, which was substandard from optimal. He asked why the requirement was not to mitigate toward the optimal level and what the cost differential was. Mr. Perata said that he could address the question but noted that Rene Baile, Transportation Division, was available for questions about VMT and LOS and representatives from Kittleston, the traffic consultant for the EIR, were available. He said LOS was not a CEQA impact anymore. He said the conditions of approval recommended improvement measures to bring the intersection to the pre-project conditions which was what the City's Transportation Impact Analysis (TIA) Guidelines required staff to evaluate for projects.

Commissioner DeCardy asked the applicant to briefly describe the project's Transportation Demand Management (TDM) plan. Mr. Kadivar said the parking ratio plan and the unbundling of parking from the leases were a significant portion of the TDM plan. He said the higher ratio of bicycle parking to units was another measure. He said the other part was promotion of alternative transportation options specific to that location. Commissioner DeCardy asked how the TDM plan's effectiveness would be monitored. Mr. Kadivar said the City had a full process laid out for them to provide information, which he believed was on an annual basis.

Commissioner DeCardy asked about the area near the bocce court as to the width of walkway and the height of the wall. Mr. Lettieri said a five-foot wide walkway was next to the bocce court. He said the grade change maxed out at about two feet at the upper corner, and was not a big grade change. Commissioner DeCardy asked about connectivity to the neighboring property at that area. Mr. Lettieri said it was along the Emergency Vehicle Access Road that non-residents would use to travel around the project site.

Commissioner DeCardy asked what level income the four additional BMRs were. Mr. Kadivar said low income.

Chair Riggs said aesthetically the project was a very handsome building. He said the design responded to the spirit of massing and modulation. He said he supported it as it was without any

additional disruptions to the façade. He said he liked the interplay of materials and colors. He said regarding the BMR requirements he preferred to leave that to the Housing Commission's judgement. He said he was gratified that the number of BMRs had increased and quite a few were below moderate income level. He said he found the EIR adequate. He said the community amenities was the hardest issue to resolve.

Chair Riggs asked if the trees between the curb and the sidewalk would be planted with root guards. Mr. Lettieri said that they would be and also silva cells would be under the sidewalk to increase rooting area.

Chair Riggs referred to the electric fireplaces and asked if the outdoor ones produced heat. Mr. Lettieri said that they would produce some heat. He said they were mounted in the wall and needed protection from rain.

Chair Riggs referred to questions from Commissioner DeCardy regarding LOS. He said it was an interesting idea to try to improve the LOS of the roadways in and around Marsh Road and the expressway. He said the City had a problem in that area and there was an expectation that transportation problems would be solved piecemeal with each new development. He suggested the City needed to step up with funding whether acquired from the county, state or in combination with federal programs to make the improvements. He said it was difficult to ask for funding if the options had not been determined and what the possible outcomes were. He suggested that as Commissioners perhaps they should ask City Council why there was not a City project to improve traffic flow on the roadways in and around Marsh Road and the expressway as the Transportation Management Plan already outlined the potential improvements. He said it was regrettable that the Community Amenities list did not contain anything to improve traffic flow.

Commissioner Andrew Barnes said he was fine certifying the Final EIR, making the findings and approving the MMRP, and approving the architectural control and use permit. He said he was affirmative but qualified about the BMR Housing Agreement. He said he was struggling with the Community Amenities Agreement. He referred to the resolution adopting the community amenities list under ConnectMenlo and the spirit of what the community amenities were intended to fulfil. He said he did not see the proposed café as a community benefit for the area. He said with the location of this building and access to it as it faced Marsh Road there was not a foot traffic pattern for local residents to use the amenity. He said the community amenity of the BMR one-bedroom units proposed was about \$561,000 and that of the café was \$538,000. He said he would support increasing the one-bedroom units by one and not consider the café as a community amenity.

Commissioner Tate said she agreed with Commissioner Barnes and like him had been very involved with the ConnectMenlo process. She said she did not see the café as an amenity for the community that was in mind when the list was drawn. She said she appreciated the additional BMR units. She said doing another BMR unit or two rather than the café would be greatly appreciated. She said also that the additional BMR units that were considered amenities should go to persons associated with the Belle Haven community.

Commissioner DeCardy said he was fine with the Final EIR and the MMRP. He said he agreed with Chair Riggs' comments on the architectural control. He said the building looked nice and he appreciated the thoughtfulness put into the yin and yang design described. He said he had asked about landscaping as he wanted the connectivity intended in this area for people to bicycle and walk to various places in this part of the City. He said he hoped when the projects in the area were all

built that it looked inviting and safe for people to walk through the area at all hours of the day. He said he appreciated the BMR Housing Agreement and the variability of income levels. He said he would echo Chair Riggs' comments on transportation although they differed on the solution. He said he was not as concerned with improving traffic flow but rather reducing traffic overall noting the effectiveness of a TDM plan and preferencing long term residents in the community during construction so their traffic could get through better and by the means that worked for them. He said the idea the City would improve its traffic circulation through individual project approvals was frustrating to him as it did get done.

Replying to Chair Riggs, Mr. Kadivar said initially at the behest of staff they formulated a café as a community amenity and there had been support for the café in terms of the community as well as by Planning Commissioners. He said community member Pamela Jones was quite supportive of the café idea at this location and Commissioner Kennedy at study session #2 he believed was supportive of the café. He said they had worked hard to listen, to follow the guidelines, to check in, and they were going above the value given by the City for corresponding community amenity. He said he did not think the totality of the project was being considered. He questioned what other projects had offered BMR units at all income levels. He quoted the Community Amenities list: "a range of dining options from café to sit down restaurants serving residents and local employees." He said he did not see how the Commission could approve three out of four of the entitlements.

Commissioner DeCardy said he was hopeful that the project would have residents without cars that would walk, bike or take alternative transportation to their employment. He suggested that having access to get a meal nearby home was a benefit. He said he would approve the project with the café as a community amenity. He said as a Commission it was an opportunity to look at the intent of the community amenities concept and he hoped City Council would address the community amenities list quickly as a number of projects using it were coming forward to the Commission.

Chair Riggs said he saw the café would serve residents and local employees. He said while there had been continued objection in the study sessions to the concept of a café that had not been the predominant view and the applicants had not been asked by a majority of the Commission to replace the café. He said as Chair he would have difficulty entertaining any substantive redirection at this point. He said the concept of the café serving residents and local employees was still a bit unresolved as they did not have a restaurant program, a café proposal, a café owner, prototype, or even intentions as to what would be served. He said this café would not readily be serving Belle Haven located on the other side of the zoning district. He said it would serve Haven Avenue and North Fair Oaks nearby residential communities, the new residents of three or more projects approved over the last 12 months, and employees of the Bohannon buildings. He said clarification needed was that the proposed café would actively serve the community and was not just a placeholder.

Mr. Kadivar said one of the concepts at play here was the lack of potential services in this general area. He said he recalled discussion a couple of study sessions ago that it was almost a collective responsibility of every project to contribute to such services. He said if everybody provided these community serving retail spaces that was win-win for the broader neighborhood. He said their intention was to make this a viable café and the proposed resolution pointed out the hours of operation. He said the café would bring vibrancy to the entire frontage of the property.

Replying to Chair Riggs, Planner Bhagat said page A-57 of the staff report said the designated hours of operation for the café would be 7 a.m. to 7 p.m. Monday through Friday, and 8 a.m. to 1

p.m. Saturday and Sunday. Replying to Commissioner DeCardy, Planner Bhagat said after the first year of operation if the operator found the hours were either too long or not long enough, they could apply for a change providing information why the change was needed for the Community Development Director's review and approval.

Commissioner Kahle said this actually was the first time he had seen the project. He said the proposal was a handsome design and fit the site well. He said while a café was not his top choice from the list of community amenities, he appreciated that it was there. He said he hoped at 750 square feet that the space was large enough to do well. He said he appreciated the hours of operation extending into the evening. He said the project was highly approvable and they should move forward with it.

Replying to Chair Riggs, Commissioner Barnes said he appreciated the value of a café. He said as a commercial endeavor in this building it was a tenant amenity and might increase desirability for prospective tenants to lease. He said what was being conflated was tenant amenity versus community benefit. He said the assertion that the café was on the community amenities list was insufficient and things from the community amenities list needed to fit a location. He said the purpose of the community amenities was to ameliorate the impacts of a particular development on the preexisting population and then secondarily new inhabitants of the area. He said he did not see the café satisfying the amelioration of the development impacts on preexisting residents and he had expressed that in the study sessions.

Commissioner Tate asked the applicant who in the Belle Haven community expressed support of a café here as a community amenity. She asked how many people in Belle Haven they had spoken with who had indicated it was something they would patronize and that was a benefit for the Belle Haven community. Mr. Kadivar said he did not ask people if they would frequent the café. He said the idea was strongly encouraged by staff initially and then was presented as part of the project in the public study session. He said Commissioner Barnes had raised his concerns previously, but at no point did they understand that they were not to negotiate and finalize the café as a community amenity with the Community Development Director. He said he sought out people who he thought represented community voices such as Ms. Jones. He said Commissioner Kennedy had expressed support of the café. He said he understood not all the Commissioners supported the café but at no point was it indicated as a deal breaker. He said Commissioners wanted multiple income levels for the BMRs and there were reasons why this was the only project doing it. He said in their calculations their purpose was to give something important to everyone. He said the café was 10% of the community amenity value. He said they were four years into the project development looking to move forward with it.

Commissioner Tate said she had expressed her appreciation for what they had done with the BMR unit income levels. She said when the applicant indicated they had spoken with community members and the café was mentioned as a suitable community amenity she had hoped they had spoken with more than one community member. She said the question about the suitability of the café as a community amenity had been raised in study sessions. She noted his comment that staff had pushed the idea. She said it still did not feel right. She said as a member of the General Plan Advisory Committee it was specific that the amenities were for Belle Haven residents. She said the café she agreed would be a community amenity for the building tenants and other communities that Chair Riggs had mentioned.

Mr. Kadivar said he was not saying that the café would serve Belle Haven. He said in expanding the

area appending Belle Haven he understood that one of the biggest complaints was the lack of basic services throughout the area and the assumption was that each project would chip away at that and bring something so that eventually Belle Haven would grow into a larger community with services provided from different projects. He said he never sensed that the café was something that would make the Commission not want to approve the project,

Chair Riggs said the project sponsor had displayed consistent and good intentions, had responded to general zoning requirements and specific requirements, including a list formed in 2016 from which the applicant and staff had to choose community amenities. He said the Commission was not left with a lot of flexibility. He said he found the community amenities list lacking. He said he had trouble faulting this project for including an amenity that would not serve Belle Haven when the project was located at the opposite end of the RMU district from that community. He said even if they had provided a pharmacy that would be in the wrong location to serve Belle Haven. He said he would not try to add more specific expectations for the café other than what it said in the Community Amenities list that the café should serve residents and local employees. He said he did not fully agree that this was entirely a project resident serving amenity since it was a residential building. He said right now the pandemic kept many at home but that would change. He said the project was well done, put forth in good faith and the café had good potential.

Mr. Kadivar said that Rachel Bickerstaff was another supporter of the café and noted her role with Belle Haven Action.

Commissioner Tate said that was great. She questioned the comparison of a pharmacy with a café as a pharmacy was an essential service. She said if it were a pharmacy people would come as that was a necessity. She said a café was not a necessity.

Replying to Chair Riggs, Commissioner Barnes said he would like to vote on six of the seven project approval elements as called out at the end of the staff report and vote separately on the Community Amenity Agreement.

Planner Perata said that the City Attorney would address the question of parsing out the different entitlements and was available for other questions.

City Attorney Nira Doherty said as far as parsing out the operating covenants between agreements that the project as proposed and planned included the café space and its operation as a condition of issuance of the use permit. She said the community amenity was the actual physical space designated in the proposed plans and operation of the proposed space as a café. She said under the current community amenities ordinances and the list that applied to community amenities adopted by the City Council that both the physical space and operation of the space might be part of the community amenities proposal. She said the Community Amenities Agreement referred to only spoke to the operating piece of the community amenity. She said they would need to hear from Planning staff and/or the applicant whether based on the plans and the approvals whether the café could be pulled out of the project as a whole. She said she thought it would be difficult to structure an approval tonight that would approve the plans without the community amenity space as it was part of the larger project plan. She said she thought they could pull out the operating provisions of the community amenity space, but the applicant would need to speak to whether or not the physical space would accommodate a different operation that would be consistent with the community amenities list.

Planner Perata said besides the plans and architectural control, the use permit included the allowance of bonus level development that was predicated upon the community amenities meeting the minimum required community amenities value from the appraisal of 50% of the increased value at bonus level. He said if the café were pulled out of the proposal the project would then be below the agreed upon threshold. He said there could be discussion about modifying that amenity, but staff would have to determine if that could happen at this hearing or whether the project would need to be noticed again for another public hearing based on the extent of the changes and recommendations. He said they might not be able to make a wholesale change unless it was very consistent.

Chair Riggs asked whether it was even possible to continue this project to a fifth hearing. Planner Perata said the project itself was not an SB330 project, they had not received a preliminary application for such, and there were project aspects that meant it was not necessarily an SB330 project, which had a five-meeting limit.

Commissioner DeCardy asked if it would be possible for the Commission to do a precursor vote as to whether the Commission believed that the community amenity as proposed met the standard for best use of community amenities. He said that would allow a Commissioner to express nonsupport for the community amenity piece and still approve the project.

Commissioner Barnes said the project was clearly approvable; he had an issue with the community amenity. He said if it were possible to do what Commissioner DeCardy suggested he would appreciate that.

City Attorney Doherty clarified that a vote on the community amenity would be a motion just for the purposes of clarifying individual commissioners' position on the community amenity and not an approval or disapproval of the community amenity. She wanted confirmation that it would not be an action on the project before the final EIR was certified. Chair Riggs said that was correct.

Chair Riggs said the suggestion was to vote on whether the café as proposed met the intent of the community amenities ordinance section. Commissioner Barnes said he would phrase the motion as whether the café was the right community amenity for this project as he did not have a problem with the community amenities list. He said he had a problem with this amenity for this site.

Chair Riggs confirmed that Commissioner Barnes' motion was whether the café was the right community amenity for this project. Commissioner Tate seconded the motion.

Commissioner DeCardy said he was going to vote in the affirmative that this community amenity was suitable because there was not a full Commission this evening. He said this would send a signal to the City Council about concern and differences of opinion and reinforce that the City Council needed to get an updated Community Amenities list that would better satisfy the community needs now.

Commissioner Barnes said his motion was that the café was not an appropriate community amenity for the site. Replying to Chair Riggs, Commissioner Tate said that was her understanding of the motion and confirmed her second.

INFORMAL ACTION: M/S (Barnes/Tate) that the café was not an appropriate community amenity for this project site; passes 3-2 with Commissioners Barnes, Kahle and Tate supporting and Commissioners DeCardy and Riggs dissenting.

Commissioner DeCardy moved to approve the project as recommended in the staff report. Chair Riggs seconded the motion.

Commissioner Barnes said for the record that he liked the project and supported all elements except for the Community Amenities Agreement and would vote against the project because of that.

Commissioner Tate said she liked the project but would vote against the project because of the café as a community amenity.

ACTION: M/S (DeCardy/Riggs) to approve the project as recommended in the staff report; fails 3-2 with Commissioners DeCardy, Kahle and Riggs supporting and Commissioners Barnes and Tate opposing with Commissioners Doran and Kennedy absent.

Planner Perata explained that since the project was being acted upon through a resolution a passing vote needed a majority of the voting body or 4 of 7 members instead of a majority of those present for the motion to pass.

Commissioner Barnes asked if a second motion to approve as recommended in the staff report could be made. Ms. Doherty asked for a five-minute recess to review the City Council procedures to see if the City Council had any process for reconsideration of a motion immediately after the action and not after a 24-hour waiting period.

Chair Riggs recessed the meeting and reconvened it at 9:36 p.m.

Ms. Doherty said she reviewed the City Council procedures that applied to the Planning Commission. She said a section regulating reconsideration of motions previously made provided that the City Council or in this case the Planning Commission that any motion for reconsideration should be made at the meeting immediately following that at which the action was taken. She said that did not require that the motion for reconsideration must be made at a subsequent meeting. She said her reading was that if the Planning Commission wished to reconsider its vote at this meeting it might do so although the policy was that a reconsideration was preferred at a subsequent meeting. She said the policy also provided that someone from the prevailing majority must be the one to make a motion for reconsideration. She outlined how the procedures would work.

Commissioner DeCardy moved to reconsider the motion that failed and to move to approve the project as recommended in the staff report. Chair Riggs seconded the motion.

Commissioner Barnes thanked the Commissioners for allowing his objection to the community amenity to be heard. He said his intention was not to derail the project.

Planner Perata confirmed that the motion to approve as recommended in the staff report included the language to the resolution that Planner Bhagat read into the record during staff comment.

Commissioner Tate said she appreciated the project and was not trying to derail it. She said that she was firm on her stand about the community amenity of a café.

ACTION: Motion and second (DeCardy/Riggs) to approve reconsideration of the motion that failed and to approve the item as recommended in the staff report with the additions to the resolution as

presented this evening; passes 5-0-2 with Commissioners Doran and Kennedy absent.

The resolution approving the item is shown on these minutes as Attachment A following Item I. .

H. Informational Items

H1. Future Planning Commission Meeting Schedule

- Regular Meeting: May 10, 2021

Planner Perata said the Planning Commission at the May 10 meeting would consider a recommendation to the City Council on introduction of an ordinance for a community amenities in-lieu fee. He said also there were some changes of uses in existing commercial buildings for consideration.

- Regular Meeting: May 24, 2021

Commissioner Barnes asked if they could get an update on the project on Willow Road that was really across the road from Willow Cove gas station. He said the building was derelict.

Planner Perata said he understood they were waiting for resubmittals on the project. He said he would follow up with Commissioner Barnes separately on the code enforcement question.

I. Adjournment

Chair Riggs adjourned the meeting at 9:50 p.m.

Staff Liaison: Corinna Sandmeier, Senior Planner

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on May 24, 2021