



PLANNING COMMISSION MINUTES

December 15, 2008

7:00 p.m.

City Council Chambers

701 Laurel Street, Menlo Park, CA 94025

CALL TO ORDER – 7:02 p.m.

ROLL CALL – Bressler (Absent), Ferrick, Kadvany, Keith, O'Malley (Vice chair), Pagee (Left at 10:20 p.m.), Riggs (Chair)

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

A. PUBLIC COMMENTS

There were none.

B. CONSENT

Commissioner Kadvany said that Mr. John Beltramo had sent an e-mail regarding concerns about the calculation of Gross Floor Area (GFA) in particular for attic, mezzanine and basement related to mechanical equipment. He said the Commission had also received an e-mail from Ms. Robin Kennedy, which he had not had time to review. He suggested that the Commission discuss Consent Item B.1. Chair Riggs pulled the item from the Consent calendar, and asked staff to address the process for consideration of the item. The Commission then considered Consent Item B.2.

After action on Consent Item B.2, Chair Riggs indicated that staff had suggested moving Consent Item B.1 to the end of the agenda. Commissioner Keith suggested they determine whether anyone in the audience wanted to comment on Consent Item B.2 before moving it to the end of the agenda. Chair Riggs called for public comment on Consent Item B.2. There was none.

1. **Zoning Ordinance Amendment /City of Menlo Park:** Consideration of a Zoning Ordinance Amendment to clarify the definition of Gross Floor Area to more specifically identify features of a building that are either included or excluded from the calculation. Gross floor area is used in calculating the floor area ratio (FAR) and parking requirements for developments in all zoning districts except for single-family and R-2 (Low Density Apartment) zoning districts. Floor area ratio equals the gross floor area of a building divided by the lot area and effectively regulates the size of a building. In addition, gross

floor area is used in determining the applicability of requirements for below market rate (BMR) housing and the preparation of traffic studies. The clarifications to the definition will focus on new buildings and attempt to minimize impacts to existing buildings. The Zoning Ordinance Amendment will be exempt from the California Environmental Quality Act (CEQA) in that the changes are intended to have no potential to impact the environment.

Item continued to the end of the agenda.

2. **Approval of minutes from the November 17, 2008, Planning Commission meeting.**

Commissioner Pagee suggested changes on pages 5 and 17. Commissioner Ferrick suggested changes on page 14. Chair Riggs and Commissioner Kadvany suggested changes on page 29.

Commission Action: M/S Unanimous consent to approve with the following modifications.

- Page 5, 6th paragraph, 4th line: Replace “down” with “floor.”
- Page 14, 3rd full paragraph, 2nd to last line: Insert “for parking turnover” after “classes.”
- Page 17, 1st full paragraph, 2nd line: Replace “why there was a dissenting vote” with “who cast the dissenting vote and why.”
- Page 17, 1st full paragraph, 3rd line: Replace “the Commissioner” with “Housing Commissioner Brawner.”
- Page 29, 4th paragraph, 2nd line: Replace “a.m.” with “p.m.”
- Page 29, 5th paragraph, 6th line: Replace “the zoning” with “all zoning.”

Motion approved 5-0 with Chair Riggs abstaining because he had not been able to improve particular wording on page 27, and Commissioner Bressler not in attendance.

C. PUBLIC HEARING

1. **Use Permit, Architectural Control, and Variance/Carl Hesse/800 Live Oak Avenue:** Request for a use permit and architectural control to demolish two detached residences and to construct three attached single-family residences and a detached garage on a standard lot in the R-3 (Apartment) zoning district. In addition, a request for a variance to reduce the required separation between the main buildings on the subject lot and the main building on the adjacent left side property from 20 feet to 15 feet, three inches.

Staff Comment: Planner Rogers said there was a colors and materials board for the Commission to review.

Questions of Staff: Commissioner Pagee said it appeared there were four covered parking spaces and two uncovered parking spaces. Planner Rogers said that was correct and noted that the data table on the first page of the staff report should be corrected to show four, not three, covered parking spaces and two, not three, uncovered parking spaces. Commissioner Pagee asked staff to confirm that the required distance was 10 feet between a garage and a main building unit on the same lot. Planner Rogers said that was correct. Commissioner O'Malley said he could understand the request for variance to reduce the required separation from 20 feet to 15 feet, three inches for the main building on this lot and the main building on the adjacent lot, but he thought the distance between dwelling units on the subject lot was much less than 20 feet. Planner Rogers said that the required separation of 20 feet was between main buildings on adjacent properties. He clarified that in the proposed project the three units were attached structurally by a breezeway, and structural attachment required that common load-bearing members be connected. He said they had reviewed this with the Building Department and they considered the structures as proposed to be structurally attached.

Public Comment: Mr. Carl Hesse, project architect, Square Three Design Studios, said the proposed project was a three-unit development on a standard R-2 lot. He said the intent was to have three single-family homes, because although the neighborhood was primarily multiple-unit buildings there were single-family residences on a Live Oak Street parcel and on a Crane Street parcel. He said they wanted to complement that neighborhood context with what they were developing. He said the area was more urban and close to the downtown so they oriented the homes to the street. He said they tried in the design to provide each unit with its own private outdoor space. He said they attempted to keep the values of the structures traditional but with more contemporary details. He said they brought a 3-D digital model if the Commission would like to see it. The Commission indicated they did. Mr. Hesse said the units were fairly similar but each had unique features, such as a two-car garage for one of them and a detached garage for another. He said the property owner worked with the neighbors to share the proposed design and get feedback. He said there was a letter with signatures of neighbors who had reviewed the design and supported the project. He said the color board presented actual materials of the integral colored stucco. He said the wood would be a natural finish either redwood or cedar, possibly with a stain but generally clear. He said they would use horizontal siding. He said the roof would be a metal roof that was more or less a lifetime material made partially from recycled materials and it was completely recyclable itself. He said the windows most likely would be aluminum with wood cladding.

Commissioner Keith said it appeared that they were using a considerable amount of green building elements, and asked if they would pursue LEED certification. Mr. Hesse said they would most likely not pursue LEED certification because of the additional cost, which he estimated was increased by 25 percent for the materials and grades needed to get the certification. Commissioner Keith said there appeared to be a furnace under the first floor and another in the attic space. Mr. Hesse said that was correct and it was

to separate the heating functions on the first and second floor. He noted also that if the furnace was only below the first floor that the ductwork would need to be more extensive and there was limited space. Commissioner Keith said the staff report indicated that they would investigate solar panels. Mr. Hesse said the installation of solar panels would be the decision of the owner, but the proposed roofs would be prepared so installation of solar panels could occur. Commissioner Keith said each unit seemed to have a very small lawn area, and asked if they would consider other landscaping options. Mr. Hesse said that they were not fixated on having lawns, but thought lawns were preferable for families with children to use as a play area. Commissioner Keith asked why one of the units had its entry from a different street than the other two units. Mr. Hesse said they thought it would be more difficult to access three driveways from one entry; he noted that they would use permeable pavers. Commissioner Keith said there were no setbacks on the second floor but the digital model shown seemed to have articulation on the second floor in the windows. Mr. Hesse said that model was done on an R-1 lot, which allowed a bay window that did not count as floor area. He said however that was not the case for an R-2 lot.

Commissioner Kadvany asked about cooling in the upstairs and air circulation. Mr. Hesse said all of the rooms on the second floor would have windows on two walls, and there was sufficient attic space to properly insulate the second floor. He said the proposed roof was classified as "cool" and would reflect heat gain. Commissioner Kadvany said he had concerns with the porches and whether there was enough space to make all of them full porches. Mr. Hesse said that they would either have to cut the porches back or if they could encroach six feet, they could do a combination of a porch, landing and some type of patio.

Commissioner O'Malley said the property owner of 814 Live Oak Street had asked about rebuilding the fence. He asked if the applicants had met with the neighbor to discuss the neighbor's concerns. Mr. Hesse said they had not yet discussed anything with the neighbor, but had discussed the neighbor's concerns with this property owner, who indicated he was willing to work with that neighbor on the fence and trees. Commissioner O'Malley asked about the neighbor's request to prevent the air conditioner location to be changed by future owners. Mr. Hesse said in response to the neighbor's letter that they had moved the air conditioner unit behind the garage; he indicated that such a requirement might be included in the CC&Rs. Commissioner O'Malley asked about the neighbor's request that the garbage not be collected from the side of the house. Mr. Hesse said it was not clear to them if the neighbor did not want the garbage collectors accessing to pick up the garbage from the side of the house or if the neighbor did not want garbage stored there.

Commissioner Pagee asked why the plan showed two lots. Mr. Hesse said that there were two street addresses, and at some point, the assessor's parcel map indicated that the parcel had been two lots. Planner Rogers said there was one active parcel but there was an indication that sometime in the past there might have been two lots. He said there would be a subdivision map done for three condominium parcels.

Commissioner Pagee said a clear railing on the balcony on the upstairs deck would have a site view into the neighbor's home. She asked if some structure could be added to block the view. Mr. Hesse said it could be a solid guard rail on that side but he had not anticipated a higher structure and did not know if that would be permissible or whether it would be counted toward Gross Floor Area.

Commissioner Pagee asked whether Mr. Hesse had looked at the slope of the proposed roof and whether solar panels could be installed. Mr. Hesse said they could be installed. Commissioner Pagee said with the angle however that the panels would not have maximum solar gain. Mr. Hesse said with the angle it probably would not be maximum solar gain but it would be close to maximum. Commissioner Pagee asked whether Mr. Hesse had looked at eliminating one garage on Unit 1 or some other scenario so there was less impact. Mr. Hesse said they looked at many different scenarios but given the constraints of fitting the units, which were technically one building, providing the parking on a corner lot with a 15-foot side setback on Crane Street, that it was very difficult to fit everything in a conventional and functional manner. Commissioner Pagee asked if there was only one air conditioner for the units. Mr. Hesse said each unit would have one condenser unit and that one condenser would serve both floors of each unit.

Chair Riggs asked about the Live Oak Street curb cut and whether unit 1 would own any of the apron for parking outside of the garage. Mr. Hesse said they did not plan the driveway area for additional parking, although it would serve for overflow parking but not compliant parking. He said the width of the driveway was to accommodate the width of three vehicles to access and leave each individual space. He said it could possibly be narrowed a bit but the concern was the ability to back out between the buildings where the uncovered space was, for which even as proposed there was the need to turn to back out of the apron at the right-of-way. He said making it narrower would potentially make it a more difficult maneuver.

Mr. Matthew Tarran, Menlo Park, thanked the architect and the project property owner for being willing to work with him. He said there were many mature trees on the property line on his property and the existing fence was old, and he would appreciate it if the applicant worked with him so that the fence was replaced and the trees protected. He said unit 1 was 15-feet six-inches from the fence and asked for confirmation of what would be used in the open area. He said that parking during the day was a problem on Live Oak Street and one street space would be lost as a result of this project. He said the second-story balcony on unit 1 would look directly into his living room area. He said he would like to see solar panels, but he had concerns about the potential of the roof reflecting heat and light onto his property. He said he would like to have something in the CC&Rs to require the air conditioning be located as specified. He said his concern about the garbage collection was that in Menlo Park residents could have the garbage collectors pick up the garbage from where it was stored. He said the garbage was picked up at 6 a.m. so he would not want the garbage workers to go down the side of the house to collect the garbage as it would be very noisy. He said the applicant had

indicated that any second-story windows facing his home would either be frosted or above six feet. He requested those window conditions and configurations be included in the CC&Rs.

Ms. Aldora Lee, Menlo Park, said the subject property had been upgraded a number of the times over the years. She said she was concerned that the 15-foot six inches separation distance variance might set precedence for future development in the neighborhood.

Chair Riggs closed the public hearing.

Commission Comment: Chair Riggs asked Mr. Hesse what the ground cover would be in the Hollywood strips and whether the landscaping would be automatically irrigated; he asked about the landscaping around the south corner. Mr. Ron Benoit, landscape architect, said they would use something like a low flat evergreen that could take reflected heat and they would use subsurface drip lines. He said there was an opportunity to put landscaping ground cover and a row of upright evergreen Bay trees. Chair Riggs asked about the landscaping along the westerly property line related to garbage cans being hauled over it, noting that there did not seem to be an access from the street. Mr. Benoit said that was correct. Commissioner Pagee said there was a deciduous tree indicated and asked if that could be replaced with an evergreen tree. Mr. Benoit said they had placed the deciduous tree to provide relief from the line of Bay trees and to have some canopy for the patio area. Commissioner Pagee said her concern was privacy, particularly if the architect could not do something structurally on the second-story balcony to block the view into the neighbor's property. Mr. Benoit said that they could possibly use a Magnolia tree, which would grow fairly tall, provide canopy and was green year-round. .

Commissioner Keith asked if something else could be used other than lawn in the small open space areas. Mr. Benoit said there were low growing ground covers but they were trying to create an area in which children could play. He said that if water use was a concern they would use subsurface irrigation that was water efficient. Commissioner Keith said she was suggesting that the space be landscaped more creatively as children liked to see other plants and it was not really a large enough area in which children would play.

Chair Riggs asked about the front porch setback. Planner Rogers said the general idea of setbacks was to separate the public and private realms privately. He said the decks were shown at 12-inches or more at grade which triggered the setback. He said they could be put at grade as mentioned by Mr. Hesse. Chair Riggs asked if the Commission wanted to allow for the encroachment into the setback of the porch decks whether that would need separate noticing. Planner Rogers said it would.

Chair Riggs said the design was attractive and inventive. He said the redevelopment would probably make the sidewalks better maintained for pedestrians. He said he

supported the landscape design with lawn and a deciduous tree in the balcony area. He said the Commission had been asked to address fence replacement, garbage collection, tree protection, privacy, and air conditioner location.

Chair Riggs asked Mr. Tarran if his bedrooms were on the east side of the house. Mr. Tarran said there was one bedroom towards the back. He said he was concerned in the future that another owner might create access to the garbage storage area.

Chair Riggs said unit 1 was built up to the setback. He asked if someone wanted to put a pad for an air conditioner unit in the setback in that area whether that would require a use permit. Planner Rogers said that if the Commission wanted to strictly enforce the location of the air conditioner they could add a condition. Chair Riggs asked if in the future the air conditioner location was moved to the setback and that was reported to the City, whether that would trigger use permit review. Planner Rogers indicated that it would.

Commissioner Pagee moved to approve as recommended in the staff report with additional conditions that the applicant to work with the neighbor at 814 Live Oak Street on the fencing and landscaping, and that the applicant review with staff and the neighbor any privacy issues on the second-story deck of unit 1. Commissioner O'Malley said the motion did not seem to cover the garbage issue. Chair Riggs said that the design and landscaping would make it very difficult to locate garbage cans there. Commissioner Pagee said that it might be beneficial to have a door in the garage to allow access to the backyard. Chair Riggs suggested including flexibility to place a door and slightly relocating the air conditioner. Commissioner Keith seconded the motion as further amended. She noted that the Commission could make all of the findings related to the variance request, noting there was a hardship because of the location of the building on the adjacent property not 10-feet away from the fence line. She said that the conditions upon which this variance was requested were not generally applicable to other properties in the zoning district.

Commission Action: M/S Pagee/Keith to make the findings for the variance request and approve as recommended in the staff report with the following modifications.

1. Make a finding that the project is categorically exempt under Class 3 (Section 15303, "New Construction or Conversion of Small Structures") 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. Make 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.
4. Make the following findings as per Section 16.82.340 of the Zoning Ordinance pertaining to the granting of variances:
- a. The hardship is based upon the specific and unique placement of the adjacent structure, the corner orientation of the subject parcel, and the preservation of conventionally-sized and required building dimensions, and is particular to the property and not created by any act of the owner.
 - b. The variance is necessary for the preservation and enjoyment of substantial property rights possessed by other conforming property in the vicinity, in particular with regard to the width of the developable area and the preservation of conventionally-sized and required building dimensions. The variance will not constitute a special privilege.
 - c. The residence will comply with all other R-3 zoning district development regulations and as a result will not be materially detrimental to the public health, safety, or welfare, and will not impair an adequate supply of light and air to the adjacent properties.
 - d. Because the variance request is primarily based upon the specific and unique placement of the adjacent structure, the corner orientation of the subject parcel, and the preservation of conventionally-sized and required building dimensions, it is not applicable, generally, to other property within the same zoning classification.
5. Approve the use permit, architectural control, and variance subject to the following **standard** conditions:
- a. Development of the project shall be substantially in conformance with the plans prepared by Square Three Design Studios, consisting of 18 plan sheets, dated received December 8, 2008, and approved by the Planning Commission on December 15, 2008, except as modified by the conditions contained herein, subject to review and approval of the Planning Division.

- b. Prior to building permit issuance, the applicants shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.
 - c. Prior to building permit issuance, the applicants shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
 - d. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval of 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.
 - e. 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 the review and approval of the Engineering Division.
 - f. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a Grading and Drainage Plan for review and approval of the Engineering Division. The Grading and Drainage Plan shall be approved prior to issuance of a grading, demolition or building permit.
 - g. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance.
6. Approve the use permit, architectural control, and variance subject to the following **project-specific** conditions:
- a. Concurrent with the submittal of a complete building permit application, the applicant shall submit revised plans showing that the Unit 1 and 2 front porches not project greater than six feet into the required front setback, subject to review and approval of the Planning Division.
 - b. Concurrent with the submittal of a complete building permit application, the applicant shall submit a detailed landscape and irrigation plan demonstrating compliance with Chapter 12.44 (Water-Efficient Landscaping) of the City of Menlo Park Municipal Code. The comprehensive landscape plan shall contain information regarding the size, species, location, and quantity of trees, shrubs, and plants. This plan shall be subject to review and approval by the Planning and Engineering Divisions. The landscaping shall be installed prior to final inspection of the building.

- c. Concurrent with the submittal of a complete building permit application, the applicant shall submit documentation of input from the adjacent neighbor at 814 Live Oak Avenue regarding proposed fencing and landscaping along the left side property line and the proposed second floor deck on Unit 1. The applicant may submit revised plans addressing the neighbor's input, subject to review and approval of the Planning Division.***
- d. Concurrent with the submittal of a complete building permit application, the applicant may submit revised plans adding a door between the garage and the rear yard of Unit 1, subject to review and approval of the Planning Division. The revisions may include the relocation of the proposed air conditioner by up to two feet.***

Motion carried 6-0 with Commissioner Bressler not in attendance.

- 2. Use Permit/Acclarent, Inc./1525 O'Brien Drive:** Request for a use permit for the indoor use of hazardous materials for research and development (R&D) and production purposes in the M-2 (General Industrial) zoning district. The hazardous materials would be stored both inside the main building and in an existing, fully-enclosed accessory structure designed for hazardous materials storage. In addition, a request for a use permit to construct a new mezzanine of approximately 1,000 square feet.

Staff Comment: Planner Rogers said that staff had no additional comments.

Chair Riggs asked the applicant to comment on both items C.2 and C.3.

Mr. John Tarleton, Menlo Business Park, introduced Mr. Jim Zuegel, the Vice President of Operations at Acclarent. Mr. Zuegel said Acclarent was a medical device company headquartered in Menlo Park for the past three years. He said they designed, produced and manufactured devices for Ear, Nose and Throat medicine and treatments. He said their initial focus had been on sinus surgery for the treatment of chronic sinusitis. He said they were selling their products in 40 countries. He said Acclarent recently launched its second platform of product with a short-term implant for treating sinusitis. He said they recently leased additional space in Menlo Business Park at 1555-1605 Adams Drive. He said the two requests for use permits had been extensively reviewed by staff. He said Mr. Mark Green, their hazardous materials and safety expert, and Mr. Rick Bible, their facilities manager, were also present to answer questions.

Commissioner Keith asked about the pail used for flammable hazardous waste containment. Mr. Zuegel said small quantities of hazardous materials were used and the largest storage container was one gallon. He said the pail that Commissioner Keith was referring to was a metal bin with a self-closing top specifically manufactured to contain flammable hazardous waste. Commissioner Keith said it appeared that the

company was asking to use some of the parking at one location to compensate for a lack of parking at the other location. Mr. Zuegel said there had been some discussion about parking with Mr. Tarleton. Mr. Tarleton said that 1605 Adams Drive was over-parked and 1505 Adams Drive was under-parked.

Commissioner Ferrick asked if all of the sales were booked in Menlo Park. Mr. Zuegel said all of their sales were shipped from Menlo Park to other parts of the country. Commissioner Ferrick asked about the worst case scenario if there was a hazardous materials spill. Mr. Zuegel said if there was a spill of a bottle containing isopropyl alcohol, a material they used the most, that there were safety procedures to place to handle such a spill. He said outside the facility there would be no impact from such an occurrence. Commissioner Ferrick asked if the hazardous materials were stored in one room. Mr. Zuegel said flammable materials were stored in protective nonflammable rated cabinets in the interior of the building.

Commissioner Kadvany asked how many cars were parked because of the business. Mr. Zuegel said the company had 270 employees, 160 of which were onsite. He said with the additional space they had leased at Menlo Business Park that they would have enough room to grow.

Chair Riggs closed the public hearing.

Commission Comment: Commissioner Keith moved to approve as recommended in the staff report. Commissioner Ferrick seconded the motion.

Commissioner O'Malley said he had reviewed very carefully all of the hazardous materials storage and waste applications that had come before the Commission including these two latest applications based on his 30 years experience in that field. He said that each one of the applications had met all of the requirements established for safe handling and storage of hazardous materials.

Commission Action: M/S Keith/Ferrick to approve as recommended in the staff report.

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. Development of the project shall be substantially in conformance with the plans prepared by DES Architects/Engineers, consisting of 14 plan sheets, dated received December 4, 2008, and approved by the Planning Commission on December 15, 2008, except as modified by the conditions contained herein, subject to review and approval of the Planning Division.
 - b. 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.
 - c. 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.
 - d. If there is an increase in the quantity of hazardous materials on the project site, a change in the location of the storage of the hazardous materials, or the use of additional hazardous materials after this use permit is granted, the applicant shall apply for a revision to the use permit.
 - e. Any citation or notification of violation by the Menlo Park Fire Protection District, San Mateo County Environmental Health Department, West Bay Sanitary District, Menlo Park Building Division or other agency having responsibility to assure public health and safety for the use of hazardous materials will be grounds for considering revocation of the use permit.
 - f. If the business discontinues operations at the premises, the use permit for hazardous materials shall expire unless a new business submits a new hazardous materials business plan to the Planning Division for review by the applicable agencies to determine whether the new hazardous materials business plan is in substantial compliance with the use permit.
4. Approve the use permit subject to the following **project-specific** conditions:
- a. Concurrent with submittal of a complete building permit application, the applicant shall submit a draft 10-space parking easement on 1555 – 1605 Adams Drive, for the benefit of 1525 O'Brien Drive, subject to review and approval of the City Attorney and Planning Division. Prior to issuance of a building permit, the applicant shall submit documentation of recordation of the approved parking easement, subject to review and approval of the Planning Division.

Motion carried 6-0 with Commissioner Bressler not in attendance.

3. **Use Permit and Architectural Control/Acclarent, Inc./1555 - 1605 Adams Drive:** Request for a use permit for the indoor use and storage of hazardous materials for research and development (R&D) purposes in the M-2 (General Industrial) zoning district. In addition, a request for a use permit and architectural control to construct additions of approximately 125 square feet at

each of the front entries of the two buildings for a total of approximately 500 square feet.

Commission Action: M/S Ferrick/Keith moved to approve as recommended in the staff report.

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. Make 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.
4. Approve the use permit and architectural control subject to the following **standard** conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by DES Architects/Engineers, consisting of 18 plan sheets, dated received December 4, 2008, and approved by the Planning Commission on December 15, 2008, except as modified by the conditions contained herein, subject to review and approval of the Planning Division.
 - b. 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.
 - c. 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.

- d. If there is an increase in the quantity of hazardous materials on the project site, a change in the location of the storage of the hazardous materials, or the use of additional hazardous materials after this use permit is granted, the applicant shall apply for a revision to the use permit.
 - e. Any citation or notification of violation by the Menlo Park Fire Protection District, San Mateo County Environmental Health Department, West Bay Sanitary District, Menlo Park Building Division or other agency having responsibility to assure public health and safety for the use of hazardous materials will be grounds for considering revocation of the use permit.
 - f. If the business discontinues operations at the premises, the use permit for hazardous materials shall expire unless a new business submits a new hazardous materials business plan to the Planning Division for review by the applicable agencies to determine whether the new hazardous materials business plan is in substantial compliance with the use permit.
5. Approve the use permit and architectural control subject to the following ***project-specific*** conditions:
- a. Concurrent with submittal of a complete building permit application, the applicant shall submit a draft 10-space parking easement on 1555 – 1605 Adams Drive, for the benefit of 1525 O'Brien Drive, subject to review and approval of the City Attorney and Planning Division. Prior to issuance of a building permit, the applicant shall submit documentation of recordation of the approved parking easement, subject to review and approval of the Planning Division.

Motion carried 6-0 with Commissioner Bressler not in attendance.

D. SCOPING SESSION

1. **Review and comment on the content of the Environment Impact Report to be prepared for the project.**

Architectural Control and Environmental Review/City of Menlo Park/600 Alma Street and 501 Laurel Street: Proposal to demolish the existing gymnasium and gymnastics building and construct a new 18,700-square-foot gymnastics facility at the location of the existing gymnasium and gymnastics building, and a new 26,900-square-foot gymnasium in an area of the park between the existing Recreation Center and Alma Street.

Staff Comment: Planner Fisher said the end date of the Notice of Preparation (NOP) shown on page two of the staff report should read January 5, 2009, not 2008. She said floor plans for the gymnasium had been distributed to the Commission as the floor plans sent with the agenda packet were for the gymnastics center and not the gymnasium.

Questions of Staff: Commissioner O'Malley said numbers in the staff report differed from the numbers in the Environmental Impact Report (EIR). He said the EIR indicated the square footage of the gymnasium as 18,700 and the staff report indicated the square footage of the gymnasium as 27,800. He said similarly the EIR indicated the square footage of the gymnastics center as 26,900 and the staff report indicated the square footage of the gymnastics center as 23,100. Planner Fisher said the differences were the preliminary figures that were provided by the architect for the NOP, but with the development of the floor plans the square footage had now changed.

Commissioner O'Malley asked for confirmation of the square footage for the gymnasium and gymnastics center. Planner Fisher said the square footage for the gymnasium was 23,100 and the square footage for the gymnastics center was 27,000, 4,500 of which were for lockers.

Commissioner Pagee asked about the age of the existing gymnasium and gymnastics center. Planner Fisher said the buildings were 30 years old. Commissioner Pagee asked if there had been an inspection to determine whether there was asbestos in the existing buildings. Planner Fisher said the Initial Study found that there was not asbestos in the building. Commissioner Pagee said with there had recently been a remodel of the pool area and entrances and asked if that work would be retained or removed. Planner Fisher said work recently done would be retained. Commissioner Pagee asked about the reason for changes in the location of the gym and basketball court. Planner Fisher said there was some background related to that and staff from Public Works could answer the question more thoroughly.

Mr. Lawrence Johmann, Senior Civil Engineer for the City's Public Works Department and the Project Manager for the project, said the consultant for the EIR was not yet present. He said that one year prior the City Council approved a scope of work for development of a conceptual plan for a new gymnasium and gymnastics center. He said the City hired a consulting architectural firm to assist. He said the consultant performed a conditions analysis of the existing facilities and a programming study of what currently happened in the facility. He said there had been focus group meetings and steering committee meetings that included members of the Parks and Recreation Commission, a City Council member, user groups, and other members of the community. He said nine concepts were identified, which were vetted to four and then to three concepts that proposed different sites for the proposed facilities. . He said the existing facilities were a combined gymnasium and gymnastics center. He said one proposal had been to build a new gymnastics center behind the recreation center and between the recreation center and Alma Street, and then build a new gymnasium on the existing site. Another concept had been to build a new combined gymnasium and gymnastics center on the existing site. He said a third concept had been to build a new gymnasium adjacent to the recreation center and to renovate the existing building as a gymnastics center. He said after the development of those concepts that a member of the community came to the City and offered to construct a new gymnasium with the stipulation that the City would contribute \$5M and the cost of permits, inspections, utility connections and such. He said they were further developing that scheme which would

place a new gymnasium between the recreation center and Alma Street, and a new gymnastics center at the existing location. He said the square footage discrepancy was because the original planning had been done by the consulting architect for the City, and the new plans were the donor's architects. He said the size of the gym was the result of the programming study and the desirable amount of area need. He said there was currently one basketball court and the study indicated that two basketball courts were needed. He said the proposed gymnasium and the existing recreation center would touch but there would not be pass-through between the two buildings.

Ms. Shannon Allen, LSA Associates, the environmental consultants for the City, said the scoping meeting was an element of the California Environmental Quality Act (CEQA) review process, which encouraged the protection of all aspects of the environment by requiring cities and other agencies to prepare multidisciplinary environmental impact analyses to make sure that the decisions and findings of those studies regarding the environmental effects were disclosed to the decision makers and the public. She said the document under consideration was the Initial Study, the intent of which was to focus the analysis that would be done in the EIR. She said the first step of the overall environmental review process was a determination by the City that the project would have one or more significant effects. She said the Initial Study was prepared to review all potential environmental impacts, and it was determined that there was one potentially significant impact related to transportation, circulation and parking. She said a Notice of Preparation that an EIR would be prepared had then been circulated. She said at this time they were doing the scoping process to get the public's and the City's input on issues to be covered in the EIR. She said the EIR would have a 45-day public review period during which the City and public would be able to make written comments to which responses would be made and the production of a response to comments document. She said the Initial Study was considered the draft EIR and the Initial Study with the response to comments document would be the Final EIR, which would then be reviewed by the City prior to making a decision on the proposed project.

Commissioner O'Malley said the Initial Study was done on buildings significantly smaller in square footage than what was now proposed and asked if that affected their findings. Mr. Johmann said that the total amount of square footage was the same just configured differently. Chair Riggs asked Ms. Allen if LSA aware of the proposed 4,500 additional square footage for lockers. Ms. Allen said that this additional square footage did not significantly increase the overall square footage, but they could do analysis again with that amount included if desired.

Commissioner Keith said that the transportation, circulation and parking impacts were large issue as those factors were currently a problem in the use of the gymnastic center.

Commissioner Kadvany asked Ms. Allen to describe how they came to the conclusion of a potential significant impact for transportation, circulation and parking. Ms. Allen said those factors had already been identified by the City as a potential significant impact, which was what triggered the need for an EIR and public comment. She said the

analysis of those factors had not been done yet. Commissioner Kadvany asked what the gist of the prior analysis of significance was. Ms. Allen said an increase of 25 in the amount of trip generations would trigger analysis.

Mr. Don Brawner, Menlo Park, said his neighborhood had been impacted negatively over the past two years by other projects. He questioned the inaccuracy of the square footage numbers related to the proposed project. He said with the high-speed rail potential there might not even be an Alma Street and yet the City was planning a two-story building next to a recreation center with no setback between the two buildings. He said that the public meetings were not well noticed and suggested terminating discussion and bringing back a staff report with no errors in January. He said because of the holidays and the incompleteness of the staff report that January 5, 2009 was not enough time for people to study this report and process it.

Chair Riggs closed the public comment period.

Commission Comment: Commissioner Keith said the discrepancy in the numbers for the square footage was a problem. She said she used the facilities at least twice a week and she was very concerned about parking impacts. She said it appeared that 13 parking spaces would be lost if this project went forward. Planner Fisher said that was correct.

Commissioner Kadvany asked what alternatives there were. Ms. Allen said that LSA had not had a full discussion with staff on alternatives. She said that first they would get the traffic study and the goal would be a project that had fewer impacts. She said if the Commission had alternatives they would like analyzed it would be a good time to talk about those. Commissioner Kadvany said he did not think it was good to go forward on an EIR based on one alternative, and he thought there should be well-thought alternatives developed. He said if traffic was the main focus then he would like to see a simple, well-thought out model of gym usage noting fluctuations in use because of sports events and other activities.

Mr. Johmann said that another consultant would do the traffic analysis on the three alternatives. He said that one part of the donor option was to have a larger gymnasium built in a vacant site to maintain services during construction at the existing facility.

Commissioner O'Malley asked if there were no mitigation processes that would take care of a traffic problem whether discussion of the project would end. Mr. Johmann said that would be a consideration for the Council to decide. Development Services Manager Murphy said if there were unavoidable significant impacts and the project was to move forward then the Council would need to adopt a statement of overriding considerations, which was an avenue available through CEQA.

Commissioner Kadvany said in anticipation of that eventuality the City should consider what to do with transportation, circulation and parking now rather than make an

adjustment at the back end. He said perhaps Alma Street could be closed off or some other change made to address transportation, circulation and parking.

Chair Riggs asked if staff had considered the timeline on this project and its relationship to the Downtown Visioning Plan or whether there was a need to push this project forward before there was a concept for circulation and parking for the larger corridor. Planner Fisher said that the two projects were following separate paths and this project could proceed independently of the Downtown Visioning Plan. Riggs asked if this project could be reined in to track more successfully with the larger plan for the El Camino Real corridor. Planner Fisher said that the City had a donor willing to fund the gymnasium project. She said if the project were delayed there was no certainty that the donor would still be willing to make the donation.

Commissioner Ferrick suggested that parking under the gymnasium or possibly removing the west wing of the recreation center to provide more space for parking might be mitigations. She said that they should consider the potential impact of high-speed rail. She said if both the gymnasium and the gymnastics center needed to be located on the Laurel Street side then perhaps the gymnastics programs could be temporarily moved to the Onetta Harris Recreation Center.

Commissioner Pagee said she thought parking underneath the facility might help. She said she was concerned about demolishing a building that was only 30 years old especially with the City's goals of green building, LEED certification and reusing materials. She said some of the nice timbers in the existing structure should at the least be reused in the new structure or recycled for use. She said very few people in Menlo Park used buses and there needed to be attention paid to the aspects of transportation and circulation for bicycles. She said there needed to be public transit for children who lived in east Menlo Park but participated in sports activities at the City. She said with activities at the recreation center and at the library with a gymnasium at full capacity that it was clear additional parking was needed. She said she thought the temporary use of the Onetta Harris Recreation Center for programs was a good idea. She said that the traffic studies should look at recently completed projects as well as upcoming projects. She said she appreciated the donor's gift and its benefit to the City, but she thought the Commission needed better information about the proposed project.

Commissioner Keith asked if consideration had been made of potential impact from high-speed rail and whether consideration had been made to demolish any of the other buildings on the campus. Mr. Johmann said that high-speed rail had not been a consideration and it was expected that if it were to occur that it would fit within the existing right-of-way or adjusted so as not to impact the existing recreation center. He said there had been no consideration of demolishing any other buildings on the City's campus. Commissioner Keith asked about pushing the proposed gymnasium forward toward the duck pond or removing part of the recreation center so that the proposed gymnasium would be located further into the campus. She said the City should look at underground parking, although it might be prohibitively expensive. Mr. Johmann said

that the focus group and steering committee early on in the process had considered the picnic and playground area as a possible site for the project, but that had been ruled out in favor of the present proposal. He said underground parking would be prohibitively expensive. He noted that on the campus there were 500 parking spaces and there had never been an instance wherein all the parking had been completely full. He said that there had to be consideration of how activities in the separate areas might be counterbalanced so that parking was available. He said splitting the gymnasium and gymnastics center would separate the traffic. Commissioner Keith asked how large the campus is. Planner Fisher said it was 27.3 acres.

Commissioner Kadvany said clearly it was a serious issue if a person came to use the library, but because of parking for other activities was not able to park on the Alma Street side but had to go park on the Laurel Street side. He said they would have to look at how far people would walk without giving up using the services. Chair Riggs said for the EIR there were challenges presented in the issues that the Commission needed to have seen; he said it would assist the Commission, even if it were just available on the City's website, to get a summary on how the project evolved, and how the competing needs within the campus and limited bond funding were evaluated.

E. STUDY SESSION

1. Review and comment on the project components such as architectural design and site layout for the following project.

Architectural Control and Environmental Review/City of Menlo Park/600 Alma Street and 501 Laurel Street: Proposal to demolish the existing gymnasium and gymnastics building and construct a new 18,700-square-foot gymnastics facility at the location of the existing gymnasium and gymnastics building, and a new 26,900-square-foot gymnasium in an area of the park between the existing Recreation Center and Alma Street.

Mr. Richard Campbell, Hoover Associates, said his firm was hired by the donor to develop the plan design. He said that Mr. Hui-Wen Hsiao was also present to answer questions.

Commissioner Keith asked how the design and materials were developed. Mr. Hsiao said that they had worked with the donor on other projects. He said they reviewed the site issues and worked out a building design with the donor. He said they had discussions about the historical features of the campus, and in their design tried to develop something similar with the traditional features of the buildings. Commissioner Keith asked if they had considered other designs perhaps more contemporary. Mr. Hsiao said the donor particularly liked this design. Commissioner Keith asked how many other designs they had shown the donor. Mr. Hsiao said that they had shared several with the donor but this was the one he favored. Commissioner Keith said she thought for the public process that there should be other alternative designs. Mr. Hsiao

said this design would use wood, brick and metal similar to the Administration building. He said the design would blend modern and traditional design.

Commissioner Kadvany asked if the scale was minimally sized for two basketball courts in terms of height and area. Mr. Hsiao said that it was the minimum area needed for the basketball courts, and the eave height would be needed for the courts.

Commissioner Kadvany asked if there was any flexibility to add windows. Mr. Hsiao said the minimum needed were used and how to place them within the design but there was some flexibility to add more windows. Commissioner Kadvany asked if the large amount of the brick limited the design. Mr. Hsiao said part of it was the program as a lot of light was not needed and the perimeter would be solid. Commissioner Kadvany asked if it had to be solid. Mr. Hsiao said it did not.

Commissioner Ferrick asked what the type of architecture existing in the campus was called. Mr. Hsiao said that very timeless buildings were the result of the materials used which in this case were brick, wood, and metal. He said with the more detailed design there would be a more modern way of bringing the materials together. Commissioner Ferrick said she would like to see green building elements such as solar panels.

Chair Riggs said the Commission would benefit having the background and priorities of the programming. He said he was impressed with how they had upgraded the materials so that they looked much more substantial but continued the light and low feel of the 1970s campus buildings.

Commissioner O'Malley said there were renderings of the gymnasium. He asked if they were also designing the gymnastics center. Mr. Hsiao said the donor asked him to do the design for the gymnasium.

Mr. Campbell said they appreciated the Commission's comments on the design. He said he had always appreciated the architecture on the campus. He said they wanted to create a building that would fit comfortably in the existing environment. He said it was a challenge to create a design for a built-out campus.

Chair Riggs asked for additional comments. Commissioner Keith asked if staff would record the comments made by the Commission. Development Services Manager Murphy said those would be recorded in the minutes. Commissioner Keith said she would like to see other options of sites and design.

Commissioner Kadvany said he understood the donor aspect but there had to be a separation between the finance and the public benefit. He said aesthetics were just as important as the issues of traffic, circulation and parking. He said these large projects had to be looked at in the context of the future projects of the Downtown Visioning Plan.

Commissioner Pagee left the meeting at 10:20 p.m.

Chair Riggs said this project would be very difficult to justify in terms of traffic, parking and circulation without integrating it with the El Camino Real downtown process. He asked if the Commission could have a summary of the priorities that were balanced and how the conclusions were reached which preceded the donor and this design.

Commissioner Kadvany said that the City really needed to look at the issues of traffic, circulation, and parking now. Commissioner Keith said the City was paying for the EIR and asked what the cost was. Planner Fisher said the cost for LSA was \$75,000 but that the traffic study would be a separate cost. Commissioner Keith asked what the cost of the traffic study would be. Ms. Lisa Ekers, Engineering Services Manager for the City, said that would cost about \$50,000. Commissioner Kadvany said he thought the end date for the comment period should be extended.

Development Services Manager Murphy noted that the Commission had closed the scoping session, but since they were discussing the topic he wanted to outline the process. He said with a NOP there was a 30-day comment period. He said the NOP was released on November 20 and the review period was already extended to January 5, 2009 because of the holidays. He said the NOP had been distributed to a very extensive area and there was adequate notification and lead time and this was the NOP of what would be in the EIR. He said because of the potential impacts to state facilities there would be a 45-day comment period on the draft EIR as well as public hearings.

Commissioner Keith said since this was only about the EIR that she did not think a continuation was needed. Chair Riggs said he had received numerous notifications about this scoping session. Commissioner Kadvany said he thought the aesthetics were separate from the traffic, circulation and parking issues and he expected they would see alternative designs as the project went forward. Commissioner Ferrick said she did not think extending the comment period would produce more comment as the meeting had been well noticed, and she thought residents were excited about the prospect of the project.

Chair Riggs closed the study session.

F. REGULAR BUSINESS

There were no regular business items on the agenda.

The following item was continued from the beginning of the agenda.

1. **Zoning Ordinance Amendment /City of Menlo Park:** Consideration of a Zoning Ordinance Amendment to clarify the definition of Gross Floor Area to more specifically identify features of a building that are either included or excluded from the calculation. Gross floor area is used in calculating the floor area ratio (FAR) and parking requirements for developments in all zoning districts except for single-family and R-2 (Low Density Apartment) zoning

districts. Floor area ratio equals the gross floor area of a building divided by the lot area and effectively regulates the size of a building. In addition, gross floor area is used in determining the applicability of requirements for below market rate (BMR) housing and the preparation of traffic studies. The clarifications to the definition will focus on new buildings and attempt to minimize impacts to existing buildings. The Zoning Ordinance Amendment will be exempt from the California Environmental Quality Act (CEQA) in that the changes are intended to have no potential to impact the environment.

Chair Riggs asked Commissioner Kadvany to open the discussion. Commissioner Kadvany said there was no percentage restriction in Option B and asked staff if they knew that areas six-foot six-inches or less in height as defined in Option B as unusable would not pose any building creep threat. Development Services Manager Murphy said the floor to ceiling height was the overarching issue for staff as to whether a space was usable. Commissioner Kadvany asked if the five percent was given whether those spaces would be counted 95 percent. Chair Riggs said that the five percent was calculated on the gross floor area. He said most usually the unusable space was created by a pitched roof where the middle of the peak was usable but out under the eaves most likely not usable. Development Services Manager Murphy said that was correct noting that basements would not have the same volume. Chair Riggs asked whether a home on an R-3 lot which had a floor above the hillside slope and which had the back typically fenced off with lattice work but for which there was a foundation was counted toward gross floor area. Development Services Manager Murphy said there had to be a complete building wall noting that there were many variations. Chair Riggs said they had to balance between being specific and predicting all of the different options and being general and keeping the code relatively readable and usable. He said he did not think they could cover every situation. He said Mr. Beltramo was challenging the five percent limitation on the identified spaces and Commissioner Kadvany was suggesting pulling out the five percent restriction on attic space. He asked if there would be a benefit to separating the under six-foot six-inch spaces so they had no percentage limit. Development Services Manager Murphy said at the last meeting the Commission had tightened up that definition and applicability but there was a chance that the five percent limitation was not the best match. He said the process to work that out would take some time. He asked how much time the Commission wanted to spend on the wording this evening. He said he thought the one-year review would provide the opportunity to see how the proposed definition worked.

Commissioner Ferrick said there was one group who thought the five percent was a big developer give-away and another group who thought it was too restrictive. She said if this was already not working for people that it would not work for them in 12 months. She suggested removing the five percent restriction and stating that areas under six-feet six-inches in height were designated non-usable and non-occupiable. She said sometimes as previously mentioned by Chair Riggs there were spaces higher than that which were not usable and thought staff might apply discretion in those instances.

Chair Riggs asked Development Services Manager Murphy if he knew of a project with a really large attic space. Development Services Manager Murphy said one project reviewed by the Commission previously had an attic that was not within walls but within the roof. He said staff had recommended that they did not consider the space to be countable gross floor area, and the Commission had agreed.

Chair Riggs said he had one fairly narrow concern and that was the discouragement of peaked roofs. He said he did not know if there was consensus by the Commission to try to improve the definition based on Mr. Beltramo's observations. He said the question was whether the five percent restriction should apply to space that was under six-foot six-inches in height. Commissioner Ferrick asked if there could be two categories to include the five percent restriction for particular uses that were not occupiable and with attics and basements under six-foot six-inches entirely excluded from the calculation of gross floor area. Commissioner Kadvany said he thought the Commission had convinced themselves that the five percent restriction was not a give-away. He said that Mr. Beltramo was pointing out that what the Commission had agreed upon might be counterproductive. He said he thought Commissioner Ferrick's suggestion would be an easy change and an improvement. He said however that all of the Commissioners should be present to finish the definition.

Chair Riggs said Commissioner Pagee's notes indicated that she hoped the Commission would move the proposed zoning ordinance amendment forward unless they felt the comments from Beltramo and Quadrus needed to be addressed. She said it was up to the architect to be creative within the zoning ordinance definition. Chair Riggs said he thought that they wanted to incentivize the architecture and tag any usable space for what it was. He said there did not seem to be a consensus. Commissioner Ferrick asked what Commissioner O'Malley thought. Commissioner O'Malley said the Commission was again in the position of trying to satisfy everyone. He said however that discussion was needed and some changes made. He said how Mr. Beltramo had revised C.4 was better than the Commission's previous wording. He said the legal response from Ms. Kennedy might be clearer than what they had put together and they might want to discuss that with the rest of the Commission as well. He said however that he was also receptive to moving it forward with a 12-months review.

Development Services Manager Murphy said the Community Services Director and he were comfortable with the changes suggested by Ms. Kennedy but it needed yet to be reviewed by the City Attorney. He said with some guidance from the Commission on C.1 and the HVAC issue that staff could revise and bring the item back to the Commission in January.

Commissioner Ferrick said the work prepared by staff for this meeting was excellent. She suggested separating out the five percent allowable from attic and basement type spaces. She thought Mr. Beltramo's suggestion and reasoning for putting primary HVAC in C.4 was fine. She said that she thought Ms. Kennedy's suggested language

revision related to Section D, project specific and historical was a good clarification over the existing recommended language as the intent was the same as the Commission's intent. She asked if she should write something up for C.1 and C.4. Commissioner Kadvany said the new attic definition should be at the top of the list. Development Services Manager Murphy said staff was trying to keep items in the same order to track. He suggested that the Commission identify individual changes and then staff would look at the grouping.

Commissioner Kadvany suggested that the language from Option B for C.1 be used with extraction of attic and basement spaces from Option A. Chair Riggs clarified that the intent was to adopt the literal wording from that C.1 in Option B. He suggested that rather amending the work that they could they make the recommendation to forward staff's prepared work to the Council and to be reviewed in 12-months with an addendum identifying issues of the five percent restriction on unusable spaces and the definitions that excluded what was previously mechanical equipment. He said also to include Ms. Kennedy's revised wording in the addendum.

Commissioner Kadvany said he would prefer making the few changes they had discussed and have the item brought back to the Commission as he would prefer a 7-0 vote on it and then move it onto Council. He said he did not think it was helpful for the Council to have alternatives to consider as it would be distracting. He suggested continuing the item to the next meeting. Responding to Chair Riggs, Development Services Manager Murphy said the item could be placed on the January 12, 2009 agenda.

Commissioner Keith said that Mr. Beltramo had brought up good points and she was comfortable with putting mechanical equipment back into the definition and not limiting it only to compressors as currently proposed in C.4. She said that Ms. Kennedy's language was clarifying. She said she expected there would be discussion on C.1.

It was the Commission's unanimous consensus to continue the item to the January 12, 2009 meeting.

Chair Riggs said he hoped that Development Services Manager Murphy would comment on what was being proposed and how that translated into the administering of it. Development Services Manager Murphy said there were no issues coming to mind at the present, but if something occurred to staff later then he would bring it up in January. He thought the changes proposed would be beneficial.

G. COMMISSION BUSINESS

1. Review of planning items on City Council agendas.

- A. El Camino Real/Downtown Specific Plan (Phase II) Process – Consultant Selection scheduled for December 16, 2008

Development Services Manager Murphy said the staff report was available for the December 16 consultant selection Council agenda item.

Chair Riggs asked if the Council would discuss the Commission's charge in the Phase II process. Development Services Manager Murphy said it was in the staff report although not as an action item, but he thought it was embedded in some of the decisions.

Commissioner Kadvany said they had had a discussion about the importance of the advisory group being able to make some type of preference and ordering and asked if that was being considered. Chair Riggs said he did not know if it was mentioned in the staff report but he understood because of the selection process and the questions asked that the input from the committee would be fine-tuned in concert with the consultant. He said one of the reasons the consultant was selected was because he had performed 20 of these processes and he knew how to get groups and needs to work together. He said also with a Public Affairs Manager that he expected a better process than what occurred in Phase I.

Development Services Manager Murphy said there was a section in the staff report about the oversight and outreach committee and the suggested process and suggested role of the committee.

H. REPORTS AND ANNOUNCEMENTS

ADJOURNMENT

The meeting adjourned at 11:17 p.m.