



## REGULAR MEETING MINUTES

**Date:** 05/10/2021  
**Time:** 7:00 p.m.  
**Meeting Location:** [Zoom.us/join](https://zoom.us/join) – ID# 997 7358 9076

### A. Call To Order

Vice Chair Michael Doran called the meeting to order at 7:01 p.m. and reported that Chair Henry Riggs would be in attendance later in the meeting.

### B. Roll Call

Present: Andrew Barnes, Chris DeCardy, Michael Doran (Vice Chair), Henry Riggs (Chair) (arrived 7:21 p.m.), Larry Kahle, Camille Kennedy

Absent: Michele Tate

Staff: Fahteen Khan, Assistant Planner; Corinna Sandmeier, Senior Planner; Leo Tapia, Planning Technician; Chris Turner, Assistant Planner

### C. Reports and Announcements

Senior Planner Corinna Sandmeier said the City Council at its May 11, 2021 meeting would consider adoption of purpose statements for the City's subcommittees and formal appointments to the subcommittees.

### D. Public Comment

None

### E. Consent Calendar

None

### F. Public Hearing

- F1. Use Permit/Ze Chen/1925 Menalto Avenue:  
Request for a use permit to change the use of a tenant suite from a salon to a restaurant in an existing commercial building in the C-2 (Neighborhood Shopping) district. The subject property is substandard with regard to the minimum parking requirements for the C-2 district and requires a use permit for a change of use. The project also includes a proposal for outdoor seating on the rear enclosed patio and the onsite sale of alcohol with a proposed Type 41 Alcoholic Beverage Control license. ([Staff Report #21-023-PC](#))

Staff Comment: Assistant Planner Chris Turner said staff had received public comment after publication of the staff report. He said the staff report stated that Dance Dejour was currently vacant.



He said they received notice that Dance Dejour was within the tenant suite and open a couple of days per week.

Applicant Presentation: Matthew Sum, BD Square Architecture, said the business owners currently owned a sushi restaurant in Redwood City and wanted to expand to Menlo Park. He said their onsite liquor sales license was approved.

Commissioner DeCardy said the back patio seemed to extend across the next door property and it seemed Dance Dejour had no access to the rear. Mr. Sum said the back patio was existing and had a chain link fence between the two properties. Ms. Joanne Wen representing Ze Chen, applicant, said the neighbor was able to access the back patio but the building owner had given exclusive use of it to the restaurant.

Vice Chair Doran opened the public hearing .

Public Comment:

- Nona Ybarra said her studio was not vacant. She said she had not heard anything about the restaurant using the back patio.
- Eric Ybarra, West Bay Cleaners, 1921 Menalto Avenue, said his main concern was parking. He said he was supportive of another business coming to the shopping center. He said he had seen restaurant use take over parking during the pandemic and that would affect his business if it happened. He said he used the rear parking lot for pickup and deliveries. He said the hair salon had a structure in the rear that the stylist used to cut hair during the pandemic.
- Kathleen Daly, Zoe's Café, 1929 Menalto Avenue, said she supported the restaurant coming into the site. She said the staff report seemed to make assumptions about the site, which she thought was the result of pandemic conditions. She suggested neighboring businesses join in a discussion to ensure everyone was on the same page.

Vice Chair Doran closed the public hearing.

Commission Comment: Commissioner Camille Kennedy asked if the businesses in the center had assigned parking spaces and if the proposed restaurant would have outdoor dining space, noting the potential for pandemic conditions to require no indoor dining. She referred to the salon owner using outdoor space to cut hair and asked how that was mandated or if it was. She said she would like more information about the parking.

Vice Chair Doran noted that Chair Henry Riggs had joined the meeting. He said he would continue to chair until completion of the item under consideration.

Planner Turner said the parking spaces on the front of the property were not completely within any one property as property lines ran through them and they were partially in the public right of way. He said those technically did not belong to any one tenant space or property. He said the parking lot at La Hacienda Market was a privately owned parking lot and spaces there were historically dedicated to the Market. He said the rear space was a shared use. He noted there was a grant deed between the subject property and the property on the left viewed from Menalto Avenue. He said the salon and

dry cleaners had the right to use the back space as well. He said the project proposed seating in the rear patio area. He said staff was not aware of the salon using the rear space during the pandemic. He said that temporary permits for outdoor seating during the pandemic conditions were available.

Commissioner Chris DeCardy asked if the applicant had spoken with the neighboring business owners. Ms. Wen said the property owner had indicated their business would have parking allowed in the Market parking lot. She said they had not had conversations with the business owners who spoke this evening.

Commissioner DeCardy referred to the rear that indicated employee parking and a speaker's concern about using that space. He said it would be important for the applicant to work that out with those business owners. He noted the parking areas for the Market and the spaces at the front and asked how much parking the Market used. He asked how the shared parking for the Market and this proposed restaurant would work if the five or six other businesses there could not use that parking or for example when patrons of the Market and proposed restaurant used spaces in front.

Planner Turner said 18 parking spaces were in front and the area plan showed 30 parking spaces in the Market parking lot. He said staff spoke with Transportation Division staff about the proposed project and it did not need either a traffic impact or parking study. He said the property owner of the Market also owned the subject property and presumably would allow all of the tenants to use the Market parking and not only the proposed restaurant. He said the property owner told him that Café Zoe patrons were allowed to use Market parking.

Vice Chair Doran referred to Attachment E to the staff report and a letter from the property owner. He said the letter authorized the customers for Oh! Baby Sushi to use the parking spaces at La Hacienda Market but did not mention any of the other businesses.

Planner Turner said that he had received a voicemail over the weekend from the property owner who indicated Café Zoe would be able to use that parking lot as well. He said potentially that could be put in writing. He said it made sense that Dance Dejour would also be able to use that parking lot.

Commissioner DeCardy said it gave him confidence that other business owners were supportive of the proposal. He said the parking needed to be specifically clarified in writing. He said otherwise he was supportive of the project.

Commissioner Kennedy said the shopping mall must have a certain number of dedicated parking spaces. She said the project was great, but the issue was traffic and parking. She said they had no definitive information on the parking available for the project or the other uses in that area.

Vice Chari Doran said the parking question raised was a good point. He said the staff report indicated one thing about parking and the voicemail to staff another thing. He said neither addressed parking for all of the businesses in the shopping center. He suggested continuing the project to a future meeting and asking the applicant to clarify the parking and preferably in writing.

Planner Sandmeier said the parking in the front was partially in the public right of way and as such could not be assigned to any business. She said the La Hacienda Market parking lot was on another lot and right now that lot and the subject lot were owned by the same person. She said in the future

potentially those lots could have two property owners. She said allowing use of the Market parking lot would solve the substandard parking ow except it was not something that could be guaranteed. Commissioner Kennedy said in Belle Haven that two property owners had to come to agreement on the parking in a similar scenario and that should apply to this project. She said the project should be continued to allow clarification of parking dedicated to the individual uses. She moved to continue the project to receive information on parking dedication for the individual tenants.

Chair Riggs said in the past he had checked in with Ms. Daly, Café Zoe, on how the parking was working for the Market. He said most recently she expressed support for the proposed project and noted that the informal parking on Gilbert and Menalto Avenues worked as there was sufficient street parking to add to Market parking. He said he had been inclined to support the project. He suggested perhaps encumbrance on the title should happen if parking on one lot was promised to another lot. He suggested continuance and noticing related to parking to the community.

Planner Sandmeier said the subject parcel had no parking spaces and no spaces were available to assign to individual tenants. She said if the project were continued it would be helpful for staff to get direction on what the Commission would want to have come back to them.

Vice Chair Doran said clarification about the parking agreement would be helpful as they had concerns expressed by three other business owners in the shopping center and the letter from the property owner of the two lots only applied to parking for the applicant.

Commissioner Kennedy said a parking agreement was the biggest need. She said if the property owner was using the parking to entice the new business but not offering others the same parking use that was unfair. She said the project was great. She said parking was limited and the question was whether the different businesses had the needed spaces for their patrons.

Commissioner Larry Kahle said the parking was a valid discussion and concern. He said he did not think it fair to burden the applicant with delaying the project until the parking was sorted as they already had their ABC license and were ready to go. He said businesses were having hard enough of a time without the Commission delaying this project a couple of weeks or months. He said he was not sure this was something the Commission should get involved in and should be resolved among the business owners. He said he supported the project as presented.

Commissioner Andrew Barnes said they were being asked to approve a use permit because the property was substandard in regard to parking requirements. He said although it might be a worthy cause to sort out the parking for the benefit of the other tenants that was not what the Commission was being asked.

Commissioner DeCardy asked if they continued the project what would occur next and when would it get back. Planner Sandmeier said the notice for the next Planning Commission meeting was out already so the soonest the project could be reconsidered would be four weeks. She said it would be helpful for staff to know if the Commission wanted a shared parking agreement done through a deed.

Commissioner DeCardy asked if any of the other uses at the subject property were conforming regarding parking other than the Market. He asked if Café Zoe had conforming parking. Planner Sandmeier said that lot had no parking spaces.

Commissioner DeCardy said there was parking behind the businesses and parking for the Market. He said those spaces were privately owned. He asked if that owner could arrange with whomever wanted to park there. Planner Sandmeier said the parking for the Market was on a different parcel. She said that parcel and the subject parcel had the same owner and it made sense for him to say that the restaurant patrons could park there but it was not something binding as one of the two parcels could be sold and a new owner might not agree to that parking arrangement.

Commissioner DeCardy asked about the parking behind the subject parcel and who determined how that was used. Planner Sandmeier said the rear lot area had a power pole or some type of obstruction making it difficult to use that for parking. She said it was not striped. She said she believed the applicant had indicated that employees would park in that area but probably the public would not park there.

Commissioner DeCardy said the owner of West Bay Cleaners indicated use of the rear area for their business. He asked if there was potential to have employee parking for this restaurant and use of the bicycle rack there that would block the Cleaners from using its rear entrance, and if that was allowable. Planner Sandmeier said she did not think it would be allowable to block the area as the rear area was shared. Planner Turner said the rear area was not considered a parking lot, had no conforming parking spaces, and access was limited. He said an old grant deed granted the use of that area to the adjacent property and it had been used as an informal share area where employees parked as well as deliveries to the Cleaners. Replying further to Commissioner DeCardy, Planner Turner said it did not have a formal agreement and was an informal agreement of use by the business owners.

Vice Chair Doran asked Commissioner Kennedy if she wanted to further clarify her motion to continue. Commissioner Kennedy said they were attempting to get clarity on parking. She said any arrangement outside of a formal lease agreement or binding agreement meant the property owner of the Market lot could promise those spaces to every suite in this center resulting potentially in a mess. She said they needed to have all information available to decide on this. She said parking was a significant part of projects that the Commission considered. She said the Commission needed further clarification about the parking for the applicant's business.

Vice Chair Doran asked for a second to the motion to continue for clarification about parking. The motion failed for lack of a second.

**ACTION:** M/S (Kahle/Barnes) to approve the item as recommended in the staff report; passes 4-1-1-1 with Commissioner Kennedy opposing, Commissioner Riggs abstaining, and Commissioner Michele Tate absent.

1. Make a finding that the project is categorically exempt under Class 1 (Section 15301, "Existing Facilities") of the current California Environmental Quality Act (CEQA) Guidelines.
2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use 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 use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.

3. Approve the use permit subject to the following **standard** conditions:
  - a. The applicant shall be required to apply for a building permit within one year from the date of approval (by May 10, 2022) for the use permit to remain in effect.
  - b. Development of the project shall be substantially in conformance with the plans prepared by BD Square Architecture consisting of 6 plan sheets, dated received March 25, 2021, and the project description letter dated March 25, 2021, approved by the Planning Commission on May 10, 2021, except as modified by the conditions contained herein, subject to review and approval of the Planning Division.
  - c. The applicant shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.
  - d. The applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
4. Approve the use permit subject to the following **project-specific** conditions:
  - a. Simultaneous with the submittal of a full building permit application for a tenant improvement, the applicant shall indicate on the site plan implementation of the Transportation Demand Management (TDM) Plan and include the bicycle rack accommodating at least nine bicycle parking spaces at the rear of the property.
  - b. The hours of operation of the restaurant shall be limited to between 11:30 A.M to 2:00 P.M. and 4:30 P.M. and 9:30 P.M. Monday through Sunday.

F2. Use Permit and Architectural Control/John Conway/1200 El Camino Real:  
Request for use permit and architectural control review for modifications to an existing Chevron gas station located in the SP-ECR/D (El Camino Real/Downtown Specific Plan) district. The project consists of enclosing existing automobile service bays to expand the existing convenience store operations. The project would modify the location of beer/wine sales relative to what was approved in 2019 by the Planning Commission. ([Staff Report #21-024-PC](#))

(Chair Riggs chaired the remainder of the meeting.)

Staff Comment: Assistant Planner Fahteen Khan said she had no updates to the written report. She said John Conway, the applicant, and his architect were present.

Applicant Presentation: Bill Gutsell, CJW Architects, said the subject business, Chevron Station, had been at this location since 1975 and was renovated in 2003-2004. He said the existing gas service and convenience facility was approximately 2100 square feet with a 1500 square foot fueling canopy. He said the existing convenience store was about 740 square feet. He said they wanted to convert the three existing service bays, about 1400 square feet, to convenience store area. He said this was a response in part to Covid-19, the decline in the automotive repair market, and to provide services for the increased number of residents and hotel users in the area. He said the business owner had had no issues with alcohol sales to date. He said current operating hours were 6 a.m. to



10 p.m., 365 days per year. He said with the Extra Mile program contractual agreement the applicant was requesting operating hours of 5 a.m. to 11 p.m. with no alcohol sales between 5 to 6 a.m. He said gas service would remain as 24-hour service with credit card payment at the pumps. He said Mr. Conway had walked the neighborhood with flyers on what was planned and no comments to date had been received.

Commissioner Kennedy asked if the bays had oil pits. Mr. Gutsell said the oil containment systems had been removed. Commissioner Kennedy asked if any hazardous materials remediation had to occur. Mr. Conway said the hydraulic lifts in the bays would need to be removed and then the soil tested.

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

Commission Comment: Commissioner Doran said he supported the project and appreciated business owners' need to modify businesses due to market changes. He said although he did not like losing an auto repair business that the convenience store was a useful amenity.

Commissioner Barnes reflected he had his concerns satisfied about off sale alcohol at the 2019 hearing. He said he supported the project and found the architectural control fine. He moved to approve as recommended in the staff report. Commissioner DeCardy seconded the motion.

ACTION: M/S (Barnes/DeCardy) to approve the item as recommended in the staff report; passes 6-0-1 with Commissioner Tate absent.

1. Make a finding that the project is categorically exempt under Class 1 (Section 15301, "Existing Facilities") of the current California Environmental Quality Act (CEQA) Guidelines.
2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use 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 use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
3. Adopt the following findings, as per Section 16.68.020 of the Zoning Ordinance, pertaining to architectural control approval:
  - a. The general appearance of the structure is in keeping with the character of the neighborhood.
  - b. The development will not be detrimental to the harmonious and orderly growth of the City.
  - c. The development will not impair the desirability of investment or occupation in the neighborhood.
  - d. The development provides adequate parking as required in all applicable City Ordinances and has made adequate provisions for access to such parking.
  - e. The proposed development is consistent with the El Camino Real/Downtown Specific Plan.

4. Approve the use permit and architectural control subject to the following **standard** conditions:
  - a. The applicant shall be required to apply for a building permit within one year from the date of approval (by May 10, 2022) for the use permit to remain in effect.
  - b. Development of the project shall be substantially in conformance with the plans prepared by C J W Architecture, consisting of 15 plan sheets, dated received April 27, 2021, and the project description letter, dated revised April 30, 2021, and approved by the Planning Commission on May 10, 2021, except as modified by the conditions contained herein, subject to review and approval of the Planning Division.
  - c. Prior to building permit issuance, the applicant shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.
  - d. Prior to building permit issuance, the applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
  - e. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval by the Planning, Engineering, and Building Divisions. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
  - f. Simultaneous with the submittal of a complete building permit application, the applicant shall submit plans indicating that the applicant shall remove and replace any damaged and significantly worn sections of frontage improvements. The plans shall be submitted for review and approval of the Engineering Division.
  - g. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance.
  - h. Prior to building permit issuance, the applicant shall pay all applicable City fees. Refer to City of Menlo Park Master Fee Schedule.

- F3. Ordinance Amending Sections 16.43.070, 16.44.070 and 16.45.070 of Title 16 of the Menlo Park Municipal Code:  
Review and consider adoption of a resolution recommending that the City Council of the City of Menlo Park adopt an ordinance amending sections 16.43.070, 16.44.070 and 16.45.070 of Title 16 of the Menlo Park Municipal Code to establish an in-lieu payment. The ordinance would allow an applicant for bonus level development to elect to pay the value of a required community amenity in lieu of constructing, operating, and/or maintaining the community amenity itself. ([Staff Report #21-025-PC](#))



Staff Comment: Assistant Community Development Director Deanna Chow provided a visual presentation on the proposed ordinance to establish an in-lieu payment for community amenity and a provision to allow a process for negotiated community amenities through a development agreement. She said she had one change to the proposed resolution and that was under compliance with CEQA to include: *Approval of the Resolution is not a "project" under CEQA because it has no potential for resulting in a physical change in the environment (15378)*. She said City Attorney Nira Doherty was also present.

Commissioner Barnes referred to page 3 under the in-lieu payment options: *Staff is recommending that the in-lieu is inclusive of an administrative fee to administer the Community Amenities Program and implement projects as directed*. Ms. Doherty said the administrative fee that would be part of the in-lieu payment was to offset costs to the City in implementing the City's Community Amenities Program. She said in this case the in-lieu payments would be collected and the City would presumably implement the community amenities. She said the City would charge a 10% fee that would be reduced if it cost the City less than that to administer.

Replying further to Commissioner Barnes, Ms. Chow said the community amenity in-lieu fee would be collected at the time of building permit issuance similar to other fees such as transportation impact fee and if applicable a below market rate housing fee.

Replying to Commissioner Kennedy, Ms. Chow said a provision existed already that a community amenity from the community amenities list would be provided just once. She said some flexibility existed for things such as street improvements as those could be multiple.

Chair Riggs opened the public hearing.

Public Comment:

- Lynne Bramlett, Menlo Park resident, District 3, said she was pleased with movement on the community amenity process, which she considered broken to date. She said she did not like in-lieu fees. She said the community amenity in-lieu fee should be set aside in a fund for Belle Haven as the amenities should benefit the community being impacted. She said the community amenity should be established before a bonus level development started. She said outside of the M2 area there should be a public benefit process for bonus level development.

Chair Riggs closed the public hearing.

Commission Comment: Commissioner DeCardy referred to City Attorney Doherty's response earlier to Commissioner Barnes that the levying of 110% was to fully recover City costs for administering community amenity. He said if those costs were less than that the remaining funds would go to the project amenity. He asked if discretion existed to set the amenity level higher than 1:1 ratio; for instance, community amenity at 120% plus the 10% administration fee. Ms. Doherty replied in the affirmative. She said in-lieu fee programs often required a fee that was a slightly different value than the underlying improvements or amenities required to be established. Replying further to Commissioner DeCardy, Ms. Doherty said the current ordinance stated that construction of the amenity itself was preferred to payment of an in-lieu (impact) fee. She said presumably because of that policy preference the amount of the fee was directed to be established at 120% of the value of

the community amenity. She said the proposed revision would remove the directive for a 120% fee and replace it with a 110% fee.

Commissioner DeCardy said he agreed with the public commenter that the current system was not optimal for anybody. He said he was supportive of efforts for a different solution. He said having multiple options was important. He said the Planning Commission had wrestled with whether proposed community amenities were truly a community amenity, with the placement in the community of the proposed community amenity, and with the valuation of the amenity and exchange between the developer and the City. He said they had seen developers who cared about the City struggle to find the right solution for a community amenity. He said it would actually be better to give the City the option to broker with organizations really good at delivering the types of community amenities needed rather than through developers, especially one-off developers. He said however that developers spent a lot of time trying to put the community amenity in place in their projects. He said he thought it was fine for the developers to pay more than 1 to 1 if they could solve an actual community amenity in their projects.

Chair Riggs said his concern was similar to the public commentators and that he would not like the fee placed in a general fund that might be steered by Council majority at any given time. He asked under the current proposal if there was a project Council wanted to do for instance at the intersection of Middlefield and Willow Roads could the community benefit in-lieu fee for a Constitution Drive project be used.

Ms. Doherty said the details surrounding the expenditure of in-lieu fees were not set forth in the ordinance. She said those would be set forth by implementing regulations adopted by resolutions of the City Council. She said as to the discretion to implement the actual community amenity projects through utilization of in-lieu fees that would be at Council or staff's discretion and that would be memorialized in implementing regulations. She said to Chair Riggs' question about whether the Council could choose that was not yet decided. She said related to the location of a project the utilization of an in-lieu fee must be for the same purposes that the underlying community amenities program was established. She said the fees needed to be used to offset impacts to the Belle Haven neighborhood as stated in the current ordinance, and which was not proposed to be revised. Replying further to Chair Riggs, Ms. Doherty said the details had not been worked out yet as to what portion of the funds needed to be spent on what kinds of projects or whether staff or the Council had discretion to expend the funds. She said the detail remaining constant in the ordinance and not proposed to change was that the fees needed to be utilized to offset impacts of development in the Belle Haven neighborhood.

Ms. Chow said the language in the code for physical improvements stated that they needed to be located between Highway 101 and the San Francisco Bay and that language was not proposed for revision.

Commissioner Barnes referred to the development of the existing community amenities list and the ConnectMenlo process. He said the challenge was doing broad enough outreach to find out what the community needed. He said that the community amenities list if imperfect was the result of arduous efforts to hear from the community. He said the in-lieu fee process if adopted when used would include the development agreement coming to the Planning Commission for review and then to City Council and those hearings would allow for a broader set of voices. He said giving the Planning Commission a view into the development agreement allowed for a perspective other than

an elected perspective. He said that was important to the process for the in-lieu fee. He said the in-lieu fee process also would allow going outside the existing community amenities list and that flexibility was important to the community amenity process. He said he supported the 110% or 1 to 1 valuation with a 10% administration fee as he did not want the in-lieu fee de-incentivized. He said that the Willows neighborhood also bore circulation and traffic impacts from development in M2, and he thought that should be addressed. He moved to adopt the resolution recommending that the City Council adopt an ordinance as stated in the staff report.

Ms. Chow said two different modifications to the ordinance were being proposed. She said one was the in-lieu fee option which was not subject to a development agreement and would be payment of 110% of the community amenity value. She said the second option was the development agreement to negotiate community amenities not on the community amenity list.

Replying to Chair Riggs, Ms. Doherty said the in-lieu fee was an option developers would have available to them without any subsequent or further approvals.

Chair Riggs noted language that indicated developments provide community amenities to affected neighborhoods such as Belle Haven and suggested language that would clarify similar provision for neighborhoods such as the Willows and those off Marsh Road subject to at least traffic impacts from development in the Bayfront area.

Commissioner Barnes said he could offer an amendment to his motion to include a review and clarification of the language for corporate contributions. He referred to page 1 of the staff report: "Corporate Contribution. In exchange for added development potential, construction projects provide physical benefits in the adjacent neighborhood (such as Belle Haven for growth north of US 101, *Willows or other such impacted neighborhoods*), including jobs, housing, schools, libraries, neighborhood retail, childcare, public open space, high speed internet access, and transportation choices." Chair Riggs said he would like the emphasis on Belle Haven and not to dilute the amenities proposal. Commissioner Barnes referred to (such as *primarily for Belle Haven for growth north of US 101, and secondarily for Willows and other impacted neighborhoods*).

Ms. Doherty said the proposed language revision was in the General Plan and that was not for consideration this evening. She said what she heard was to amend the community amenities ordinance to change the current language in 16.43-, 44-, 45.070 with respect to the community amenities being provided within the area between US 101 and San Francisco Bay.

Ms. Chow referred to the General Plan language and said that other areas of the City had bonus development and potential for public benefit similar to community amenity.

Chair Riggs said if the Willows Village project was developed the impact on Willow Road and thus on the Willows would be significant. He said the intent was to add a recommendation to consider those impacts too. Chair Barnes said they wanted to convey that areas other than Belle Haven were impacted by Bayfront construction and should receive some of the community amenity proceeds.

Ms. Doherty said in response to Commissioners Barnes and Riggs that the Commission might recommend a further revision to the ordinance by resolution to include the clarification desired. She said the Council could choose to accept or reject the recommended revision.

Commissioner DeCardy said that the ordinance revision would provide alternatives and where the funds were used would be determined by the City Council. He said the in-lieu fee would allow the City Council to do more than what a developer putting a community amenity in place could do. He said his deepest concern was the long history of redlining and racist zoning policies in the Bayfront area and that was the core of what should be addressed through community amenities. He said he would support the staff's recommendation for approval.

Replying to Chair Riggs, Commissioner Barnes said he would remove the suggested revision and would move to adopt a resolution as stated in the staff report. Chair Riggs seconded the motion.

Ms. Chow asked if the motion included the update to the resolution regarding CEQA. Chair Riggs confirmed that was correct.

**ACTION:** M/S (Barnes/Riggs) to adopt a resolution recommending that the City Council adopt an ordinance amending sections 16.43.070, 16.44.070 and 16.45.070 of Title 16 of the Menlo Park Municipal Code per staff's recommendation with the following addition to the resolution; passes 6-0-1 with Commissioner Tate absent.

Modify Section 4 of the Resolution as follows:

4. The project is categorically exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to the Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that there is no possibility the adoption of this Ordinance may have a significant effect on the environment and pursuant to CEQA Guidelines section 15183 (consistent with the general plan and zoning). *Approval of the Resolution is not a "project" under CEQA because it has no potential for resulting in a physical change in the environment (15378).*

## **G. Informational Items**

### **G1. Future Planning Commission Meeting Schedule**

- . Regular Meeting: May 24, 2021

Planner Sandmeier said the May 24 agenda included a use permit for a single-family residential project and a use permit for a childcare center at 135 Willow Road.

- . Regular Meeting: June 7, 2021

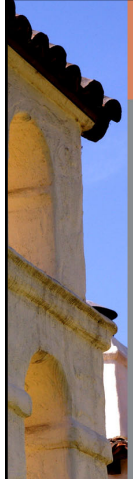

## **H. Adjournment**

Chair Riggs adjourned the meeting at 9:33 p.m.

Staff Liaison: Corinna Sandmeier, Senior Planner

Recording Secretary: Brenda Bennett

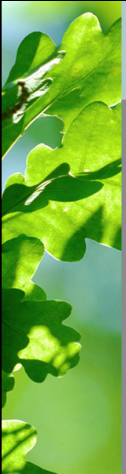

Approved by the Planning Commission on June 7, 2021

## BACKGROUND

- General Plan Update adopted – November 2016
  - Created O, LS and R-MU zoning districts and rezoned properties in the Bayfront Area
  - Established base and bonus level development regulations
  - Required community amenities for bonus level development
- City Council Ad Hoc Subcommittee – October 2020
  - Revise ConnectMenlo community amenities list
  - Inventory citywide development
  - Maintain amenities list data



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## BACKGROUND

- City Council Study Session – April 2021
  - Adopt a revised community amenities list
  - Adopt an in-lieu fee
  - Adopt a “gatekeeper” application process
  - Establish community amenities working group
- City Council direction to:
  - Adopt an in-lieu fee
  - Add a provision to allow a process for negotiated community amenities through a development agreement
  - Identify community amenities as a City Council work plan priority

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## PROPOSED COMMUNITY AMENITIES MODIFICATIONS

- Replace subsections (B) and (C) of sections 16.43.070, 16.44.070 and 16.45.070 of Title 16
  - In-Lieu Fee Payment Option
  - Development Agreement Option
- No Changes to Other Community Amenities Provisions

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## PLANNING COMMISSION ACTION

- Review and adopt resolution (Attachment A) recommending that the City Council adopt an ordinance amending Sections 16.43.070, 16.44.070 and 16.45.070 of Title 16
- Update to Section 6: Compliance with CEQA in the resolution to include:  
*Approval of the Resolution is not a “project” under CEQA because it has no potential for resulting in a physical change in the environment (15378)*



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## NEXT STEPS

- City Council first reading – June 8 (tentative)
- City Council second reading – June 22 (tentative)
- Ordinance would become effective 30 days thereafter

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## THANK YOU