



PLANNING COMMISSION MINUTES

January 26, 2009

7:00 p.m.

City Council Chambers

701 Laurel Street, Menlo Park, CA 94025

CALL TO ORDER – 7:05 p.m.

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

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

A. PUBLIC COMMENTS

There were none.

B. CONSENT

There were no items on the consent calendar.

C. INFORMATION ITEM

1. Burgess Gymnasium and Gymnastics Center Project

Ms. Lisa Ekers, the City's Engineering Services Manager, introduced Mr. Kent Steffens, the Department of Public Works Director, and Mr. Lawrence Johmann, Senior Civil Engineer, and Mr. Nathan Scribner, Assistant Engineer. She said they were beginning the scoping process for the EIR and the architectural control review.

Mr. Johmann said in November 2001 voters in Menlo Park approved ballot Measure T, which authorized the sale of general obligation bonds for the renovation and expansion of parks and recreation facilities. In 2002, the first sale of bonds generated \$13.2 million and funded a number of projects, including Nealon Park, Burgess Park and the Burgess swimming pool. The City's Parks and Recreation Commission in 2007 held a number of public meetings to determine projects to be funded from the next sale of bonds. Through those meetings, a determination was reached that an expansion and improvement of the Burgess gymnasium and gymnastics center should be the next project. He said the Parks and Recreation Commission voted unanimously in March 2007 to recommend the project to the City Council and in April 2007 the Council voted unanimously to approve the project. He said the Council in December 2007 authorized a scope of work to perform a programming study and develop conceptual plans.

Mr. Johmann said the programming study began in January 2008 and was conducted by the Sports Management Group. He said the study included four focus group meetings to determine the wants and needs of facility users, staff and neighbors. He said a community meeting was also held to gather citywide input that might not have arisen through the focus group meetings. He said that while this outreach was proceeding, specialty consultants such as structural and mechanical engineers evaluated the building to determine current condition of the facility. He said that the focus study found that an extraordinary number of individuals and teams used the facility, and it was determined that the facility would need to be expanded by two to two-and-a-half times to accommodate current and future users.

Mr. Johmann said the building evaluation demonstrated the existing mechanical, electrical and plumbing systems were near the end of their useful lives and the facility would need costly updates to meet current ADA and seismic safety codes. He said a steering committee was formed to help in the development of conceptual plans and included a Council member, a Parks and Recreation Commission subcommittee, City Public Works and Community Services staff, gymnasium and gymnastics center youth representatives and neighborhood representatives. He said the Committee met six times over the course of the project. He said nine preliminary concepts were prepared. He said one was a new combined gym, gymnastics center and recreation center at the location of the existing recreation center. He said other schemes looked at placing the facilities at different sites such as adjacent to the tennis courts. He said six of the schemes were eliminated because they were felt to be out of character because of their size and location, or consumed too much usable park space. He said there was consensus on three schemes that best fit users' needs while fitting into the available space in the Burgess campus.

Mr. Johmann said that Scheme 1 proposed a new gymnasium on Alma Street and a renovation of the existing gymnasium as a new gymnastics center and was estimated to cost \$20 million. Scheme 2 proposed a combined gymnasium and gymnastics center at the site of the existing gymnasium and was estimated to cost \$23.8 million. Scheme 3 proposed a new gymnastics center at Alma Street and a new gymnasium at the site of the existing gymnasium and was estimated to cost \$25.7 million.

Mr. Johmann said it was estimated that \$15.8 million would be available for the project through a combination of funds that might be generated by the next sale of general Measure T bonds and the monies projected to become available in the recreation in-lieu fee account. He said the shortfall ranged from \$4.2 million to \$9.9 million for the three proposed schemes.

Mr. Steffens said it was realized that the City would not be able to afford any of the schemes developed through the programming process for the project. Shortly thereafter, Mr. John Arillaga, an individual well known in the community, offered to work with the City on the gymnasium. He said Mr. Arillaga's offer was to design and construct the gym with the City contributing \$5 million toward construction and

additionally the cost of permits, utility connections and inspections, which costs were estimated at \$1.2 million. He said through doing the project with Mr. Arillaga as compared to the City doing the project alone, it was estimated that the City would save \$8 million, which would allow the City some flexibility to proceed with both the gymnasium and the gymnastics center portions of the project.

Mr. Steffens showed the proposed design for the new gymnasium and gymnastics center. He said the new gymnasium was proposed to be built next to the existing recreation center building and the new gymnastics center was proposed at the site of the existing gymnasium and gymnastics center. He said in discussions with the Parks and Recreation Commission subcommittee several advantages to this approach were identified. He said the proposed design would create a balance of uses around the campus. He said in other schemes in which both facilities had been combined that created large mass and put all the parking demand at one location. He said this proposed design would create smaller structures with a mixed location of parking demand. He said also with the proposed design, construction would be phased so that the new gymnasium would be built first. When it was completed, both the gymnasium and gymnastics center uses would be moved to it temporarily until the renovation of the existing facility as the gymnastics center. He said another advantage of the proposed design was that it made better use of unoccupied space on the campus. He said the site proposed for the new gymnasium had at one time been the site of a portable building for the children's center and was now a small lawn area that was the least utilized space on the campus.

Mr. Steffens showed a site plan for the new gymnasium and commented that the proposed gymnasium would abut the existing recreation center building. He said if there was code separation distance between the two buildings that would put the proposed gymnasium right against Alma Street. He said the wall of the recreation center that would be affected was a brick wall with no windows facing Alma Street, thus there would not be a visual impact. He said with the buildings being adjoined however there would need to be a new fire sprinkler system and fire alarm system in the existing recreation center, which would be funded by the City and not the donor.

Mr. Steffens showed the Commission the proposed floor plan for the gymnasium, which would be 23,100 square feet in size. He said there would be two high school level sized basketball courts. He said the courts had the flexibility of partitioning to create half courts and multiple volley ball courts. The facility would also accommodate indoor soccer. He noted the proposed locker rooms, restrooms, the bleachers at both ends of the facility, the area for storage, and the area for mechanical and electrical equipment.

Mr. Steffens showed the Commission a photo montage prepared by Mr. Arillaga with the proposed new gymnasium placement. He noted that Mr. Arillaga had designed a number of large gymnasium facilities. Mr. Steffens said the building design would use elements that were found in the existing buildings on the Burgess campus, such as vertical elements in the administration building. He said that similarly the recreation

center had a sanded brick pattern and the existing gymnasium had brick elements and wood paneling along the eaves. He said the proposed gymnasium design picked up several of these elements.

Mr. Steffens said the proposed gymnasium would be the greenest building ever built on the campus with a solar photovoltaic system, another separate solar system for heating water for the showers, low BOC finishes throughout the interior, low flow plumbing fixtures for the toilets and showers, and clerestory windows at the top eaves to allow for natural light and ventilation. He said that storm water drainage would have to be improved so as not to increase runoff. He said part of that plan would include pervious pavers and other pervious pavement features as well as vegetative swales.

Mr. Johmann said the proposed gymnastics center was not included as a portion of the architectural review because the City at this time was not prepared to proceed with it. He said however it was being included in the EIR process because it was part of the whole planned project. He said the draft EIR would focus on the traffic and parking impacts of the project, and parking and traffic analyses would be prepared according to the guidelines of the Institute of Transportation Engineers. He said SRI has indicated a willingness to consider allowing use of their Laurel Street parking lot. He said there were 560 parking stalls currently on campus of which 13 would be eliminated by the removal of the cul de sac adjacent to the recreation center. He said the project schedule anticipated the draft EIR release in March, a public review period in April, response to comments in May, and release of the Final EIR and public hearings to consider its certification in June. He said the hope was the Council would approve an agreement with the project donor and the possible start of construction in September. He said information related to the project could be found at www.menlopark.org/gym.

Commissioner O'Malley said the staff report indicated that 40 people in total attended the three community-wide meetings, and asked if that was correct. Mr. Johmann said that was correct. Commissioner O'Malley asked how many neighbors served on the steering committee and which neighborhoods they represented. Mr. Johmann said there was one steering committee member, who lived across the street from the campus, and one of the members was a Parks and Recreation Commissioner, who also lived in a nearby neighborhood. Commissioner O'Malley asked how many members of the steering committee attended at one time. Mr. Johmann said with the consultants there could have been 20 people attending the steering committee meetings, but attendance fluctuated. Commissioner O'Malley said construction cost estimates were often under what actual construction costs were, and asked who prepared the estimates for the different schemes. Mr. Johmann said the estimates were developed by an expert construction estimating consultant. Mr. Steffens said staff reviewed the estimates and the company used information from current construction projects similar to the proposed project to develop their cost estimate. Commissioner O'Malley asked whether staffing levels would remain the same with the proposed new facilities. Mr. Steffens said there would be additional staff needed for the recreational department, but it was anticipated that there would be more activities and thus more revenue.

Commissioner O'Malley said that at a previous hearing the Commission had seen the proposed building design and the architect had indicated he had to move quickly to provide that design for the Commission, and that Mr. Arillaga had not seen those plans. Mr. Steffens said the architect was referring specifically to the gymnastics center. He said that it was important to include both elements for the EIR process. Commissioner O'Malley asked how many parking spaces might there be at SRI if those were available. Ms. Ekers said they had begun discussions with SRI but the number of spaces needed was not yet identified. She said the expected parking demands would mainly be for week nights and weekend activities.

Commissioner Bressler said the recreation center was fairly old and would have to be replaced at some point; he was concerned that the two buildings abutting would hamper any needed work on the recreation center. He said the new proposed gymnasium was a tall building close to Alma Street, and thought there should be some way to set it back further and even to eliminate the recreation center. Mr. Steffens said placing the proposed gymnasium next to the recreation center would not preclude future work on the recreation center and the buildings would not be physically joined. He said the recreation center had a tremendous amount of use and classes. He said the expectation under the Measure T funding was to renovate and increase the recreation center in the future as there was buildable area in which to do that. He said they looked at combining a new recreation center and a new gymnasium but the cost was estimated at \$40 million. Commissioner Bressler said the proposed gymnastics center was not as tall as the gymnasium, and asked why the new gymnasium would not be sited where the existing gymnasium was. Mr. Steffens said one of the advantages in placing the taller and bulkier building along Alma Street was that it would face the train tracks and not residences. He said also placing the proposed gymnasium along Alma Street would prevent disruption of recreational services.

Commissioner Keith said it was very generous of Mr. Arillaga to offer to help construct a new gymnasium. She asked about potential impact to the proposed project from the anticipated high speed rail system. Mr. Steffens said he had followed the high speed rail project closely for the past five years and in his opinion that project would not encroach into Alma Street. He said there was a generous right-of-way along the railroad tracks to accommodate a four track rail system. Commissioner Keith asked what would happen with Measure T money that was not used. Mr. Steffens said that it ultimately depended on what option was selected for the gymnastics center. He said even with the donor's participation, if it was decided to build a new gymnastics center rather than renovate the existing building, which the City would still be short \$2 million and that was based on using all the funding from the next Measure T bond issue and all of the anticipated revenue from recreation in-lieu fees. He said the high range of short fall was \$9.9 million and even saving \$8 million through accepting the donation at the high end to replace the gymnastics center there would still be \$1.9 short fall, which did not include inflation impacts. Commissioner Keith said it was positive to hear about the parking demand being split and possible parking at SRI. She asked when the recreation center was built. Mr. Steffens said he did not know but would get the

information. Commissioner Keith said in Scheme 1 and 3 there was a lot of space between the recreation center and the new project. Mr. Steffens said in Scheme 3 the gymnastics center was proposed next to the recreation center and would have a smaller footprint than the gymnasium. He said that the building either had to abut the recreation center or there needed to be minimum distance separation. Commissioner Keith said there was striping shown for the basketball courts and asked if there would be striping for volleyball courts. Mr. Johmann said it would be to the extent that the striping was not confusing. Commissioner Keith asked if they had considered demolishing part of the recreation center so as to get the gymnasium closer. Mr. Steffens said they had not looked at that option, but he thought there would be a cost factor that would be prohibitive as demolishing part of the system might trigger the need for seismic upgrade. Commissioner Keith noted that staff report stated the City would be responsible for paying for an updated/new alarm and sprinkler system and asked how much this would cost. Mr. Steffens said that it would be about \$250,000.

Commissioner Keith referred to the elevation on Alma Street looking north. She asked if the wall on the back without windows could include windows to break up the massing of the wall. Mr. Steffens said the challenge in a sport facility was the impact on visibility from sun glare and that was why the clerestory element was being proposed.

Commissioner Keith said that there could be screening to block the sun during sports but windows would allow for natural light at other times. She said the steering committee had met six times and that there were three community meetings. She asked if the former were included in the six meetings. Mr. Johmann said that the three community meetings were not counted with the six steering committee meetings, and the three community meetings were focus group meetings with particular frequent users of the facilities and were not open to the City generally. He said there then was a citywide community meeting held to get other input, and was in either January or February 2008. Commissioner Keith asked how many people attended that meeting. Mr. Johmann said there was only one person even though there had much notification. Commissioner Keith asked if the meeting occurred. Mr. Johmann said they waited for people and the one individual appeared 20 minutes after the start of the meeting. He said immediately following that meeting was a steering committee meeting.

Chair Riggs said he thought that the gymnastics center would be a renovation of the existing gymnasium. Mr. Steffens said that decision was yet to be made. Chair Riggs said the report indicated that \$6.2 would be needed for the Scheme 1 gymnastics center. Mr. Steffens said he thought that might be a typographical error and he would confirm the amount.

Commissioner Ferrick said the presentation was very helpful for her to understand the development of the project and the thinking behind it. She said she liked the use of green elements in the proposed gymnasium and asked whether the large roof mass might be fitted with something to capture rain water for the watering of landscaping or fields. She said along Alma Street was there room to do diagonal parking near the skate park in the right of way. Mr. Steffens said they would look at that area for potential parking.

Commissioner O'Malley asked if the bond sale would have to be successful for the gymnastic center to be built. Mr. Steffens said it would have to be successful for either project to proceed. He said they needed to sell the bonds for the \$6.2 needed for the gymnasium. He said the recreation in-lieu fund was projected revenue and depended upon the completion of projects such as the Derry project. Commissioner Keith asked how much was expected from the Derry project. Mr. Steffens said he did not have that amount with him, and noted there were other projects to consider. He said he would get that information together later.

Commissioner Pagee said the existing gymnasium was built in a depressed site so that lowered the mass of it; she suggested doing something similar to mitigate the height for the new one. She asked what was the anticipated increase in parking from the new gymnasium on the Burgess site between Laurel, Alma, Burgess and Ravenswood. Mr. Steffens said that would be part of the parking analysis of the EIR. Commissioner Pagee asked if there was a specific standard such as square foot to apply. Mr. Steffens said the City did not currently have parking standards for public facilities. He said parking would be counted on different days and at different times through which estimates on parking requirements because of the additional square footage would be developed. Commissioner Pagee noted the renovation of the playing fields and changes to the parking layout at Burgess Park, and asked about the parking studies used. Mr. Steffens said there was not a specific parking figure and they had added parking where it would fit; he said there was not a specific figure or absolute demand. Commissioner Pagee said it was generous of SRI to consider allowing parking use, but she was concerned with pedestrians crossing the street there. She said with the increased usage at the new gymnasium that parking should be close to the facility but that would potentially create a problem for library parking. She said related to the cost estimate that the donor would want to control the construction and it might be more fitting and less expensive to conduct a bid process and allow the donor to help select the contractor through the bid process to keep costs down. She said the area receiving light from the north in the gymnasium should have windows for light and ventilation. She said that being so close to the tracks that there would be underground vibration from the trains. She asked if there needed to be any ADA upgrades in the recreation center. Mr. Steffens said that the doors had been automated recently. She asked about restrooms. Mr. Steffens said he would find out about that. Commissioner Pagee asked how much money was being donated. Mr. Steffens said that the City's costs were capped at the \$5 million and the other associated costs, which were estimated at \$1.2 million. He said the donor would cover the cost for the construction. Commissioner Pagee asked what the reason for a new gymnasium was. Mr. Steffens said the current gymnasium was one-half the size of the proposed gymnasium. He said that the gymnastics center was very small and there was difficulty in putting the equipment properly. He said the building could be renovated but the programming study had indicated the need for a larger building for the gymnasium. Commissioner Pagee suggested looking at underground parking noting that a future increase in the recreation center would only place a greater demand on parking.

Commissioner Kadvany thanked staff for the presentation. He asked about the funding offered by Mr. Arillaga and if it would only apply to the gymnasium and not to the gymnastics center. Mr. Steffens said it was not funding but the donation of a gymnasium building. Commissioner Kadvany said there was some uncertainty about the funding. He asked what would be Plan B if there were financing problems. Mr. Steffens said there was not a Plan B. He said possibly one building could be built and not the other. Commissioner Kadvany said he was not seeing what was at stake as to the benefit to community and usage of the Burgess site which was now nearly 100 percent capacity of land availability. He said there did not seem to be a Burgess Park master plan. Mr. Steffens said the City in 2000 did an overall recreation master plan. He said going through this process they learned that needs changed over time. He said they needed to look at the overall campus but it was hard to foresee what future needs of the recreation center would be. He said also there was a matter of funding. Commissioner Kadvany said he supported more playing fields and recreational opportunities but there was a finite amount of space. He said the overall look and size of the gymnasium was a much different scale and mass and pulling in elements did not necessarily work in that larger scale. He asked if there was a sense of what other cities, comparable to Menlo Park, had in terms of dedicated gymnastics and basketball courts. Mr. Steffens said it was difficult to compare Menlo Park to other cities as many of them did not have recreation programs. Commissioner Kadvany asked if the proposed buildings would be used to capacity. Mr. Steffens said with the gymnasium that there were more basketball teams now than availability of courts. Commissioner Kadvany asked if they had a sense of the successful vision of how this would work in terms of the space, usage and parking needs. Mr. Steffens said he was very excited about the project and having new facilities for residents was a wonderful benefit as there was a tremendous demand for recreational facilities. He said the buildings would last for 50 years long and provide benefit for residents well into the future. He said regarding parking that his vision was in the future to see more transit, for Menlo Park to be a more walkable and cyclable community, and that the demand for parking diminished.

Commissioner Keith said from her personal experience that the gymnastics center was always crowded. She said she preferred that the building would be on Alma with its height and mass and not near homes. She said if it could be pushed closer to the recreation center that might create space along Alma for more parking. She said she was supportive of the project and that it would be a great benefit. She said it should be noted that the recreation in-lieu fee fund was a projected amount. She said she would like to see the gymnasium done even if the gymnastics center could not be renovated or replaced until a future time due to economic stringencies.

Commissioner O'Malley said putting windows in the gymnasium seemed reasonable, noting that he attends a number of sports activities at Stanford University. He said their new basketball gymnasium had large vertical windows that were very attractive.

Mr. Nick Naclerio, Menlo Park, said he had recently been the Chair of the Parks and Recreation Commission, had served on the steering committee and had attended all of

the public meetings. He said in 1999 the Parks and Recreation master plan had identified the need to double the size of the gymnasium based on use and projected use. He said there was no money then however for such a project. He said the first sale of Measure T general bonds funds were used for playing fields. He said it became apparent through the public meetings that users wanted a new gym. He said that they had arrived at a scheme separating the gymnasium and the gymnastics center prior to the donor making his offer. He said there was not enough money to do anything so it was fortunate that the donor appeared. He said basketball courts could accommodate many other sports and recreational uses. He said the proposed design was attractive and would fit well in the campus.

Commissioner Keith said that residents also had expressed a need for a teen center. Mr. Naclerio said the current plan, the Measure T plan, was to do a gymnasium first, then a gymnastics center, and later a recreation center that would accommodate more social events such as weddings and dances. Commissioner Pagee asked how old the gymnasium was. Chair Riggs said it was 34 years old.

Chair Riggs said he appreciated staff's bringing more information back and for Mr. Naclerio to present background on the process of how the plan developed. He said as a fairly regular recreation facility user that the tennis courts were in terrible condition. He asked how doing a project like this would impact maintenance that was deferred. Mr. Steffens said they had recently renovated the tennis courts at Burgess Park; he said funds from Measure T general bond sales could not be used for renovation. He said the City currently sets aside \$250,000 a year for maintenance of parks. He asked Chair Riggs to tell him which courts needed attention, and he would look at those sites' condition. Chair Riggs said that Measure T was not being applied to those types of sites needing maintenance. He asked if this project was approved whether other projects would be shut out from Measure T use. Mr. Steffens said that this proposal would use all of the funds from the next bond issue. He said there was a 30-year period for the Measure T funding and there might be three or more general bond sales. He said the \$250,000 was for capital projects above and beyond routine maintenance by staff. Chair Riggs said the courts at Willow Oaks Park were nearly at the point when they should be closed because of their condition. He asked how many seats the bleachers in the new gymnasium were; he estimated about 500 people could be seated there. Mr. Steffens said he would look at that as that seemed a high estimate.

Mr. Naclerio said the most of the money from the first Measure T bond issue had been spent on playing fields. He said the Parks and Recreation Commission and the sports users in the community felt strongly that the gymnasium was the highest priority now, and with future bond issues to use those funds for playing fields.

Chair Riggs said he wanted to express his thanks to Mr. Arillaga. He said as an architect that the presented design was exciting.

Commissioner Keith said that many of the schools were being renovated to accommodate more children, and if the City could somehow raise the \$2 million to do this project and the high speed rail were not an issue, then she would love to see the project move forward as it would be a great benefit for the community.

D. PUBLIC HEARING

1. **Minor Subdivision, Variance, Environmental Review/Sharon Blood/1204-1206 N. Lemon Avenue:** Request to subdivide one parcel into two parcels in the R-1-S (Single-Family Suburban) zoning district, and a request for a variance to permit the existing house to maintain a side setback of five feet from the proposed side property line where 10 feet would otherwise be required. Due to the variance request, the proposed project is not categorically exempt from the California Environmental Quality Act and a Negative Declaration is being prepared to analyze the potential environmental impacts.

Commissioner O'Malley said he had to recuse himself as he lived within 500 feet of the project.

Staff Comment: Planner Fisher said the Negative Declaration had been prepared and had been circulated, and the review period had ended on Friday, January 23, 2009. She said staff had received one letter of support for the project from the adjacent neighbor at 1202 N. Lemon Avenue. The neighbor, who has lived at that location since 1973, said they built their home with neighboring driveways on either side of the property, and that neither driveway had ever been a problem. She said the neighbor indicated that they completely supported the application for a variance and the subdivision.

Questions of Staff: Commissioner Pagee said there were 16-foot wide rear access driveways on either side of the property and asked if those were built prior to incorporation or had the rules changed. Planner Fisher said she believed some of the driveways were built before incorporation. Commissioner Pagee said the City had lots along alleys with driveways that were 15 and 16 feet wide. Planner Fisher said alleys were already in place but the subdivision ordinance said when building a panhandle lot that the panhandle portion must be 20 feet.

Commissioner Ferrick asked about the right side setback at five feet for the front parcel and whether it could be noted that it was against a new driveway. Planner Fisher said staff tried to indicate in the language for the variance findings as that particular setback was against the access for the rear lot. Commissioner Ferrick said to note that it was not against another structure.

Commissioner Kadvany said it appeared there would not be any significant impact on the trees and that the driveway would jog around the trees. Planner Fisher said there

would be some pruning necessary but with proper protection and maintenance that the trees would be preserved. She said the area for the foundation pad was fairly clear of trees.

Public Comment: Ms. Sharon Blood, Hammond Design Group, said she worked with the Noll family and had helped the owners prepare their application. Chair Riggs asked when the application was made in the 1970s what the County's position was on the size of the panhandle. Ms. Blood said she recollected that it was 15 feet. Commissioner Keith asked if the driveway would be built now. Ms. Blood said to finalize the parcel map they would need to construct the driveway. Commissioner Keith asked if the driveway could be permeable. Ms. Blood said they would have to meet the requirements of the engineering department but they would be happy to pursue it. Planner Fisher said staff thought the permeable would be possible but it would have to meet the Fire District's standard load for the truck.

Commissioner Pagee asked staff how far back the driveway had to be constructed such as whether from the curb twenty feet back or some other requirement. Planner Fisher said the frontage improvements would have to be done but a more detailed driveway design would be needed. Commissioner Pagee asked if there could be a dirt lane leading to the rear lot if there was a plan in place but the rear lot had not been sold. Planner Fisher confirmed that was correct.

Ms. Diane Noll said she was the Trustee for the subject property and that when the property had been unincorporated County jurisdiction that the driveway needed to be 15 feet in width.

Chair Riggs closed the public hearing.

Commission Comment: Chair Riggs said as no construction was currently planned that the matter of the subdivision map was the need for the variance. Commissioner Pagee said staff had outlined the findings for the variance which she agreed with, and moved to approve the subdivision and make the findings as stated by staff. Commissioner Keith said she seconded the motion and would not make a requirement for permeable driveway but would recommend that. Chair Riggs said whether or not the hardship was created by an act of the owner that the act of asking for a subdivision was not an act that could be connected to the need for a variance as the property was expected to be subdivided and the house had been built at its location to give consideration of that setback. He said setbacks have the purpose to separate residential buildings on lots but the setback to a driveway was not the same. He said the findings for the variance could be made.

Commission Action: M/S Pagee/Keith to make the findings, approve the item as recommended in the staff report, and adopt the Negative Declaration.

1. Make the following findings relative to the environmental review of the proposal and adopt the Negative Declaration:
 - a. A Negative Declaration has been prepared and circulated for public review in accordance with current State California Environmental Quality Act Guidelines;
 - b. The Planning Commission has considered the Negative Declaration prepared for the proposal and any comments received during the public review period; and
 - c. Based on the Initial Study prepared for the Negative Declaration and any comments received on the document, there is no substantial evidence that the proposed project will have a significant effect on the environment.
2. Make findings that the proposed minor subdivision is technically correct and in compliance with all applicable State regulations and City General Plan, Zoning and Subdivision Ordinances, and the State Subdivision Map Act.
3. Make the following findings as per Section 16.82.340 of the Zoning Ordinance pertaining to the granting of the variance:
 - a. The hardship is peculiar to the property and not created by any act of the owner exists. The Subdivision Ordinance requires that the access portion of a panhandle subdivision be 20 feet in width. Although the area, width, and depth of the existing parcel are sufficient to subdivide the parcel into two standard lots, the existing structure would become nonconforming on the right side with a five-foot setback where ten feet is required, as a result of the requirement for a 20-foot panhandle for the proposed rear lot. The residence was built under the County of San Mateo's jurisdiction and no new construction is proposed at this time, and the existing structure would remain as is. Removal of the nonconforming portion of the right side of the existing structure would result in the loss of a parking space, or would necessitate significant interior alterations.
 - b. The proposed variance is necessary for the preservation and enjoyment of substantial property rights possessed by other conforming property in the same vicinity, and the variance would not constitute a special privilege of the recipient not enjoyed by neighbors. The majority of the lots in this area have already been subdivided, and the existing structure would remain in the same location.
 - c. The granting of the variance will not be materially detrimental to the public health, safety, or welfare, and will not impair an adequate supply of light and air to adjacent property. Except for the requested variance, the subdivision will conform to all other requirements of the Zoning Ordinance and Subdivision Ordinance. The encroachment into the right side setback would be adjacent to the access point for the proposed rear lot where a

driveway would be located. The existing structure would remain in the same location with respect to the adjacent property at 1202 North Lemon Avenue.

- d. The conditions upon which the requested variance is based would not be applicable, generally, to other property within the same zoning classification since the variance is based on the existing location of the residence 25 feet from the existing right side property line, the width of the existing lot, and the required 20-foot panhandle width for the rear lot.
4. Approve the variance and minor subdivision subject to the following **standard** conditions:
- a. Development of the project shall be substantially in conformance with the plans prepared by Hammond Design Group, dated July 3, 2008, consisting of 11 sheets and approved by the Planning Commission on January 26, 2009, except as modified by the conditions contained herein, subject to review and approval of the Planning Division.
 - b. Within two years from the date of approval of the tentative parcel map, the applicant shall submit a parcel map for review and approval of the City Engineer. The parcel map shall use a benchmark selected from the City of Menlo Park benchmark list as the project benchmark and the site benchmark.
 - c. Concurrent with the parcel map submittal, the applicant shall pay fees for the parcel map, improvement plan check, and storm drain connection.
 - d. Concurrent with the parcel map submittal, the applicant shall submit a preliminary Grading and Drainage Plan for review and approval of the City Engineer. The Grading and Drainage Plan shall demonstrate that storm water shall not drain on adjacent properties. The Grading and Drainage Plan shall also indicate all proposed modifications in the public right-of-way including frontage improvements and utility installations.
 - e. Prior to recordation of the parcel map, the applicant shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.
 - f. Prior to recordation of the parcel map, the applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
 - g. Prior to recordation of the parcel map, the applicant shall remove and replace all damaged, significantly worn, cracked, uplifted or depressed frontage improvements (e.g., curb, gutter, sidewalk) and install new improvements per City standards along the entire property frontage. The applicant shall obtain an encroachment permit prior to commencing any work with the City's right-of-way or public easements.
 - h. Prior to recordation of the parcel map, the applicant shall install new

utilities to the point of service subject to review and approval of the City Engineer. All electric and communication lines servicing the project shall be placed underground. Each lot/unit shall have separate utility service connections.

- i. Prior to recordation of the parcel map, the applicant shall enter into and record a "Stormwater Treatment Measures Operations and Maintenance (O&M) Agreement" with the City subject to review and approval by the Engineering Division. With the executed agreement, the property owner is responsible for the operation and maintenance of stormwater treatment measures for the project. The agreement shall run with the land and shall be recorded by the applicant with the San Mateo County Recorder's Office.
 - j. Prior to recordation of the parcel map, the applicant shall pay applicable recreation in-lieu fees per the direction of the City Engineer in compliance with Section 15.16.020 of the Subdivision Ordinance.
 - k. Prior to building permit issuance for the construction of a new residence on the proposed rear lot, the approved parcel map shall be recorded at the County Recorder's Office.
 - l. Heritage trees in the vicinity of construction shall be protected pursuant to the Heritage Tree Ordinance. Prior to issuance of a demolition or building permit, the applicant shall implement the tree protection plan and recommendations in the Arborist Report for all applicable heritage trees for review and approval by the Building Division.
5. Approve the variance and minor subdivision subject to the following ***project-specific*** conditions.
- a. Concurrent with the grading permit submittal, the plans shall show the proposed bubbler boxes 10 feet from both the front and side property lines, subject to review and approval by the Engineering Division.
 - b. Concurrent with the parcel map submittal, the plans shall show the area between the property line and the proposed three-foot valley gutter as being removed and replaced with asphalt, per City standard CG-3, subject to review and approval by the Engineering Division. Frontage improvements must be completed, or a bond executed, prior to recordation of the parcel map.

- c. Concurrent with the parcel map submittal, the plans shall include a cross-section through the proposed driveway apron from the property line to the centerline of N. Lemon Avenue. Information shall be provided regarding the cross-slope of the existing street and any proposed grade breaks, and the plans shall be subject to review and approval by the Engineering Division.
- d. Concurrent with the parcel map submittal, the plans shall show the location and size of the proposed driveway for the panhandle parcel, subject to review and approval by the Planning and Engineering Divisions, and separate review and approval by the Menlo Park Fire Protection District.
- e. Concurrent with the parcel map submittal, an updated arborist report shall be provided that discusses the health of the heritage trees and the impact of the proposed driveway on the trees, and provides protection measures. The removal of any heritage trees would require approval and a one-to-one replacement ratio, subject to review and approval by the Planning Division and the City Arborist.
- f. Concurrent with the parcel map submittal, the plans shall show removal of the portions of wall, fencing, and raised patio encroaching into the panhandle portion of the proposed rear lot, subject to review and approval by the Planning Division. The wall, fencing, and raised patio on the proposed rear lot panhandle shall be removed prior to recordation of the parcel map.
- g. As the minor subdivision would change the location of the right side property line for the front parcel, and result in the existing residence no longer meeting the setback requirement on the right side, the variance is intended to allow the subdivision to be approved and the existing house to remain, but the variance would not create a conforming right side of the structure. Any future construction on the proposed front parcel would be subject to section 16.80.030 (Nonconforming Structures) of the Zoning Ordinance.

Motion carried 6-0 with Commissioner O'Malley recused due to a potential conflict of interest.

E. REGULAR BUSINESS

1. **Consideration of a written summary drafted by the Chair and Vice Chair of the Planning Commission's recommendation of possible exclusions to the definition of gross floor area as contemplated in a Zoning Ordinance Amendment.**

Planner Chow said there was correspondence received from Ms. Patty Fry that had been sent via email.

Commissioner Pagee said in summary that she still had some hesitation on the request from the Council to clarify the definition; she said the Commission during its deliberations had also offered ways to improve the Zoning Ordinance to not count shafts and mechanical room to enhance the designs provided by the architect but she did not think it made it clearer for staff to look at plans and move them on quickly. She said the simplest way to clarify gross floor area might have been to recommend counting everything within outside wall to outside wall.

Chair Riggs asked if Planner Chow could read the Council's direction to the Planning Commission from the minutes. Planner Chow said she did not have those minutes.

Commissioner Bressler asked if parking requirements were calculated for commercial development based on gross floor area. Planner Chow said that was correct. Commissioner Bressler said the Commission was recommending a change to the definition, which would change the basic calculations for impacts of a building and would provide developers an accommodation beyond the existing state. He said that would impact parking requirements and fees to be assessed. He said that should be brought out when this was described to the Council. He said there was a basic assumption that the idea of gross floor area only included usable space and that should be described to the Council as an underlying assumption, and which would have impacts on parking and fees. He said that context should be provided with any recommendation in change of gross floor area.

Commissioner O'Malley said staff had clearly written that any change to the definition would cause changes elsewhere. He said if the simplest definition was wanted then the Commission was not needed.

Chair Riggs read the approved City Council direction: "To direct staff to refer definition 16.04.325 Gross Floor Area of the Municipal Code to the Planning Commissions to develop a recommendation on clarifications to the definition with consideration of items that in staff's, the Planning Commission's opinion, and the City Attorney's opinion would be categorically exempt from environmental review if included in the definition. The staff report will include a list of possible exemptions."

Chair Riggs said the Commission spent 14 months determining the Commission's view on gross floor area. He said he agreed with Commissioner Bressler that the definition the Commission arrived at was comparable to the definition of gross floor area that had been used for a decade up until about a year prior. He continued later that he also was in agreement with Commissioner Bressler with his statements on parking and fees. Furthermore, he stated that he would like to augment fees for the sake of the City and to make sure that parking was realistic. Parking guidelines were developed nationally and applied regionally, and were beyond the Commission. He said their assignment from Council had been to look at the definition and he was hesitant to look at the definition as the factors for calculations.

Commissioner Pagee said that the Commission could acknowledge that the proposed change to the definition of gross floor area would have an impact on parking and fees compared to how gross floor area had been defined over the past year.

Chair Riggs asked Commissioner O'Malley his viewpoint on the discussion. Commissioner O'Malley said that the point had been well made over the course of the discussions and the Council was definitely aware of potential impacts. Chair Riggs said the document was meant to summarize the Commission's logic on key elements.

Commissioner Pagee said this document was clearer to understand, was better formatted, and was more objective than the previous summary. Commissioner Bressler said his comments should be included in the summary related to impacts to fees and parking. Commissioner O'Malley suggested a cover letter that could include a comment. Commissioner Ferrick provided some wording as a note for the summary. Chair Riggs asked if the staff report to Council would cover the issues raised by Commissioner Bressler. Planner Chow said this summary was the Commission's logic and staff in its presentation would acknowledge that changes to gross floor area would impact fees and parking, but that the Commission could make that statement as well. Chair Riggs asked if there would also be a statement in the staff report that this proposed definition clarified the City's treatment of gross floor area prior to the change to gross floor area calculation during the last 12 months. Planner Chow said she did not know if that would be included.

Commissioner Kadvany moved to approve the summary with a modification included to have a note as recommended by Commissioner Ferrick related to impact to fees and parking. Commissioner Pagee seconded the motion. Commissioner Ferrick suggested a change to page 2, first paragraph, second sentence to replace "to the elderly and handicapped" with language referring to ADA. After short discussion, the Commission agreed to replace "to the elderly and handicapped" with "to everyone." Planner Chow reviewed the changes with the Commission.

Commissioner Ferrick said she hoped that the comparative chart related to other cities attached to Ms. Fry's email would be included in the staff report to the Council.

Commissioner Keith suggested wording: “The Planning Commission acknowledges that the square footage calculations could be different under the new regulations, which could affect the parking ratios and fees collected, compared with the definition used during the last 12 months.”

Commission Action: M/S Kadvany/Pagee to approve the following modifications.

- Page 2, first paragraph, second sentence: Replace “to the elderly and handicapped” with “to everyone.”
- Page 2, between the fourth and fifth paragraphs: Add a header “Note on Impacts” followed by the following sentence, “The Planning Commission acknowledges that the square footage calculations could be different under the new regulations, which could affect the parking ratio and fees collected, compared with the definition used during the last 12 months.”

Motion carried 7-0.

Commissioner Ferrick said Commissioner Bressler had previously been selected by the Commission to represent the Commission with this summary before the Council, and asked whether he still wanted to do that. Commissioner Bressler said he was happy to, but that was why he wanted the one statement included in the summary

Commission Action: M/S Ferrick/Kadvany to approve the summary as modified.

Motion carried 7-0.

2. Discussion on City Council Project Priorities for FY 2009-10.

The Commission unanimously supported the continuation of the following project priorities during FY 2009-10, with the top priority being the El Camino Real/Downtown Specific Plan:

- El Camino Real/Downtown Specific Plan;
- Housing Element Update;
- Dumbarton Transit Station Area Specific Plan;
- Green Building; and
- Single-Family Residential Review

The Commission also noted that planning efforts that involve the renewal of the City’s tax base should be prioritized.

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 that the City Council the next evening would appoint the one remaining vacancy for the oversight committee and were approving the eight members who had already participated.

G. REPORTS AND ANNOUNCEMENTS

There were none.

ADJOURNMENT

The meeting adjourned at 10:18 p.m.

Staff Liaison: Deanna Chow, Senior Planner

Recording Secretary: Brenda Bennett