



PLANNING COMMISSION MINUTES

January 12, 2009

7:00 p.m.

City Council Chambers
701 Laurel Street, Menlo Park, CA 94025

CALL TO ORDER – 7:01 p.m.

ROLL CALL – Bressler, Ferrick, Kadvany, Keith (Arrived 7:02 p.m.), O'Malley (Vice chair), Pagee, Riggs (Chair)

INTRODUCTION OF STAFF – Deanna Chow, Senior Planner; Megan Fisher, Associate Planner, Justin Murphy, Development Services Manager

A. PUBLIC COMMENTS

There were none.

B. CONSENT

1. Approval of minutes from the December 8, 2008, Planning Commission meeting.

Chair Riggs noted that Commissioner Keith had arrived. He said he had a suggested change on page 16. It was noted that Commissioner Kadvany had emailed two typographical corrections to staff.

Commission Action: M/S Unanimous Commission consensus to approve with the following changes.

- Page 7, 4th full paragraph, 1st line: Replace “Kavadny” with “Kadvany.”
- Page 16, 1st paragraph, 2nd line: Replace “high” with “low.”
- Page 19, 2nd to last line: Remove italics from the word “ADJOURNMENT”.

Motion carried 7-0.

C. PUBLIC HEARING

1. **Use Permit/Connie Fitzgerald/1140 Middle Avenue:** Request for a use permit to demolish an existing single-story, single-family residence and construct a new two-story, single-family residence on a substandard lot in regard to lot width in the R-1-S (Residential Single-Family Suburban) zoning district.

As part of this development, the applicant is proposing to remove six heritage trees: a stone pine (#14) in the middle of the property with a 47.3-inch diameter at standard height (DSH) in fair condition, a stone pine (#28) in the right side yard with a 42.7-inch DSH in fair condition, a stone pine (#11) in the left side yard with a 15.2-inch DSH in poor condition, a privet (#18) in the rear yard with an 18-inch DSH in fair condition, and two privets (#5 and 12), a 16.5-inch DSH in fair condition and a multi-trunk tree in fair condition, along the left side yard. Additionally, ten non-heritage trees, primarily located along the left side and rear yards, are proposed to be removed to accommodate the new driveway and detached garage.

Staff Comment: Planner Fisher said staff had no additional comments.

Public Comment: Ms. Connie Fitzgerald, the property owner, said she lived on University Avenue in Menlo Park. She said she thought the application was straight forward. She said she had not realized privet was considered a heritage tree. Mr. Roger Kohler, Kohler Associates Architects, Palo Alto, provided the Commission with a color drawing of the project. He said the windows would be Pella wood windows with aluminum clad exteriors and simulated divided light windows with grids on the exterior and interior.

Commissioner Pagee said the plans and staff report did not agree on the north arrow. Mr. Kohler said he thought the direction arrow on their plans would be correct as it was taken from the survey report. He noted then that the engineer had indicated north incorrectly. Commissioner Pagee asked if the Commission had ever seen this project before. Mr. Kohler said they had not. She said the notes should indicate that the plans were reviewed by Planning staff and not the Planning Commission. Mr. Kohler said that would be corrected. Commissioner Pagee asked about the placement of the bathroom windows on the second story facing the neighbor's property, and if there was impact on the neighbor's privacy. Mr. Kohler said the neighbor's driveway was on that side. He said the second story was setback about 16 feet from the first floor, and the windows in the toilet room and closet would have high sills. He said also that trees would be planted along that property line. Commissioner Pagee asked what the driveway materials were. Mr. Kohler said concrete. Commissioner Pagee asked if they would consider something more permeable.

Commissioner Kadvany said there appeared to be French doors in the front. Mr. Kohler said that was correct. Commissioner Kadvany said Middle Avenue was a busy street and asked if there would be any screening. Mr. Kohler said they discussed a low wall in the front. He noted that heavy doors had more mass than windows and tended to reduce noise. He said regarding visibility and privacy that because of the Oak tree that the home would be set back about 40-feet rather than the required 20-feet from the street.

Chair Riggs asked if the doors were under an overhang. Mr. Kohler said the doors led to a usable front porch which provided a lower look to the street reducing the mass of the second story. He said the house was set back another eight feet from the edge of the porch.

Commissioner Keith asked if they had met with the neighbors. Mr. Bill Lopez, the general contractor, said they had met with the neighbors on the left, who were supportive of the project and particularly happy about the removal of the privets. Commissioner Keith asked if this was a speculative property. Ms. Fitzgerald said it was. Commissioner Keith asked if she had met with other neighbors. Ms. Fitzgerald said there was a church on the left and the only other closest home was on a court and was not adjacent to the property.

Commission Comment: Commissioner Keith said that Commissioner Pagee had a good point about the driveway material. Commissioner Pagee said she would like to see a permeable driveway because of the size of the driveway and would want it to be a condition of the project approval.

Recognized by the Chair, Mr. Lopez said the driveway would not be a typically gray concrete driveway but would have stamped concrete. He said they were open to suggestions. Commissioner Pagee said the concern was with minimizing water runoff because of the size of the driveway. Ms. Fitzgerald asked if Commissioner Pagee was suggesting pavers with grass around them. Commissioner Pagee said that there were pavers that absorbed water; she suggested working with staff on the paver materials. She said her intent was to improve the permeability of the site.

Commissioner Pagee moved to approve as recommended by staff with condition for the use of permeable pavers from the apron to the garage. Planner Fisher said that she thought it would be better if the pavers started from the property line because beyond that would be the City's property. Commissioner Pagee modified her motion for the pavers to start at the property line. Commissioner Keith seconded the motion.

Commission O'Malley said he would have voted to approve the project without the modification noting that it was a beautiful design.

Chair Riggs asked the applicant about the garage, which seemed to have a door and a pair of windows on one side for natural light. He asked if they would like the ability to add another window or a skylight. Mr. Kohler said there were some code issues with the setback but they would like the flexibility. He said that they might add a decorative window above the garage door. Commissioners Pagee and Keith as the makers of the motion and second accepted Chair Riggs' modification.

Chair Riggs said he would be concerned backing out of the driveway straight into Middle Avenue. Ms. Fitzgerald said there was room to turn before exiting the driveway.

Commissioner Kadvany asked if the applicant were to want a low wall in the front whether that was something the Commission should address now. Planner Fisher said that fences or walls were limited to four feet in height in the first 20 feet of the setback. She said a wall or fence could be seven feet in height beyond the first 20 feet of the setback. She indicated that it was unnecessary for the Commission to address a wall or fence as part of their approval for this project.

Commissioner Ferrick said she had visited the site because of the proposed tree removals, but was no longer concerned with that because she saw how the trees were squeezing the existing structure. She said she also had concern about the privacy of the preschool at the neighboring church, but found out that the church administrators had no concerns with the project.

Commission Action: M/S Pagee/Keith to approve 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 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 Kohler Associates Architects, consisting of 15 plan sheets, dated received December 30, 2008, and approved by the Planning Commission on January 12, 2009, 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. Prior to the building permit issuance, the applicant shall implement City standard tree protection measures for all applicable trees.
4. Approve the use permit subject to the following ***project-specific*** conditions:
- a. Simultaneous with the submittal of a complete building permit, the applicant shall submit a revised landscaping plan showing the replacement of the proposed 5-gallon raywood ash closest to the proposed garage with a 15-gallon aristocrat pear, subject to review and approval of the Planning Division.
 - b. Concurrent with the submittal of a complete building permit application, the applicant shall submit revised plans showing the driveway with a permeable surface from the property line to the garage and provide a detailed cross-section, subject to review and approval by the Planning and Engineering Divisions.***
 - c. Concurrent with the submittal of a complete building permit application, the applicant has the flexibility to submit revised plans that add building code compliant glazing to the garage, subject to review and approval by the Building and Planning Divisions.***

Motion carried 7-0.

2. **Use Permit/TJet Technologies, Inc./1430 O'Brien Drive, Suite A:** Request for a use permit for the indoor use and storage of hazardous materials for the research and development and manufacture of organic light emitting diode (OLED) displays in the M-2 (General Industrial) zoning district.

Staff Comment: Planner Fisher said staff had no additional comments.

Questions of Staff: Commissioner O'Malley said that this was the seventh or eighth request for a use permit for the indoor use and storage of hazardous materials, all of

which were nearly mirror images of each other. He suggested text at the beginning of the staff report indicating that this application was quite similar to other applications recently reviewed by the Commission, which would provide some time efficiencies for the Commissioners.

Commissioner Kadvany suggested that it might be helpful to track sites having indoor use and storage of hazardous materials to get a sense of the potential cumulative impact. Chair Riggs asked if staff might find out from the Fire District if they had that information and if it could be provided to the Commission at a later date.

Public Comment: Mr. John Tarleton, Menlo Business Park, introduced Mr. Conor Madigan, the CEO of TJet Technologies. Mr. Madigan said he was the co-founder and CEO of TJet Technologies. He said they were developing the manufacturing processes for the use of organic light emitting diode (OLED) to replace the current technology of plasma and LED use for TVs. He said that OLED was a lighter, thinner, brighter, more energy efficient and in principle a less expensive technology, and if they were able to develop a good manufacturing equipment, it would replace LED and plasma TV technology in a couple of years. He said TJet was developing the manufacturing equipment using a proprietary technology developed and invented at MIT. He said they located in Menlo Park in March 2008. He said they were funded by venture capital and currently had 20 employees. He said they expected to stay with 20 employees for at least the next year, after which they expected to expand to 35 to 40 employees. He said when they reached the point of large scale production that operation would be located to another site but they intended to keep this site as their primary research and development site and as their headquarters. He said the chemicals they used were in small quantities and would not be used for manufacturing. He said they had developed the safety programs for the use and handling of hazardous materials onsite.

Commissioner Keith asked why they chose to locate in Menlo Park. Mr. Madigan said they moved to this area because it has a good environment for the work they are doing. He said moving to Menlo Park was the result of exhaustive searching for a site that would accommodate their needs. He said that Mr. Tarlton had worked with them so they could get the site interior renovated and move in within a week of signing the lease. He said their funding would take them through the first quarter of 2010 and that most of their customers would be the large TV manufacturers.

Commissioner Keith asked Mr. Tarlton if they were experiencing rapid turnover in the Menlo Business Park. Mr. Tarlton said that they have over 900,000 square feet of rentable space which is leased usually for five years. He said in any given year they had a rollover of 200,000 square feet.

Commissioner Bressler asked if they used a traditional semiconductor process. Mr. Madigan said the process used a printing technique with some finesses to manufacture the devices.

Commissioner O'Malley confirmed with Mr. Madigan that TJet was not doing any chemistry research but developing the instruments. Mr. Madigan said that was correct; he said their research and development was focused on optimizing the right fluid for the printer and optimizing the printer to work on really large surfaces.

Commissioner Pagee asked Mr. Tarlton how he was able to do a remodel so quickly. Mr. Tarlton said Ms. Susan Eschweiler, DES Architects, had been their architect for 28 years. He said DES had a long-standing relationship with staff and submitted complete applications to staff. He said that the City was responsive to urgency particularly if an applicant did his homework and knew what was needed, and provided a complete submittal.

Commissioner Ferrick said within her short tenure on the Commission that they had seen several of this type of application. She said this site was located near a residential street, and asked if there was a safety officer onsite. Mr. Madigan said they trained an employee with a safety background on all of the safety handling, storing, and transporting procedures.

Chair Riggs closed the public hearing.

Commission Comment: Commissioner O'Malley moved to approve as recommended by staff. Commissioner Bressler seconded the motion. Commissioner O'Malley said he was very comfortable with the quantity and type of chemicals being used and how they were stored.

Commission Action: M/S O'Malley/Bressler to approve the item 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 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 provided by DES Architects/Engineers, consisting of 13 plan sheets, dated received December 11, 2008, and approved by the Planning Commission on January 12, 2009 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.

Motion carried 7-0.

D. PUBLIC MEETING

1. **Architectural Control/Sunset Publishing Corporation/80 Willow Road:**
Request for architectural control for the removal of an existing sand volleyball area in a courtyard behind the existing main building, and the construction of a new outdoor test kitchen facility, including a fully-equipped kitchen with burners, grills, sinks, and refrigeration, a pizza oven, new landscaping and gardens, lighting, hardscape, and seating areas for property located in the C-1 (Administrative and Professional, Restrictive) zoning district.

Staff Comment: Planner Chow said staff had no additional comments, but was distributing the colors and materials board for the Commission's review.

Public Comment: Ms. Lorinda Reichert, Vice President of Administration for Sunset Publishing, said this project was an extension of their existing test kitchen. She said they were grateful to Time Warner for the funds to convert the volley ball sandlot located

directly outside their test kitchen for recipe testing, photography and some advertising entertaining or small wine tastings.

Chair Riggs asked if this area would have a roof or trellis. Ms. Reichert said it would not.

Commissioner Kadvany said he understood that in the future Sunset Publishing would seek to change its use permit to allow for private use events. Ms. Reichert said that was a separate consideration and was not in conjunction or a part of this application. Commissioner Kadvany asked about neighborhood outreach. Ms. Reichert said they held two open houses for neighbors relating to their proposal to have weddings and corporate events. She said those events would occur on the opposite end of the property from this proposed outdoor test kitchen. Commissioner Kadvany said that if this project was to serve as an element in their use permit revision for events that approval of the project tonight was not indicating approval of that future use permit revision. Ms. Reichert said she was responsible for both projects and she viewed them as separate issues.

Mr. Mark Berkowitz, Menlo Park, said he had concerns with the proposal. He said when this investment was made that Sunset would use this site to generate the revenue to justify the expensive investment. He said this would have a detrimental impact on the residential neighborhood diagonally across the street from Sunset. He said that the events proposed were one event per weekend with parking for 200 cars, amplified sound, and alcohol being served. He said these events were planned to occur between 9 a.m. and 10 p.m. on Saturdays and between 9 a.m. to 10 p.m. on Sundays. He said the staff report for the application being considered tonight indicated that Sunset and its associates would exclusively use this area. He said it appeared to him that they were converting an administrative facility into an events center in a residential neighborhood.

Commissioner Keith asked Mr. Berkowitz where he had gotten the information related to future events at Sunset. Mr. Berkowitz said it was from the file report. Planner Chow said that information related to the separate use permit application regarding event use. Commissioner Keith said that was a future use application. Mr. Berkowitz said that outside kitchens created smoke, odors, and noise. Commissioner Keith asked staff to explain the extent of the events related to this use permit. Planner Chow said that Sunset Publishing would be permitted to continue with events that currently occurred but no new event types would be permitted. She said if the outdoor kitchen was approved then the outdoor kitchen might be used during the Sunset Celebration weekend, which also required a use permit. Commissioner Keith asked if project approval tonight meant that Sunset Publishing could increase their usage on the site. Planner Chow said it would be the same type of use as currently allowed.

Commissioner Kadvany asked what the average use or intensity of use was now. Ms. Reichert said they often have lunches and occasionally dinners for advertisers and staff groups. They host occasional wine tastings for members and current and prospective

advertisers. She said they currently hold functions on the lawn for the employees and advertisers. She said the Fire District and Ikea sometimes use Sunset's conference rooms. She said this area of Sunset Publishing was used for business purposes for advertising growth or maintenance. Commissioner Kadvany asked if there could be evening events. Ms. Reichert said they could but they had to end by 10 p.m. Commissioner Kadvany asked if there were limits on the number of events or the number of attendees. Ms. Reichert said there were no limits on the number of events and internally they placed a limit on the number of attendees. She said this was a defined space and was not an area where the public could enter. She said it was an extension of editorial space both for recipe testing and photography. Commissioner Kadvany said it was not a production kitchen. Ms. Reichert said it was not. She said they were excited about having a pizza oven and being able to test those type of recipes.

Chair Riggs closed the public comment period.

Commission Comment: Commissioner Ferrick said that the proposed project site was in an existing area and up against the creek and not against the neighbors either commercial or residential.

Commissioner Bressler said that this application was well noticed. He said he had spoken with people in the nearby apartments who often have concerns with large events at Sunset, but they did not have concerns with this project. He said he was concerned that Sunset Publishing should remain a unique part of Menlo Park's heritage. He said he thought he spoke for a lot of people in that people want Sunset Publishing to remain in Menlo Park and to succeed.

Commissioner Keith asked if someone in the community wanted to know the guidelines for Sunset's functions where they would look. Planner Chow said that while staff was gathering that information successfully in one place for newer projects with activities and events, Sunset Publishing had been in the area a long time and not everything was documented in one place. She said she thought the staff report presented good information on the uses and conditions that apply to Sunset Publishing.

Commissioner Keith said the pavers would be pervious, which she thought was positive and she liked that they were using recycled glass. She moved to approve as recommended in the staff report. Commissioner Pagee seconded the motion.

Commissioner Kadvany said his concerns about the use had been assuaged by the discussion and the staff report. He said the relationship of the project to the neighborhood needed to be kept in mind however, and encouraged the applicant to initiate dialogue with the neighbors.

Commissioner O'Malley thanked Sunset Publishing for being a good neighbor over the years. He said Sunset's facilities were used by residents when there had been

meetings related to the streamlining of the residential development regulations, which had had a good outcome.

Commission Action: M/S Keith/Pagee to approve the item 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. 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.
3. Approve the architectural control request subject to the following **standard** conditions of approval:
 - a. Development of the project shall be substantially in conformance with the plans prepared by Waterman & Sun, dated received January 6, 2009, consisting of nine plan sheets and approved by the Planning Commission on January 12, 2009, except as modified by the conditions contained herein.
 - b. The applicant shall comply with all West Bay 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. 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. Landscaping shall properly screen all utility equipment that is installed outside of a building and that cannot be placed underground. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
 - e. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance. Prior to the building permit issuance, the applicant shall implement tree protection measures per the arborist report for all applicable trees.
4. Approve the architectural control request subject to the following **project-specific** conditions of approval:
- a. Simultaneous with the submittal of a complete building permit application, the applicant shall submit plans showing that the patio pavers are set upon structural material with a minimum 15 percent void. The paver structural section shall be designed by a geotechnical/soils engineer and included within the soils report, subject to review and approval of the Building and Engineering Divisions.

Motion carried 7-0.

The Commission recessed for a break.

The meeting resumed at 8:30 p.m.

E. REGULAR BUSINESS

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.

Staff Comment: Development Services Manager Murphy said staff had received additional correspondence, which had been distributed to the Commission. He said there was an email sent to him at 11:30 a.m. from Ms. Robin Kennedy, representing Quadrus, who asked for some clarification. He said he had not been available to receive the email and respond. He said Ms. Kennedy sent a second email at 4:37 p.m. with revised wording they wanted used. He said he responded to the second email that the revisions to the wording did not meet the Commission's intent.

Questions of Staff: Commissioner Keith asked when Development Services Manager Murphy replied to Ms. Kennedy. Development Services Manager Murphy said it was after 4:47 p.m. but Ms. Kennedy was not available. He spoke with Ms. Peggy Lo, who indicated she would like the Commission to see both emails. He said he explained to Ms. Lo that he did not necessarily agree with what they were proposing. He said as Section D was set up that a building could be considered not nonconforming as existing, but if there was an intent to expand building and use the remaining square footage that the certification process would need to occur.

Commissioner Pagee asked about B(1) and B(2) of the staff report as one was labeled 16.04.325 and the second was 16.04.315, and if that was an error in listing. Development Services Manager Murphy said the focus was on gross floor area and there was an associated change related to the floor area ratio. He said in the Ordinance they would be listed in order.

Chair Riggs said it appeared that the revised proposed Zoning Ordinance Amendment was quite similar to what the Commission had arrived at last year and asked if the two-page summary prepared then would still be accurate. Development Services Manager Murphy said that the Commission could forward the recommendation on the ordinance and revisit the memo to see if it needed refinement.

Chair Riggs asked what the Commission would like to do. Commissioner Kadvany said it should at least be reviewed. Chair Riggs suggested that they schedule that review for the January 26 meeting. Development Services Manager Murphy said that could be accommodated.

Commissioner Bressler said for the record that item C, number 1, in attachment A, was an area that had been of much concern. He noted in particular the second sentence which stated that to qualify for this exclusion such spaces must have two or more of the following qualifications. He said if someone put in a space with no windows and electricity and qualified for the five percent and later they put in windows and electricity that would be a violation. Development Services Manager Murphy said that was correct. Chair Riggs said that often a light was required for attics for the use of service to mechanical equipment. Commissioner Ferrick said she thought they determined the most primary characteristic of excluded space was the six-foot, six inch height limit. Chair Riggs said the typical attic, unless it had floor space, would not have windows, air

conditioning, or skylights but an attic under a peaked roof could have in parts of it a greater height than six-feet, six inches. Development Services Manager Murphy said the change on the December 15 meeting to pull out attics and basements and have those regulated only by floor to ceiling height was the most dramatic change the Commission had made. He said he was not sure how much impact item C.1 would have. He said one thing that was not necessarily intended was the relationship between the floor to ceiling height in B.1 and B.3 and in C.1. He suggested that B.1 and B.3 should read "ceiling heights six-foot, six-inches or greater." Chair Riggs said there was an issue with regard to a space with a varying ceiling height. He said when there was a limit height that any portion having a higher ceiling would be counted. He suggested saying attic areas and basement areas that have a floor area of six-foot, six-inches or greater, would be counted and remove the word "minimum." Development Services Manager Murphy said the intent was the portion of the attic that was six-feet, six-inches or greater would be included and what was less than that would not be included. Commissioner Pagee asked if there could be a drawing demonstrating the varying height, and what would be counted and what not. Development Services Manager Murphy said that might be recommended to the Council to see if funding for graphics was possible. Chair Riggs said that perhaps there could be a subcommittee from the Commission to do that work.

Commissioner Keith asked if the Commission would see the final version. Development Services Manager Murphy said that if the Commission were to approve recommending the zoning ordinance amendment to Council, the prepared document would be ready before the Council's consideration of it for the Commission to see.

Commissioner Keith said she was confused about areas to be excluded that were less than six-foot, six-inches in height and met two other criteria. Chair Riggs said an example was a fake two-story chimney that would not have a use except for articulation on a blank wall. Commissioner Ferrick asked if there was a way to manipulate the exclusion to obtain extra square footage.

Commissioner Pagee restated her opinion said that whatever was between the four walls should be counted as gross floor area as was done by other cities.

Development Services Manager Murphy said the majority of buildings that would even approach being able to utilize that exclusion would have to come to the Commission for approval, or they could have all projects that claimed this exclusion come to the Commission for approval.

Commissioner Kadvany asked if the "nooks and crannies" mentioned by Mr. Beltramo were covered. Chair Riggs said "nooks and crannies" in a basement were acts of architecture versus parking layout but that was common for architects to deal with and it would not put off users. Development Services Manager Murphy said that a space in a basement less than six-feet, six-inches would probably qualify as a nook or crannie.

Commissioner O'Malley moved to recommend to the City Council with modifications to B.1 and B.3 as discussed. Commissioner Ferrick seconded the motion.

Commission Action: M/S O'Malley/Ferrick to recommend the proposed Zoning Ordinance Amendment to the City Council with the following modifications.

- **Modify subsection 16.04.325 B(1) to read as follows:** Areas of a basement with a floor to ceiling height of six feet, six inches or greater.
- **Modify subsection 16.04.325 B(3) to read as follows:** Areas of an attic with a floor to ceiling height of six feet, six inches or greater.

Motion carried 7-0.

The Commission discussed how to review and revise the two-page summary. Commissioner Kadvany said he thought it should include intended or expected usage accompanied with simple examples, stakeholders addressed in the process particularly people in the industrial area, potential loopholes, and expected impact on building size which he thought was minimal. Chair Riggs said he agreed with that approach but it was a challenge to limit to two-pages. Commissioner Kadvany said he would help with the content.

Commission Action: M/S Ferrick/Pagee to have Commissioners Riggs and O'Malley, with input from Commissioner Kadvany, update the previously reviewed two-page summary of the Commission's final recommendation for use by the City Council.

Motion carried 7-0.

Chair Riggs asked if they had discussed Commission representation at the Council meeting. Commissioner Keith said she would like a Commissioner to represent the Commission. Commissioner Bressler said he would be at the meeting and felt able to explain why the Commission had come to this version.

Commission Action: M/S Riggs/Keith to authorize Commissioner Bressler to represent the Planning Commission at the City Council meeting on Gross Floor Area, and to present the two-page summary and address questions about the Commission's review process and recommendation.

Motion carried 7-0.

2. Selection of Planning Commission Chair and Vice Chair for 2009

Commission Action: M/S O'Malley/Pagee to nominate Commissioner Riggs for Chair for 2009.

Nomination was approved 7-0.

Commission Action: M/S Ferrick/Pagee to nominate Commissioner O'Malley for Vice Chair for 2009.

Nomination was approved 7-0.

3. Selection of Planning Commission Representative for the El Camino Real/Downtown Specific Plan Oversight and Outreach Committee

Planner Chow said a Planning Commission Representative was needed for the El Camino Real/Downtown Oversight and Outreach Committee. She said they also needed three Commissioners to serve on the Planning Commission subcommittee, one of which would be the appointed Planning Commission Representative.

Commissioner Bressler said he was an at-large member, and he believed that Commissioner Ferrick was also. Commissioner Ferrick said she had withdrawn as an at-large member for various reasons but that she was quite interested in the process. Commissioner Kadvany said he planned to participate on his own as a citizen and not as a Commissioner. He said he did not have the sense of history and context of Menlo Park as others did, but he would be happy to represent the Commission. Chair Riggs said he was willing to continue in that capacity as he was quite interested.

Commission Action: M/S Ferrick/Kadvany to nominate Chair Riggs as the Planning Commission representative for the El Camino Real/Downtown Oversight and Outreach Committee – Phase 2.

Nomination carried 7-0.

Commission Action: Chair Riggs nominated Commissioners Ferrick and Kadvany as the other two members of the Planning Commission subcommittee.

Nominations carried 7-0.

4. Review of Draft Attendance Report for Calendar Year 2008

Commissioner Keith said she thought she had attended the January 28, 2008 meeting.

There was Commission consensus to approve the attendance report subject to review of Commissioner Keith's attendance at the January 28, 2008 meeting.

5. Discussion on Memorandum Regarding City Council Project Priorities for FY 2009-10

Planner Chow said every year the City Council sets budget and project priorities and asks the Commissions to provide input on priorities for the City. She said the Assistant City Manager's memorandum provided a summary of the goal setting results of the Council's first goal setting session. She said the memo also provided information on the current level of projects and funding resources available. She said it also addressed the limited amount of resources for new projects. She said new projects undertaken by the Community Development Department were highlighted. She said staff did not intend to provide additional information for the Commission's January 26 priority project setting session.

Commissioner O'Malley asked if there were performance measurements for the goals. Planner Chow said the Council had not yet set performance measures as they were still in the process of goal setting and project priorities. Commissioner O'Malley asked for details on the listed Council Chambers and operator's upgrade as it showed it was active and was due for completion in January 2009. Planner Chow said they were looking at audiovisual upgrades generally and possibly individual monitors at the dais. Development Services Manager Murphy said the City had purchased a new projector, which had greatly improved presentations. He said the planned upgrades had been scaled back, and that the status Commissioner O'Malley was looking at had not been revised since September 2008.

Commissioner O'Malley asked for clarification on the project to modify the single-family residential zoning standards and process. Planner Chow said the project description was on attachment G.1. Development Services Manager Murphy said there was a desire by the Council to review residential single-family development issues. Planner Chow said this had been a community-driven process with limited use of staff resources use but it was currently on hold. She said it might be given more staff resources if it was redefined.

Commissioner Pagee asked what the difference was between items 29 and 30 as one related to playing fields study and one to Citywide sports fields study; one was complete and one was active. Development Services Manager Murphy said that he would have to find out what the difference was as he did not know.

Chair Riggs asked if the Council was focusing on the goals on circle sheet A.3 and A.4 since their December 5 goal setting session. Development Services Manager Murphy said these were not the final goals but the Council would look at project priorities against the determined goals for FY 2009/10.

Commissioner Kadvany asked if the update of the Housing Element had a connection to the residential single-family development review. Development Services Manager Murphy said that would probably not have much overlap. He said the Housing Element

update could have overlap with the El Camino Real Downtown Specific Plan and the Dumbarton Transit plan. He said they could look at secondary dwelling units or lots that could be subdivided as part of the Housing Element update. Commissioner Kadvany asked if the Housing Element update was to serve items 1 and 3. Development Services Manager Murphy said not necessarily. He said there had been Council level discussion of the relationship of the El Camino Real Downtown Specific Plan to the Housing Element. He said that the Council had expressed multiple times that they wanted the El Camino Real Downtown process to drive decisions about housing in that area and not the Housing Element.

Commissioner Keith said she had been on the Housing Commission a number of years ago and there had been discussion about updating the Housing Element. She asked if that was occurring. Development Services Manager Murphy said that Doug Frederick, the City's Housing Manager, was the project lead, and there had been considerable work done on the background document and there was cooperation with other cities in San Mateo County in that effort. He said one of the next steps was to start identifying sites and that was the most challenging element of a Housing Element update, and was something that the Planning Commission would ultimately get involved with. He said the next step was to report back to the Council with suggestions and estimates so the Council has a sense of how much of a challenge this was.

Chair Riggs said on circle sheet A.3 that the number one goal was that the people of Menlo Park feel secure and safe. He asked if that was the City Manager's role. Development Services Manager Murphy said at the meeting there was a sense that everyone was interested; he said later discussion talked about what was a goal and what was a value. He said it was not clear if the Council's goals would be finalized by the Commission's January 26 project priority setting for FY 2009/10. Chair Riggs asked if the Commission would be commenting on the Council's goals. Development Services Manager Murphy said the focus of this discussion should be on planning projects but if the majority of the Commission felt strongly about some other priorities that they might address those as well but separately from the planning project priorities.

Commissioner Kadvany said with the national initiative to provide fiscal stimulus to infrastructure projects he thought the City had time to consider how this might be used in six months or a year from now for projects needed in the City.

Chair Riggs said he hoped they could encourage Council that Council initiatives that involve a better atmosphere for the renewal of the City were paying for themselves. He said the investment for planning goals should be prioritized over things that appeared to cost as much. He said if the City had had the downtown project done and the Derry project had been accomplished the City would have been collecting taxes for the past year. He said planning projects that created revenue streams were needed by the City.

Commissioner Bressler said he did not see anything allocating funds to deal with the fact that the ballot measure passed for the high-speed rail and looking at what that

meant to the City from the potential major disruption and change along the train corridor. He said he thought the fiscal stimulus mentioned by Commissioner Kadvany would end of being directed toward that project. He said the City should anticipate and deal with the eventualities. Development Services Manager Murphy said high-speed rail was listed on circle page A.3 as goal 8 and it had risen higher through further discussion. He said it was on the Council's agenda the next night to discuss high-speed rail.

Development Services Manager Murphy said that in the past the Commission had reviewed the spreadsheet and ranked the projects, but this time with all was going on that the Commission would clarify existing project priorities and making statements such as the Chair made suggesting what should be the basis of the Council's decision making.

In response to whether additional information was needed for the Commission's January 26 project priority setting session, the Commission agreed that no additional information or ranking sheet was necessary.

Commissioner Bressler said the high-speed rail issue was urgent and he felt the City should get an expert such as a lobbyist to intervene in the City's interests.

Commissioner Kadvany asked if feedback from the Commission was wanted on various elements of the proposed project priorities such as the green building initiative. Development Services Manager Murphy said it was appropriate to indicate what was of the most interest within the projects.

F. COMMISSION BUSINESS

1. Review of planning items on City Council agendas.

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

Planner Chow said the City Council meeting of January 27 would be a confirmation of the representatives of the oversight committee. She said the applications were due by January 15.

Planner Chow at the January 13 meeting the Council would consider the Rosewood Hotel and office project and numerous easements and agreements would be on the consent calendar.

G. REPORTS AND ANNOUNCEMENTS

ADJOURNMENT

The meeting adjourned at 10:11 p.m.